

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SECOND DAY**

**FEBRUARY 6, 2007**

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

**MINUTES TAKEN BY**

**ALISON MAHONEY AND LUCIA BRAATEN , COURT STENOGRAPHERS**

*(\*The meeting was called to order at 9:33 AM\*)*

*[COURT STENOGRAPHER - ALISON MAHONEY]*

**P.O. LINDSAY:**

Okay. Mr. Clerk, please call the roll.

**MR. LAUBE:**

Yes, sir.

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

**MR. ROMAINE:**

(Not present).

**LEG. SCHNEIDERMAN:**

(Not present).

**LEG. BROWNING:**

Here.

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

(Not present).

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

(Not present).

**LEG. BARRAGA:**

(Not present).

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Eleven (Not Present: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga & Kennedy).

**P.O. LINDSAY:**

Would you all rise for the pledge, please, led by Legislator Kate Browning.

### ***Salutation***

If everyone could remain standing for a moment of silence for George Nolan's father, Phil Nolan, who passed away last week who was active in politics in our County for decades; and also for Anthony Catania who was a Commissioner and former Fire Chief with the Middle Island Fire Department who also died last week in the line of duty while responding to an EMS alarm; and for George Hubbard, the former Mayor of the Village of Greenport, and he once served as the Deputy County Clerk, he also passed away last week.

### ***Moment of Silence Observed***

Thank you. Now it's my pleasure to introduce Legislator Steven Stern for the purpose of introducing our guest clergy for this morning.

**LEG. STERN:**

Good morning. And thank you, Mr. Presiding Officer. It is a great privilege for me to introduce clergy today, to introduce everybody to Rabbi Neil Kurshan, an outstanding leader within the Huntington Community and Rabbi at the Huntington Jewish Center. And it is most fitting, I think, that as all of us this morning call upon our maker and all of us draw strength from our communities and think a little bit about those that have come before us, to wish Rabbi Kurshan a very special mazel tov as the Huntington Jewish Center celebrates 100 years of outstanding community service within our community of Huntington. So Rabbi Kurshan, welcome.

### ***Applause***

**RABBI KURSHAN:**

Thank you very much. Honorable Members of the Suffolk County Legislature and guests. As we join together at this opening session of the Suffolk County Legislature, first let me thank Legislator Steven Stern for extending the invitation to join you for this invocation this morning. As the Rabbi of the Huntington Jewish Center, I'm honored to be here on the occasion of our synagogue's centennial as we mark this 100 Anniversary of our institution's service to the Jewish residents of Suffolk County in the Huntington area.

I would like to begin this invocation with a story this morning. It's a story about a chicken and salmon who sit down in a restaurant together to share a meal. The chicken suggests that they partake of a meal of lox and eggs, at which point the salmon responds, "That's easy for you to suggest; from you the chef only needs a contribution, from me he wants a total commitment." Now, my thoughts this morning turn to the nature of the commitment demanded of us today and are framed by the portion of the Bible that is being read in synagogues throughout the world this week. That portion is selected from the Book of Exodus and tells the story of Jethro, the father-in-law of

Moses.

Jethro is a {midianite} priest who has joined the Israelites to help lead them in their 40 year journey through the wilderness from slavery to freedom. One day, Jethro watches his son-in-law Moses serving as a Judge and Legislator for the Jewish people and Jethro is taken aback by the heavy responsibility that Moses has taken upon himself. He counsels Moses, and I quote; "This task is too heavy for you, you can't do it alone. You will surely wear yourself out. Seek out from among all the people, capable people who fear God and let them help you judge the people. Make it easier for yourself by letting them share the burden with you."

Now, I take from this small section of the bible a number of lessons. First, I am impressed by this model of individuals working together from different faith communities. Moses is a Jew but Jethro is not, but they work closely together for the common good. Most importantly, I am struck by Jethro's counsel that none of us should bear the burdens of leadership alone, but rather that we need to share power and responsibility among those with whom we work. And thus my prayer this morning is that the men and women of this Legislature, all of us should be able to work with one another during this session toward constructive ends. May we be able to share the responsibilities of leadership among the capable men and women with whom we serve. May our efforts together benefit the residents of Suffolk County, and I'll quote this verse first in the Hebrew.

**(\*Hebrew Transliteration\*)**

We ask, oh God, that you have compassion upon us and that you endow us with discernment and understanding.

There was a Jewish Sage named Hillel who once said, "If I am not for myself, who will be for me? And if I am only for myself, what am I?" I would like to reframe that question of Hillel; "If I try to do it all by myself, who will be for me? And if I am unwilling to share power and responsibility, what am I?"

As we work with one another in this session for the welfare of the residents of Suffolk County, may God bless the work of our hands and let us all say Amen.

**P.O. LINDSAY:**

Okay, I would like to call Legislator Lynn Nowick to the podium for the purpose of a presentation.

**LEG. SCHNEIDERMAN:**

Tim, please mark me present.

**LEG. NOWICK:**

Good morning, everybody. I would just like to call up my guest this morning. It is my privilege this morning to introduce representatives from the Guide Dog Foundation in Smithtown which is located in my district. I would also like to thank my colleagues in the Legislature for providing funding for this incredible organization.

In the past 60 years, the Guide Dog Foundation has provided service dogs free-of-charge to help people with visual impairments become more independent. The Guide Dog Foundation, which is an international organization, is the oldest guide dog foundation in the country and one of ten schools that is internationally accredited for training guide dogs for people who are visually impaired. But now we're going to take a little twist, and I was hoping you can bring Valor out over here. I was hoping more of my colleagues would be here, but I would like you to meet Valor. I want you to meet Valor because I want to tell you a little bit about this program.

You know, whenever we think of the heroic actions that our service men and women perform daily, we send our prayers that the soldiers come home to the family and loved ones safe and unharmed.

But as we all know, war takes its toll in many ways. Some soldiers have lost one or more limbs in combat. After coming home to a rehabilitation hospital, these soldiers are often equipped with a prosthetic limb and taught to regain as much mobility and independence as possible. A new program originated by the Guide Dog Foundation, in conjunction with the Walter Reed Army Medical Center in Washington DC, will enable these wounded veterans to obtain a service dog. These service dogs will give our returning soldiers increased mobility and independence in their long and difficult journey. These dogs will assist the veterans by helping with balance when the soldiers learn to walk with a prosthetic limb, to retrieve items that are dropped, to serve as a brace for the person as he lifts -- as they lift themselves from a chair or the floor, and most of all these dogs provide love and companionship.

As anyone who knows, or has had a pet, sometimes the person you most rely on and look for unconditional support is your dog or is your pet. We as Suffolk County Legislators have assisted this landmark program and I know that the money we put forward will be rewarded many, many times over. I'm very honored today to present to the Legislature Wells Jones, the CEO of the Guide Dog Foundation, Jeff Brezzler; is Michael Sergeant?

**MR. BREZZLER:**

Mike's not here.

**LEG. NOWICK:**

Mike Sergeant, okay. And most importantly, today we have Valor with us. Valor, could you stand up? They said Valor may not be retrieving too much for us today. This dog is going to be a soldier in his own right, if you will. He will be -- he will be out there, he will be with our veterans. And I am so proud to have this organization in Smithtown, I am so proud that we as Suffolk County Legislators can support such a wonderful organization. Congratulations to all of you. I do have a proclamation. And let me just give our thanks on behalf of our Legislators and of course the United States of America. Thank you.

*Applause*

**P.O. LINDSAY:**

Take the dog for the photo.

**LEG. NOWICK:**

I was hoping that when we dropped something Valor would pick it up for us.

**P.O. LINDSAY:**

Okay, I'd like to call Legislator Cameron Alden to the podium for the purpose of a proclamation.

**LEG. ALDEN:**

If Officer Elaine O'Connor could join me. I have Legislator --

**P.O. LINDSAY:**

I don't think you're on, Cameron.

**LEG. ALDEN:**

I have Legislator Jack Eddington, he is the Chairman of the Public Safety Committee, he is joining me also. Once again, it's our honor to present a proclamation. And Officer O'Connor -- again, when you think of Probation, we don't really think of people putting their, you know, lives in jeopardy on a daily basis or anything, but when Officer O'Connor went to visit one of her clients -- is that what you call them, clients?

**OFFICER O'CONNOR:**

Yes.

**LEG. ALDEN:**

All right; that's a nice thing to call them. Went to visit one of her clients, there was a whole system of failures there on his part, failing to answer the door, failing to respond, failing to come in for his appointments. And Officer O'Connor, when she went there, actually noticed that there was more than a failure on his part, the guy was actually back dealing drugs and poisoning our children and creating havoc in society. So due to her fast thinking, this person was taken out of society once again, she joined forces with the DEA, there was no minor little scuffle, 400 -- I believe 400 ounces of cocaine was taken off the street because of her fast thinking. And for that, we want to say thank you and God bless you.

*Applause*

**OFFICER O'CONNOR:**

Thank you.

**LEG. EDDINGTON:**

I would just like to add that I've been very involved in the last few weeks with the Probation Department and they are doing a wonderful job and we have to continue to support them and we will continue to support them. Thank you.

**P.O. LINDSAY:**

Okay. Just a reminder, at eleven o'clock today we'll be going in to executive session to get an update on some pending litigation that we have going on.

Before I get into the public portion, I would like to call Isabella Milewski who is our candidate for Chief Medical Examiner. Ms. Milewski, if you would come forward.

In front of you all is a Certificate of Necessity appointing Ms. Milewski. The reason why I'm doing this is that she has an illness of some very close friends that she wants to go and assist and rather than wait for us to get to the Certificates of Necessity, I would like to call Ms. Milewski forward. First of all, does anybody have any questions of Ms. Milewski? She appeared before the Health Committee. Legislator Mystal?

**LEG. MYSTAL:**

I don't have any questions. I just want to advise the body that Ms. Milewski did appear in front of the committee, she has an outstanding resume. I think this County is very, very fortunate to acquire the services of such an outstanding doctor. She has served in every facet of forensic and also in the Medical Examiner's Office, she has taught at the University of Texas, she has academic experience and practical experience and the committee overwhelmingly voted to recommend her appointment.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yes, hello.

**MS. MILEWSKI:**

Good morning.

**LEG. LOSQUADRO:**

I'm not on that committee, so I apologize if this question was asked and answered. But I'm sure you're aware, coming into this job, that we have received a number of complaints throughout our districts from representatives in the funerary business that there have been delays, especially on the weekends, in getting bodies released back to the families. It's a staffing problem, it's something that you're going to have to address. I don't know if this is something that you spoke with the

administration about prior to deciding whether or not to take this job, but it is something that needs to be addressed very quickly.

It's something that, quite frankly, is just an unacceptable situation. The stories that have been relayed to all of us are just one of the basic and fundamental services of government that should be provided and folks, especially at that time, a very difficult time in their lives, should not have to contend with staffing problems within the department leading to them not being able to hold funerary services for their deceased loved one. So is this something that you've given any consideration to and how do you plan on addressing it?

**MS. MILEWSKI :**

Mr. Losquadro, thank you for bringing that up with me. We did discuss it to some extent at the meeting with the Health Services Committee, but let me just say that I was offered the position and then I requested an opportunity to tour the facility and get a sense for what the daily operations were and what the status of that was. I'm acutely sensitive to this issue of responding to serving loved ones in a responsive and sensitive and timely, for them what that means is a timely manner. And releasing the remains of a loved one is just, you know, the beginning of that process and a long process for them.

I specifically asked about this issue, not being aware of your all concern. I previously worked in a facility that had very restricted hours where bodies were released and this was something I was unhappy with and one of the reasons I left that position. So I am not aware that there is a staffing issue that's impeding on this service. I was told that bodies are released at night and 24-hours hours a day; so to the extent that I inquired about it, I was told this was not a problem. However, this is the second time I'm hearing about it from you all, so there obviously is a problem and I will look into it right away, should you all decide to approve me as Chief Medical Examiner, because if that is the situation, it is unacceptable.

**LEG. LOSQUADRO:**

Thank you for recognizing the situation. It is something, from what I understand, the problem has been occurring mainly on the weekends where even though there may be staffing present, that assets, so to speak, are allocated towards crimes or homicides, and unfortunately other individuals who do not hold that priority have to wait. And this is something that has become a problem, it's something we've looked at possibly allowing your future office, hopefully, to address this with per diem individuals. So there are hopefully potential solutions to this and it's something we will be willing to support you in, but you are correct in your assessment that this is a problem.

**MS. MILEWSKI :**

Just to respond to something that you said, it is true that attention concerning the Medical Examiner's Office is often heightened around sort of high profile cases and multiple fatality incidents, but as a general principal, I say the work that we do every day to serve the citizens who are sort of in less high profile situations and thrown into difficult circumstances, you know, because of an unexpected death, sort of less attention and interest, are the people who we should prioritize because that's -- the Medical Examiner's Office serves those people every day.

So I will find out what's going on and if there is a problem, well, we'll come up with a solution. And I look forward to your support and assistance in that manner because if there is a problem we do need to fix it.

**LEG. LOSQUADRO:**

Thank you. I appreciate your comments.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes, thank you for appearing before us today. During the budget proceedings last fall I raised all of

those questions that my colleague, Mr. Losquadro, raised. I had heard from several funeral directors that they had great difficulty getting bodies released in a timely fashion, that they had been promised that bodies would be released and they had made the arrangements and only to have to postpone them and tell the families, "Because during the weekend there was a criminal investigation that took priority and as a result the body could not be released in time for the scheduled funeral," and it had to be rescheduled.

Several funeral directors brought up the difficulty in getting bodies released. They particularly pinpointed the weekend hours and in the budget, although that suggestion was rejected by my colleagues, I had suggested that the administration possibly consider hiring on an as-needed basis a pathologist on-call, particularly for weekends or other hours of the week in which a caseload might be particularly heavy. Because obviously, neither you nor I could control that caseload, it comes as it comes, but as it comes you would want to feel that there was some degree or some standard in terms of a turnaround time and a commitment once made to a funeral director on terms of the body released because notices have to be published in the paper for the obituary and funeral services scheduled, that we could keep those commitments.

So not to beat a dead horse, but I do want to raise that issue again, it is a concern. I'm sure that you'll be confirmed today, I hear nothing but good things. And I would hope that maybe, although I'm not a member of the Health Committee this year, perhaps maybe six months into the job you could report back to the committee in terms of staffing, the time it takes for bodies to be released and that you could take a look at that problem and make some recommendations to this body if you think someone needed to resolve that situation.

**MS. MILEWSKI :**

Mr. Romaine, I'll respond to your comments just to say that in hearing what you've told me, this has to be broken down and examined, because I can see from our work several steps that potentially a delay could be involved in. I've made the assumption that this could have been simply just an issue of a release being held up, but as you just mentioned, the possibility of a backup pathologist is telling me perhaps that the problem may be more proximate and that maybe the cases are not being done as quickly preventing their release as opposed to their release not occurring. So this really does have to be looked at and I will break it down and report back to you in six months time.

**P.O. LINDSAY:**

Legislator Romaine, I would be remiss just for a point of clarity;  
Ms. Milewski will not get involved with dead horses.  
Legislator Kennedy.

**MS. MILEWSKI :**

Thank you.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Doctor, we did have an opportunity to have conversation during the Health Committee and as I said at that time, I'll restate it, I'm very impressed with your background, your credentials, your experience, and excited about the fact that you'll be joining us here in the County as the ME. We had this similar conversation, as my colleagues have just had with you, about the concerns as far as body release.

The other thing, I guess, that I'll restate or reiterate with you as well that I'd ask you to go ahead and do and perhaps share with us in the upcoming months as well is some dialogue or conversation with the District Attorney's Office regarding the interaction between your office and the crime lab, because it is my belief -- or I think one of the components that may factor into some of the release sometimes is if, in fact, there may be some involvement as far as investigatory work or things along those lines as well. So it is something that I guess, and you rightly put it at, it probably is not just one issue or one item as far as a particular morgue staff or things like that, but systemically you

probably have to go ahead and look at how the whole process goes along.

And then having done that, what I will encourage you to do one more time, as I had said in the Health Committee, be an advocate for your office and identify the needs that you have and bring them to us, because all of us want to see your office succeed and meet its mission and you can only do that with the resources you identify. So do not be shy, please feel free, once you identify what it is come to us so that we can go ahead and give you the resources you need.

**MS. MILEWSKI :**

I appreciate that and I will not be shy, you'll be hearing from me again.

**LEG. KENNEDY:**

Good.

**P.O. LINDSAY:**

Anyone else? Seeing no one else, I'm going to make a motion to approve --

**LEG. MYSTAL:**

Second.

**P.O. LINDSAY:**

-- Isabella Milewski as our Chief Medical Examiner.

**LEG. MYSTAL:**

I second.

**P.O. LINDSAY:**

It's seconded by Legislator Mystal. It's Introductory Resolution 1154, okay? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen \*\*\***AMENDED VOTE: 17-0-0-1 (Not Present: Legislator Caracappa).**

**P.O. LINDSAY:**

Congratulations, Ms. Milewski.

***Applause***

Okay, to the public portion, our first speaker is Warren Horst.  
Good morning, Warren.

**MR. HORST:**

Good morning. Warren Horst from the Suffolk County Department of Fire, Rescue & Emergency Services. Today before the Legislature will be a C of N to consider a resolution to accept and appropriate \$425,810.70 in disaster planning and preparedness program monies from the State of New York. This is a 2007 budget allocation from the State which we received notification of in December of 2006 -- I'm sorry, I should go back, the 2006 budget allocation from the State of New York in which we received a notification that it had been awarded to the County of Suffolk in December of 2006.

The problem that we encounter and the need for this C of N is the fact that the monies have to be spent by March 31st of this year, which obviously is of short order at this point in time. We have requested an extension of one year, we have an expectation, some indications that it will be awarded, but if that does not occur we certainly need to move quickly on accepting this money. It's a full allocation, there's no matching funds included with it or responsibility of the County to match anything.

The money is going to be used for conducting table-top and functional exercises, testing our mobilization plans, purchasing some electronic enhancements for the Emergency Operation Center in Yaphank, creating a call-maker room in the Emergency Operation Center, hiring four part-time employees to update and develop various emergency management plans, specifically looking at special needs sheltering, first-responder sheltering, evacuation planning, post-event points of distribution of release supplies. Because of the short timeframe that currently exists, and until we find out that there's going to be an extension, on behalf of the Department of Fire, Rescue & Emergency Services, I ask for your favorable consideration and its passage.

Commissioner Williams also asks that I just point out that on the agenda, under the Public Safety section, there are a couple of IR's that perhaps you should be aware of the fact that 2555-06 indicates that the amount being accepted under the Urban Area Security Initiative Program is 1.6 million when, in fact, the award will be for 1.9 million. And that IR res -- I'm sorry, IR's 2556-06 and 2560 -- 2561-06 are, in fact, one in the same; there is not two awards under the State Homeland Security Program for the same amount of money.  
Thank you.

**P.O. LINDSAY:**

Then I don't know whether we can move on them. Do they need a technical correction if they're not correct?

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

Well, they're doing a CN this afternoon.

**P.O. LINDSAY:**

Oh, okay. Do you know, Mr. Horst, are we going to get a CN with a technical correction on those amounts?

**MR. HORST:**

I do not believe so.

**P.O. LINDSAY:**

I'll have to wait for Counsel to come back in the room, but I think there's a problem with that.

**MR. NOLAN:**

I'm sorry.

**P.O. LINDSAY:**

What Mr. Horst was just pointing out is there's two resolutions before us that I think are both on the Consent Calendar to accept grants and one is a duplication and the other one the amount is wrong. My point was, I mean, won't we need a CN to make those technical corrections? We can't approve a resolution if it isn't correct.

**MR. NOLAN:**

If it's not correct --

**MS. MAHONEY:**

You have to use the microphone, please.

**MR. NOLAN:**

It depends on the nature of the mistake; I mean, if it's a clerical error, if it's a typo or a number, an incorrect number, that's something we probably can fix and vote today. But beyond that, if we amend the resolution, it won't be eligible to be voted on today.

**P.O. LINDSAY:**

Warren, go over them again, the two resolutions, while George is here.

**MR. HORST:**

Sure. The first is 2555-06 which is accepting \$1.6 million under the Urban Area Security Initiative Program, that award is actually in the amount of --

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

Page five.

**MR. HORST:**

Yes, page five, I'm sorry, under Public Safety. That award is actually at \$1.9 million. And the second two, which are 2561 and 256 -- I'm sorry, 2556 and 2561 are actually one in the same.

**MR. NOLAN:**

We'll talk with the County Executive's Office and the County Attorney and see if we can deal with that problem today.

**MR. HORST:**

Okay.

**MR. NOLAN:**

It's County Executive resolutions.

**MR. HORST:**

Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Horst. Peter Quinn.

**MR. QUINN:**

Good morning, Members of the Legislature. As a fiscal conservative, I rise to comment on the extent to which there is a kind of juxtaposition between those politicians who say no new taxes and those who sit in this Legislature who nod in acquiescence whenever there is an IDA proposal that calls for perks to some wealthy company, such is the case today. I noted last week in the newspaper that Suffolk's IDA, Industrial Development Agency, is providing \$35 million in perks to Cannon to come to Melville. I can understand the \$35 million because it's not too far apart from the fight between two developers, {Tillus} and {Monter}, {Tillus} sold the property in Melville to {Monter} for 70 million, he flipped it and it became 102 million that Cannon purchased. So that's \$32 million, it had to be resolved in the County Executive's Office by a judge and, low and behold, both developers probably walked away with \$16 million after a \$32 million difference.

But for Cannon, they allege that they currently have twelve hundred and sixty employees where the cost -- the average salary is \$70,000; that sounds like an attractive deal for Suffolk County, except unless you know who the twelve hundred and sixty are, you don't know if the \$70,000 average is skewed. I would demand that you demand that the IDA have Cannon put up a one to 2,060 listing without the names of the employees and indicate the salaries of each. If you've got 30 of them getting \$500,000 or more a year then you've got a problem because when that -- when Pearl Kamer does her analysis of multiple effects, you'll see that it really isn't that good a deal. How many people are going to move from Lake Success to Suffolk County to be employed there? My guess is relatively few.

Now, they claim that they're going to do monitoring in various school districts and mentoring. When they get here, I would urge that they not select Half Hollow Hills and Walt Whitman, but rather let's go to a depressed area, poor minority a couple of school districts like Wyandanch or Brentwood or Central Islip where they could really do the job that corporate America tells us they're most willing to do when it comes to helping public schools. So I would urge that you have a club act provision if they don't meet their alleged number of jobs, 770 of them by the year 2020. I would urge that you go back and check the number of employees at the third year so that you have an analysis of

whether or not they actually provided the jobs that they claim. We all know with Computer Associates they claimed 4,000 when they went to Islandia, got three perks from Suffolk County and now they're down to 2,000 employees. No club act provisions; they're still in business not having to pay any penalties and they really didn't provide the jobs. Thank you.

**P.O. LINDSAY:**

Thank you, Peter. Cesar Malaga.

**MR. MALAGA:**

Good morning. Presiding Officer Lindsay and Deputy Presiding Officer, congratulations on your re-election. I want to talk a little bit about Yaphank development. I know I was here many times asking the Legislators about preserving the space, open space. I know many places around the world, they call us a country of wastes and pollutes the air, all that. But this development, the newspaper like Suffolk Life shows sports and recreation for some of these coming to Suffolk County, Newsday shows big plans. We have -- all the facilities that they want to build in Yaphank we have in other communities, we have all over. We do not use all the facilities we have as we should. We have, you know, State parks, County parks that we only use during the summer time; a sports complex should be built there. We only have parking lots on all the facilities there. Now, they talk about building housing there; where are the people coming for housing? Are they coming from New York City or what? All the people who need housing, they live in our communities and we should be building housing in our communities, it should be, you know, what they call smart development. The facilities are there, there's transportation, everything is there, why build it in Yaphank?

Now, maybe -- now, the other thing they mention is that they're building the so-called industry development. We have in many areas in Babylon Town and also Islip, many of this development area, they have vacant offices there, we should be building, we should be using those vacant facilities right. Now, the other thing they say is that they have to build the state-of-the-art theatre. Many schools spend millions of dollars to have performing arts centers, these art centers are state-of-the-art and they come and they seat over 200 people and they should be used so the school districts can get additional money, you know, rather than build and destroy Yaphank.

Now, the other thing that -- you know, the only one that would benefit from this destruction of Yaphank, you know, acreage that all of us taxpayers in the area will be the developers. They see the buildings rise and the people of Suffolk County, they have been using our space and let the space that's required or that you enjoy here in Suffolk County. On today's agenda you have six to be reviewed proposed acquisitions of land for open space preservation purposes. Now, you're going to buy those, maybe you are not going to buy, but why destroy something that we have in Yaphank? People can enjoy -- the only thing we have right now for the people that work in Suffolk County is that Yaphank area which they can go out there and enjoy the facilities, enjoy -- that's what farmland looks like rather than -- on the east end, you know, they always acquire open space.

So I'm asking you, please review this, you know, development in Yaphank, do not destroy it, let's keep the open space for the benefit of the residents of Suffolk County. Thank you.

**P.O. LINDSAY:**

Robert Keenan.

**MR. KEENAN:**

Good morning. My name is Robert Keenan, this is my wife Laura. A little over a year ago the County contacted us and told us that we had rights to my mother-in-law's house, she passed away. We took over the house, we've been in the process and we have the heat on in the house, the electric and everything. We bought -- we found a buyer to buy this house in August, she got approved for a mortgage in September and we have just been trying to get this final resolution passed. And we -- I got contacted on Thursday that there was a little discrepancy or something and the County Law Department didn't want to talk to me or tell me about anything about this or

anything. But since we got notified a little over a year ago, we have gone by the book, gotten everything we had to do, an attorney, we've taken over the house, made it look like somebody has been living in it and everything. We've done everything on our part and now Friday, the lady who was in charge of my file at the Real Estate Division, she just retired, she tells me this that morning about there's a discrepancy or something and it's being held up or something, but nobody wants to tell us anything what's going on with this house.

We've done everything by the book, I mean, right through and I'm just -- I want to thank Mr. Montano and Mr. Kennedy for taking -- they're trying to get me a Certificate of Necessity to be able to sell this home to this lady who is very nervous, she's been waiting since September, she's a single mom with three kids and we just want to sell the house to her, pay the back taxes and then maybe -- you know, that's all we're trying to do, but nobody from the Law Department of the County wants to tell me anything what's going on. That's basically all I have and I want to thank you all for looking into this for me today. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Keenan. I don't know whether --

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

John is going back there.

**P.O. LINDSAY:**

All right. Mike DePaoli?

**MR. DEPAOLI:**

Good morning. My name is Mike DePaoli. I'm a resident of Suffolk County, former County Director of Emergency Preparedness. I'd like to bring to the attention of this Legislature several areas of conflict and problems in association with Civil Service testing and politics as usual in Suffolk County.

Historically, the Fire Rescue and Emergency Services had a Director of Emergency Preparedness. It was all accountable basically under the appointment of the County Executive. They served at the pleasure of the County Executive. Due to some County Charter changes, the Commissioner was appointed, and under the Commissioner of Fire Rescue and Emergency Service Director was also an appointed position. Both served at the Suffolk County pleasure of the County Executive. All are appointed positions, with very little, if any, minimal requirements. However, those situations have changed. And as of late, or as recently, there's been some politics out in Suffolk County in association to the Incident Command System and Fire Rescue and Emergency Services.

Very often, in the case of 911, the responders to 911 had to deal with Police, Fire, EMS, National Guard, and if you look in the heels of Hurricane Katrina, all other resources and catastrophic situations. So, in other words, you're looking at an all hazard approach, manmade and natural disasters, that include acts of terrorism, chemical, biological, acts of nature, hurricanes and tornadoes.

The point in question is this position of Director of Emergency Preparedness has been funded away, not that the position has been declared away, but over the years it has not been funded. Accordingly, other individuals have been put in that place or in its stead, and if right now you go to the Suffolk County FRES website, you will see that there is no position title of the Director of Emergency Preparedness. The only thing that's there is an Emergency Manager.

As of late, the posting of Civil Service for the position of Director of Emergency Preparedness stimulates and brings up several questions. Is this position new? Is this position funded? What happened to the former positions in association to the Charter? And are the requirements political?

When I look at, and I have given everybody a copy of the postings, and sent out through e-mails and hand-delivered personal positions of the Civil Service testing on the Director of Emergency

Preparedness, and that's the yellow copy attached, you'll turn to the back, if you would be so kind, and look at the minimum requirements. On some of the minimum requirements, they indicate that I have to be either a Fire Chief, an EMS Chief, or have four years of college. My question comes in to the all hazards approach. If I happen to be a member of the military, if I happen to be a member of the Police Department, I cannot qualify. If I'm the President of the United States, Commander in Chief, and do not have four years of college, I still cannot qualify for this position. If I'm the Suffolk County Executive, or most members, any elected officials, including members of this body, I could not apply for this testing. So I look at the manipulation behind the scenes and I ask, what are those requirements? Is it a full-time Fire Chief position, is it part-time, is it one day, is it one hour? College, do I need college in Home Ec, in music? And --

**P.O. LINDSAY:**

Mr. DePaoli, your time is up, if you could wrap up, please.

**MR. DEPAOLI:**

So I just wanted to bring to the attention of this body that I believe that there's some manipulation and some scandalous cronyism going on behind the scenes, and I have listed and I've sent out letters to the Editor. And I want to bring to the attention of this Legislature that they should recall this test, investigate the matter, and then allow most Suffolk County residents to take this test who are qualified and meet the requirements, as specified in full detail.

And my name is Mike DePaoli. I'm the former County Director of Emergency Preparedness, I'm a Vietnam Vet, and I'd just like to bring this to your attention.

**P.O. LINDSAY:**

Thank you, Mr DePaoli.

**MR. DEPAOLI:**

Thank you.

**P.O. LINDSAY:**

Marion Zucker. Hi, Marion.

**DIRECTOR ZUCKER:**

Good morning. I'm here this morning to speak in opposition to IR 2579 which is scheduled for a public hearing later today. At best, this resolution is premature; at worst, it's bad policy. It seeks to change the current program limits of this 72-h Affordable Housing Program which now restricts residency to those under 80% and increase that to persons earning up to 120% of median income.

This resolution came about from a request from the Town of Southampton. I had previously asked the town to demonstrate why they, of all the towns that participate in our 72-h program, can't deliver a house on free land for those earning up to 80% of median income; I have yet to receive this analysis from the town.

A few years ago we changed the Workforce Housing Acquisition Program to increase the income limits to 120% and broaden that program to include workforce housing and middle income families in Suffolk County, and then we modified it again last year to provide even more flexibility to the towns. We had originally had a 50/50% requirement, 50% of the units for those up to 80, 50% of those for up to 120%. We changed it, actually, when I saw that Southampton was custom-crafting their affordability requirements in the workforce housing developments.

I think we've demonstrated an ability to be flexible and responsive to town needs, I just think that this is way premature until the town can show us why we should take our very precious and limited 72-h affordable housing resources which are now being done at 80%, why we should increase those to 120% of median income.

I just want to make a couple of more remarks, if I can. I'm having trouble with the mike. As some

of you know, this is my last visit to the Legislature as the Director of Work -- Director of Affordable Housing for Suffolk County. I'm leaving to join the New York State Housing Finance Agency as the Senior Vice-President for Housing Programs and Policy. HFA is the umbrella organization in New York that provides funding through the State of New York Mortgage Agency, the Affordable Housing Corporation and HFA to provide low cost financing to single-family/multi-family developments throughout the state. Over the last five and a half years that I've served here, I've been very proud of what we've accomplished, especially under the leadership of County Executive Steve Levy, the expert guidance of my favorite boss, Jim Morgo, the high level of professionalism throughout County government and your valuable input.

Tomorrow, I'm picking up an award on behalf of the County Exec from the National Association of Home Builders recognizing Suffolk County's efforts in the field of affordable housing. Again, like the HUD Award we received last year, this is one of four awards given throughout the country. I'll try to wrap this up really quickly.

**P.O. LINDSAY:**

Take your time.

**DIRECTOR ZUCKER:**

While I'm very proud of what we've done, there's much more work to be accomplished here in Suffolk County. I encourage you all to continue your efforts in this behalf.

As we know, not all land in Suffolk County can be preserved. We need more affordable housing in downtowns on redevelopment sites and, yes, even in Yaphank; I hope, in my new position, to provide additional resources to the County to help achieve these goals. To paraphrase the Rabbi's words this morning, it's only by working together that we can achieve great things. I thank you all for your efforts and it's been a pleasure to work with you.

**P.O. LINDSAY:**

Marion, I'd like to thank you for your service to the County and we certainly wish you well in your new position.

**DIRECTOR ZUCKER:**

Thank you very much.

**P.O. LINDSAY:**

And Governor Spitzer's gain is our loss. All right? Thank you very much for your service.

**DIRECTOR ZUCKER:**

My pleasure.

**LEG. CARACAPPA:**

Good luck.

*Applause*

**DIRECTOR ZUCKER:**

Thank you.

**P.O. LINDSAY:**

That concludes the cards that I have. Is there anyone in the audience that would like to address the Legislature? Seeing none, I'll make a motion to close the public portion, seconded by Legislator Caracappa. All in favor? Opposed? Abstentions? Okay.

**MR. LAUBE:**

Fourteen (Not Present: Legislators Romaine, Montano, Kennedy & Cooper).

**P.O. LINDSAY:**

Before I take a motion on the Consent Calendar, there were some mistakes on the agenda that was passed out this morning, I'm going to ask Counsel to clarify where we are with that.

**MR. NOLAN:**

The mistakes that were brought to our attention early this morning regard on page five of the agenda, 2555, which the amount of the grant is actually \$1.9 million rather than \$1.6 million; that resolution is correct as in your packet.

Also, the Mr. Horst testified that 2556 and 61 were duplicates and that is the way it is on the agenda but, in fact, those two resolutions are distinct. And again, the resolutions we have before us today that were voted out of committee are correct.

Just one final note on actually going back to the pro forma calendar. There's a -- excuse me. On account of the CEQ resolutions, the last one which is recommendations regarding the Long-Term Vector Control Plan, that actually should not be on there today because there was no action taken in the committee, the EPA Committee on that particular resolution, so at some point that should be removed as well.

**P.O. LINDSAY:**

What do I do on the Consent Calendar.

**MR. NOLAN:**

The bottom line on the Consent Calendar, we can take a vote on the Consent Calendar as is because even though the agenda has some errors, the underlying resolutions are actually correct, there is no problem with them. So we can approve the Consent Calendar as it was put together by the various committees voting things out.

**P.O. LINDSAY:**

Okay, I'll take a motion on -- did I hear a motion?

**LEG. CARACAPPA:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Caracappa.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislators Montano & D'Amaro).

**P.O. LINDSAY:**

Okay, if you're following on the paper agenda it's on page seven.

**Resolutions Tabled to February 6th:**

***2022-06 - Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport, redevelopment of LI Jet Center East, Inc., Town of Southampton***

*(Presiding Officer Lindsay. I'll make a tabling motion.*

**LEG. SCHNEIDERMAN:**  
Second.

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

**MR. LAUBE:**  
Sixteen (Not Present: Legislators Montano & D'Amaro).

**P.O. LINDSAY:**  
*1073B-06 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of a sound wall study at CR 97, Nicoll's Road, between Montauk Highway and Furrows Road (CP 5114) (Presiding Officer Lindsay). I'll make a motion to approve.*

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

**P.O. LINDSAY:**  
Second by Legislator Viloría-Fisher.

**LEG. CARACAPPA:**  
Motion to table.

**P.O. LINDSAY:**  
You make a motion to table.

**LEG. CARACAPPA:**  
One more cycle.

**P.O. LINDSAY:**  
Legislator Caracappa makes a motion to table. Is there a second?

**LEG. BARRAGA:**  
I'll second.

**P.O. LINDSAY:**  
Second by Legislator Barraga. Okay, the tabling goes first.

**LEG. ALDEN:**  
On the motion.

**P.O. LINDSAY:**  
On the motion, Legislator Alden.

**LEG. ALDEN:**  
If this does get tabled, could I just ask through the Chair that Budget Review look for a cash offset, similar to pay-as-you-go.

**P.O. LINDSAY:**  
Anybody else? Motion to table takes precedent. All in favor? Opposed? I'm opposed.

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

Opposed.

**LEG. COOPER:**

Opposed.

**P.O. LINDSAY:**

Roll call.

**LEG. CARACAPPA:**

On the motion, before the roll call, Mr. Chairman?

**P.O. LINDSAY:**

Yes.

**LEG. CARACAPPA:**

Just to remind my colleagues, I was trying to couple two bills for a sound wall, portions of sound wall projects. There's another one in the next cycle, so I figured maybe, like I said at the last meeting, we could do them both at the same time. So that's why I'd propose a tabling, so that we can join forces on sound walls in our district.

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

Is this also on Nicoll's Road? Can I ask a question?

**P.O. LINDSAY:**

Go ahead, Legislator Viloría-Fisher.

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

Through the chair; Legislator Caracappa, is that -- is the other one, the other sound wall also on Nicoll's Road?

**LEG. CARACAPPA:**

It's County Road 83 --

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

On 83?

**LEG. CARACAPPA:**

-- the one that you're aware of, North Ocean Avenue.

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

Right, okay.

**LEG. CARACAPPA:**

North of the Expressway, Granny Road to Bicycle Path exit.

**P.O. LINDSAY:**

Legislator Caracappa, that's the one we put in the Capital Program?

**LEG. CARACAPPA:**

Yeah. It's in the program but for the year '07 is \$50,000 for the -- actually, the right-of-way acquisition. So we're at that point of starting to appropriate monies for the right-of-way acquisitions before the last step which is construction.

**P.O. LINDSAY:**

So it isn't a study resolution.

**LEG. CARACAPPA:**

No, the study is done. We hired a private contractor to come in and do that study, that's under way and we have a final -- a draft, a final draft report on the project done by an outside consultant and now it's time for us to do our, believe it or not, right-of-way acquisition on a sound wall project.

**P.O. LINDSAY:**

Well, I'm just trying to get to that step. You know, I'm just looking for a study. Roll call.

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

**LEG. CARACAPPA:**

Yes to table.

**LEG. BARRAGA:**

Yes.

**MR. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. BROWNING:**

No.

**LEG. LOSQUADRO:**

Yes to table.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. MYSTAL:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Nope.

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

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Eight.

**P.O. LINDSAY:**

Motion to approve.

**LEG. SCHNEIDERMAN:**

It requires 12 votes?

**LEG. CARACAPPA:**

Twelve votes.

**P.O. LINDSAY:**

It takes 12 votes?

**MR. NOLAN:**

It's a Bond Resolution.

**P.O. LINDSAY:**

Okay.

**LEG. CARACAPPA:**

I will support it.

**P.O. LINDSAY:**

Huh?

**LEG. CARACAPPA:**

I was just saying I'm going to support it, I just hope you support mine.

**MS. VIZZINI:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Yes?

**MS. VIZZINI:**

Just to clarify in terms of Legislator Alden's question, Resolution 129 appropriated the '06 hundred thousand dollars from the Capital Program. What you're voting on now is simply the companion resolution to authorize the bonding for the \$100,000.

**P.O. LINDSAY:**

Right, right. Okay, roll call to approve.

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

**P.O. LINDSAY:**

Yes.

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

Yes.

**MR. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Thank you.

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

**LEG. ALDEN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Question by Legislator Viloría-Fisher.

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

Legislator -- through the chair, Legislator Alden, I remembered the conversations regarding this issue. Are there still any towns who are -- who have problems with this legislation?

**LEG. ALDEN:**

Actually, I reached out to all of them, they didn't come to the last meeting, they didn't respond to any of the information I sent out to them, they didn't respond to the phone calls -- a couple of them did respond because they took my call, but some of them didn't even respond to the information or the phone call, so.

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

And the ones that you spoke with, did they --

**LEG. ALDEN:**

They're happy.

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

They were? Okay, all right.

**LEG. ALDEN:**

And then the primary advocate, and she's a lady that had worked in the Babylon Center and I think she does like freelance work or she just moved or something, she thought it was, you know, a positive step.

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

Okay, thank you.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Did the sponsor amend the bill from the original version to address some of the concerns about the technician that would have to perform the euthanasia in terms of certification?

**LEG. ALDEN:**

Right, except that was never part of the bill.

**LEG. SCHNEIDERMAN:**

Okay. All right, so that's not a problem then for these --

**LEG. ALDEN:**

Whatever New York State allows, that's what is allowed.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*IR 1586-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the planning and improvements at Raynor Beach County Park (CP 7175.111 and 7175.313) (Kennedy).*

**LEG. KENNEDY:**

Mr. Chair, on this resolution, I have actually filed a new resolution reflecting participation by the town, as requested by my colleagues the latter part of last year. So I guess I'm going to ask the Clerk to go ahead and withdraw this, there's no reason for this to continue to appear on our agenda as there's a new resolution being filed.

**MR. NOLAN:**

And the Bond Resolution.

**P.O. LINDSAY:**

Okay. Motion to withdraw --

**MR. NOLAN:**

No, it's just withdrawn.

**P.O. LINDSAY:**

*Just withdrawn.*

**MR. NOLAN:**

And the Bond Resolution.

**P.O. LINDSAY:**

And the Bond Resolution as well, *1586A has been withdrawn.*

*1854-06 - A Local Law No. 2007, a Local Law to increase connection fees for sewer district contractees located outside the geographic boundary of a sewer district (Alden).*  
Legislator Alden?

**LEG. ALDEN:**

I'll make a motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga.

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

Can I ask a question of Gil Anderson?

**P.O. LINDSAY:**

Sure. Legislator Viloría-Fisher has a question for our Public Works Commissioner; Mr. Anderson, if you would come forward.

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

Thank you.

**MR. ANDERSON:**

Good morning.

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

Thank you. It's just a brief question. Is there a standard market rate and where does this resolution stand regarding that standard rate for hook-ups?

**MR. ANDERSON:**

You mean, you're asking for outside of the district boundaries?

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

Uh-huh.

**MR. ANDERSON:**

Yes, there is a standard rate, I don't know what it is off the top of my head.

**P.O. LINDSAY:**

Wasn't there a study done on this?

**LEG. ALDEN:**

Yes.

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

Okay, I think the sponsor can -- has that.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Through the Public Works Committee, they requested a consultant to do an analysis of this and they used a number of different things that went into it like capitalization of the sewer district projects and the sewer district itself, the construction. They came out with a number that was like I believe \$29 and say 60 cents, something like that.

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

Okay, so this is not an unreasonable increase then, this is within --

**LEG. ALDEN:**

Way within, you know, the standards. As a matter of fact, they said that it should be rounded up to the \$30 and that would reflect, like I said, the capitalization rate of the construction that's already gone in the past. And then really it went even further than that, it did an analysis of what it would cost to actually construct a sewer district on themselves -- not a sewer district, a ceptic system.

**MR. ANDERSON:**

Right.

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

Now, was that study presented at the Public Works Committee.

**LEG. ALDEN:**

It was in the Public Works Committee and I believe that the numbers for constructing their own -- a new unit would be starting with about \$50 per day per gallon flow, that's the cost going forward and up, as it becomes more toxic it would cost more money than that.

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

I'm not on the Public Works Committee.

**LEG. ALDEN:**

Neither am I.

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

I just want to make sure I have a copy of that study, so I'll check on that. But thank you very much.

**MR. ANDERSON:**

We can get that to you.

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

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chairman. A question, I guess, maybe both to Mr. Anderson and through to the sponsor. We've had some conversations before about the grandfathering provisions or the waivers from this new fee schedule for both projects that have current conceptual approval as well as formal approval; is that correct?

**MR. ANDERSON:**

Yes.

**LEG. ALDEN:**

That's correct.

**LEG. KENNEDY:**

Okay. My question to you is can you give me any idea at this point how many projects may at this point have conceptual approval? What's the approximate time span as far as where they've been at? How many are pending at this point right now?

**MR. ANDERSON:**

Again, off the top of my head I'm not prepared to answer that.

**LEG. ALDEN:**

I apologize, I left it laying on my desk. I did have an analysis from the Department of Public Works, but it's all within the gallonage that we have available and the increased gallonage that some of the projects that we've approved will actually supply. So it's a doable plan if that's what your question

is; do we have the capacity.

**LEG. KENNEDY:**

Yes, my two questions went to, one, capacity, but also I appreciate the fact that by adapting this the intent is not to work a hardship on applicants who have already expended a considerable amount of time and funds and things like that for approval. Nevertheless, those who may have had remote approval, I wonder as to, you know, whether or not they get some gain that others out there in the commercial market may not have.

**LEG. ALDEN:**

Well, conceptual approval, it might be a couple of years down the line before they're actually able to build the project. But as you've noticed, even in the packet today there's another five outside hook-ups hook-up to the Southwest Sewer District and basically that's at the \$15 rate which means it's being subsidized by all the people that live in the Southwest Sewer District as far as a market rate for a hook-up. So this would be an attempt to come up to the market value and also the, whatever you want to call it, the capitalization value of the Southwest Sewer District.

Going forward, and this was suggested to me by the Presiding Officer, that we should actually every couple of years take a look at this and through the Department of Public Works Committee ask for a reevaluation. And that report to be updated and that should be on maybe a bi-yearly basis so going forward we don't have something where we're actually giving away, you know, something that belongs to the taxpayers.

**LEG. KENNEDY:**

I couldn't agree with you more. And as a matter of fact, I think it ought to be a formalized item. I guess the other thing that I would ask is I've seen the correspondence and I know that there's been discussion about formalizing this timeframe between conceptual and actual formal approval, I'd like to see that actually move into -- maybe I'll just file a resolution to go ahead and address that. Because it is still at this point undefined and can be a period of three, four, five years sometimes from formal -- I'm sorry, from conceptual to formal, and in my opinion, that's too long a period of time to go.

**LEG. ALDEN:**

And I agree with you to a certain extent, except that when the argument was made and Legislator Horsley and Legislator Stern and Legislator D'Amaro, as well as the Presiding Officer contacted my office and others, and that was where the debate was, whether we should phase it in over the next two or three years or just try to establish this now and grandfather in the people that have gone out and actually planned a hook-up and they've got some financing in place, they've scoped out their project.

I'm willing to -- I mean if you want to table it again, I'm willing to listen to the argument to phase it in over a period of time, but I think that -- you know, what you've got is a chance now to start the process clean. If they're not in the -- you know, the conceptual, if they're not in the actual, they have to plan their job for a \$30 hook-up fee, and they'll be on notice that two years from now we're going to review that and look at that fee also. Because we can run into -- and if energy costs keep going the same way they're going, we can end up with a huge negative process towards the Southwest Sewer District because we've got to truck some of that stuff out of here. And the construction costs for the Southwest Sewer District, they're not getting any cheaper, they're just going up, up, up and this is going to become more than the \$30 and I think very shortly.

**LEG. KENNEDY:**

And it's not my intention to go ahead and try to prolong debate on this and I know that you've devoted a lot of time to it and I think it has merit; absolutely, positively. I guess what I'll do is I'll just -- perhaps we can have some conversation afterwards to look at a separate resolution to go ahead and address and formalize that time period. I think this is right-minded legislation, absolutely positively.

**P.O. LINDSAY:**  
Legislator Horsley.

**LEG. HORSLEY:**

Yeah, let me echo John's statement just then, I think I agree with you that it's right-minded and the like. And I think, Cameron, you just answered my question, because I was looking at it as a phased-in process rather than accepting those who have conceptual approval. I'm -- I think you've answered my question, I think we'll leave it at that.

**P.O. LINDSAY:**

Okay, I just want to weigh in. I agree with the sponsor, I think if you were going to phase it in then you shouldn't grandfather it, you should do one or the other.

**LEG. HORSLEY:**

One or the other; which one is best, I guess that's it.

**P.O. LINDSAY:**

And, you know, the sponsor chose to grandfather. But being that this -- and forgive me, this bill has been kicking around for a while and it has a tremendous impact, I'm going to ask Counsel just to go over the different provisions of it.

**MR. NOLAN:**

Yes, this bill is actually fairly simple in that it deals with entities from outside the County Sewer District, hooking into the sewer district and the hook-up fee which has been about \$15 -- it's been \$15 for five or six years and this would increase that to \$30. And that's a figure that I believe DPW was asked to look at that and do an analysis, is that a correct figure, and when they came back they said, "Yeah, that is right around the right figure, \$30 is the right number."

During the debate on the bill, various people came in and said it would work a hardship on them, these are lawyers for developers, and they asked if they had received conceptual approval or formal approval from the sewer agency that they be grandfathered and be charged only the \$15, and that provision was added to this law. So for people who have already received their conceptual, formal approval from the sewer agency prior to this law's effective date, they're going to be charged \$15 but going forward it's going to be \$30.

**P.O. LINDSAY:**

Thank you, Counsel. Just I have one other question of the sponsor. When we talk about this we always talk about the Southwest Sewer Districts, but we have numerous other sewer districts throughout the County, some of them small in nature. And I remember under one of the public hearings a gentleman, I don't recall his name, talked about the costs in the smaller districts are not anywhere near the same amount as the Southwest Sewer District and it's really an inequity. Did the study by Public Works look into -- I mean, was that -- the \$30 number pretty much an equal number for all sewer district operations across the County?

**LEG. ALDEN:**

I believe, yes, it addressed that factor and they felt that the \$30 was correct all across. As well as the number that they came up with to actually build a sewer treatment plant is like I said before, \$50 per gallon per day, and that would be the same if it's a small plant or if it's a larger plant, the only difference that would kick it up would be the fact if you're treating like a heavier type of waste.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. ALDEN:**

More toxic.

**LEG. KENNEDY:**

Yeah, just one more question, I guess, for the chair, or just I want to make sure that I understand the process. Even though we have twenty some odd municipal sewer districts throughout the County, all districts ultimately wind up trucking the sludge to Sewer District 3 for the sludge processing; isn't that the case?

**LEG. ALDEN:**

For the most part.

**P.O. LINDSAY:**

And being that we didn't rebuild the incinerator, truck it further to South Carolina.

**LEG. KENNEDY:**

So it's processed and then shipped, so there is some centralized role that three plays, though, relative to the balance of the districts?

**P.O. LINDSAY:**

That's correct.

**LEG. KENNEDY:**

Okay thank you.

**P.O. LINDSAY:**

Any other questions? Thank you, Mr. Anderson. I'm sorry to leave you standing there, I didn't notice you, I'm sorry. No other questions, we have a motion to approve and we have a second. All in favor? Opposed? Abstentions?

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

You're two for two, Cameron.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Geez, you better go home now.

**LEG. ALDEN:**

I should have stayed home earlier.

**LEG. HORSLEY:**

Cameron, I'm fully-minded, I just put in.

**P.O. LINDSAY:**

***1880-06 - To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk.***

**LEG. LOSQUADRO:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Okay. 1885-06 - Implementing sales --

**MR. LAUBE:**

Eighteen. You didn't -- you have to call the vote.

**P.O. LINDSAY:**

I'm sorry.

***1885-06 - Implementing Sales and Compensating Use Tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday and Labor Day Holiday (Presiding Officer Lindsay).*** Motion to table.

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

Second.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1894-06 - Electing a cents per gallon rate of Sales and Compensating Use Tax on motor fuel and diesel motor fuel in lieu of percentage rate of such taxes, pursuant to authority of Article 29 of the tax law of the State of New York in a fiscally responsible and prudent manner (County Executive).*** And I'll make a motion table. Do I have a second?

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislators Horsley & Barraga).

**P.O. LINDSAY:**

***1952-06 - Adopting Local Law No. 2007, a Local Law to require proper supervision at hotel and motel swimming pools (Cooper).***

**LEG. COOPER:**

Motion to table, please.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Stern.

**LEG. SCHNEIDERMAN:**

Recusal, Mr. Clerk.

**P.O. LINDSAY:**

And Legislator Schneiderman recused himself. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Recusal: Legislator Schneiderman - Not Present: Legislator Horsley).

**P.O. LINDSAY:**

***2052-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of 4-Poster machines for Tick Eradication Pilot Program on Shelter Island (CP 4085) (Romaine).***

**MR. ROMAINE:**

Mr. Chairman, considering that it is to amend the 2006 Capital Budget, I would like to request that this resolution be withdrawn.

**P.O. LINDSAY:**

Thank you, Legislator Romaine. ***Motion has been withdrawn and I assume that 2052A, the accompanying Bond Resolution also will be withdrawn?***

**MR. ROMAINE:**

Yes.

**P.O. LINDSAY:**

***2306-06 - To readjust compromise and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control No. 759-2006).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Horsley).

**P.O. LINDSAY:**

Okay, actually it's very similar but there's a different control number, ***2317-06 - To readjust compromise and grant refunds and chargebacks on real property, correction of errors by: County Legislature (Control No. 760-2006).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

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

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Introductory Resolutions for the February 6th:**

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

***Procedural Motion No. 1 - Authorizing retention of counsel for the purpose*** -- it isn't counsel, it's consulting, so the paper agenda is wrong -- ***for the purpose of representing the County of Suffolk before the Public Service Commission (Horsley)***. Is the actual resolution correct?

**MR. NOLAN:**

It's fine.

**P.O. LINDSAY:**

Yeah, the actual resolution is correct.

**LEG. HORSLEY:**

Yes, it is. Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by -- there's no public -- there's no --

**MR. QUINN:**

No public discussion on this?

**P.O. LINDSAY:**

Not on this, no.

**MR. QUINN:**

Okay.

**P.O. LINDSAY:**

Legislator Horsley made a motion?

**LEG. HORSLEY:**

Motion to approve.

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

And I seconded it.

**P.O. LINDSAY:**

And seconded by Legislator Viloría-Fisher.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

Okay, Legislator Alden.

**LEG. ALDEN:**

If either Counsel or the prime sponsor could give us just an explanation, because the last time that we had spoken I thought this was for counsel.

**LEG. HORSLEY:**

Yeah, it is not; never was.

**LEG. ALDEN:**

If you could just explain, you know, like what's going on, where we are in the process and what these consultants are actually going to bring to the table for us.

**LEG. HORSLEY:**

Sure, absolutely. And thank you for that offer because I was going to give it to you anyway.

What this is, is when we are -- as intervenors in the Public Service Commission, we have to provide certain briefs to the Public Service Commission by certain dates. The first -- the first brief to be an intervenor had to be written, drafted and placed before the PSC by January 29th, and that deadline has been met. And to do that, we needed not only legal counsel, which is being provided by the County Attorney, they are the lead in this issue, but as well as we needed a technical assistant to draft the technical data, not only on the procedures but also the items in which the Economic Development Committee put forth.

And those issues are our concerns for the rates and we needed technical data concerning rates, history of rates and things like that to be presented before the Public Service Commission. We also issued our concern for the labor force of Long Island, that our labor force be in tact, the call center in Suffolk County as well as our linemen so that we have a satisfactory labor, a labor contingency to protect Long Island in case there's a major storm. Thirdly, that we repower the plants, the dirtiest plants probably on the east coast, that being Port Jefferson as well as Northport. And lastly, that the manufactured gas plants be cleaned, particularly those -- the five that are in Suffolk County and that they be cleaned immediately and not at the expense of the ratepayers, that this cost be borne by the shareholders of National Grid as they acquire KeySpan. So to do that in a proper and intelligent fashion, we needed a consultant to assist us in the technical data. There have been questions, well, couldn't Joe Schroeder do this; he has requested that he is -- he needed assistance as well. Of course, you know, Joe works for the Legislature on labor matters.

Now, also know that the County Attorney, in reviewing the scope of the work that was necessary not only, one, legally, but secondly, on the technical data, the County Attorney said, "I need technical assistance," and that is what we are answering that request for.

So Mr. Ratigan, as you'll see, his resume has been attached, he has been long involved in energy policy throughout New York State. He is a consultant that has been passed muster not only through our Counsel but all experts including the counsel of our County Attorney, that this guy is first rate and he has presented this -- he has presented his work to us, we have submitted it to the PSC and this will be ongoing until the closure of the acquisition, if it so happens, acquisition of National Grid to Key Span.

**P.O. LINDSAY:**

Before I recognize Legislator Romaine, Legislator Alden who asked the original question, just -- I don't -- I can't imagine that you left anything out, but maybe.

**LEG. ALDEN:**

I think you touched on it, but with all due respect, this isn't your idea, this came from the County Attorney, this request to have an expert testimony. And that was put -- is this your committee, Economic Development.

**LEG. HORSLEY:**

Yes.

**LEG. ALDEN:**

Now, she came down and put that testimony on the record?

**LEG. HORSLEY:**

Yes.

**LEG. ALDEN:**

Okay. And this isn't --

**LEG. HORSLEY:**

Would you like that verified by Mr. Brown?

**LEG. ALDEN:**

No, I trust you.

**LEG. HORSLEY:**

Okay.

**P.O. LINDSAY:**

Well, we're going to recognize Mr. Brown in a minute.

**LEG. ALDEN:**

And the other thing, though, I really want to caution against is opening up a bottomless pit --

**LEG. HORSLEY:**

Yes I agree.

**LEG. ALDEN:**

-- and throwing money down it. We're into this now for -- there's an authorization for how much, a hundred thousand?

**LEG. HORSLEY:**

No, I believe it's --

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

Seventy-two?

**LEG. LOSQUADRO:**

Seventy-eight.

**LEG. HORSLEY:**

Seventy-eight.

**LEG. ALDEN:**

Seventy-eight thousand. And while it's a very important issue, it shouldn't become something where, you know, we just throw money in.

**LEG. HORSLEY:**

I agree.

**LEG. ALDEN:**

Now, who arrived at the -- these experts, the recommendation; did we review a panel of experts, did we have more than one come before us and present?

**LEG. HORSLEY:**

You want to take that one, Mr. Nolan?

**MR. NOLAN:**

The way it evolved was we had meetings, and I'm referring to Legislator Horsley, we had a meeting with the County Attorney's Office probably about two months ago to talk about this intervention. By the way, this -- the Legislature directed the County Attorney to intervene in this proceeding and represent the interest of the County. Now, when we met with the County Attorney's Office, I think it was pretty clear to us and the County Attorney agreed that we really needed some expertise in order to make our intervention meaningful. Unfortunately, at that point we were pretty deep into the process. We had to prepare our submissions very quickly to get them in in a timely manner so they're going to be considered by the PSC, so we had to select somebody pretty quickly. Hudson River is somebody we've used, we used them in the LIPA case, and when I spoke -- when I spoke to Joe Schroeder and other people, who is somebody who has the expertise to help us and can do it in short order, this is the name that kept coming up. So we conferred with the County Attorney's Office to make sure this was amenable to them and it was and that's how we arrived here.

**LEG. ALDEN:**

One final question, through the chair. The Chairman of Economic Development, you've established their credentials on the record as far as being the right people for the right job at the right time here.

**LEG. HORSLEY:**

Yes.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Legislator Romaine.

**MR. ROMAINE:**

Okay. First, let me just say that I'm supportive of this resolution, but I am not supportive of the format in which it was presented to me.

I was given a resolution of one page, there was no resume attached, there was no fee schedule attached to the resume. And when I go on my website today for this resolution, as you all can, it says, "The information to be provided on this page is pending."

Furthermore, when I raised questions about a resolution that we're about to approve, hiring this firm, we're going to pay this firm for work that they've already been doing. They already are working and when the Presiding Officer signs this contract, I am informed that there will be a provision to go back and pay them for work that was done prior to our approval of this contract.

I raise these questions because there's a lot of concern about this. We're hiring a consultant whose name I did not know, whose resume is not attached, whose fee schedule was not attached. I raised all these questions at the committee, so this should not be new to the chairman, and I was told at the committee meeting -- because I said, "Well, let's vote this out without recommendation," and they said, "No, let's go ahead and vote it," so we did, we voted it out but I was guaranteed that I'd have all this information before me today. I've just checked here, it's not here, I went on-line and it says, "This information to be provided on this page is pending," and that was dated as of yesterday.

This is a concern to me. I don't disagree with the thrust of the resolution, but it seems a little sloppy not to provide the resume, the fee schedule or to be told that when we vote on this contract someone will be paid for work that was done prior to the contract being adopted.

**MR. NOLAN:**

Just on a couple of those points. I do have the rate schedule and I apologize, you should have distributed that.

**LEG. HORSLEY:**

I thought they were given to you, Ed.

**MR. ROMAINE:**

Oh, okay. I didn't get it.

**MR. NOLAN:**

That's my mistake.

**MR. ROMAINE:**

Okay.

**MR. NOLAN:**

In terms of the fact that they've already begun work, obviously that's not the ideal. But we were caught between a rock and a hard place on this one where we needed their services. And I explained to Frank Ratigan from Hudson River that he could begin work and we need him to begin work, but it would be subject to appropriation by the County Legislature, so he was taking something of a risk by starting the work but he was willing to do that. This is just one of those situations where we had to get this guy on board in order to have a meaningful role in this proceeding. And because of the schedule of the Legislature, we couldn't get this done the way we normally would and that's why we're at this point here today.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Being curious and being about to vote to go ahead and bring on a consultant, what is the rate schedule; what is this consultant and/or attorney?

**P.O. LINDSAY:**

Just to clarify something, I'm going to get your comments, I'm going to hear from Mr. Brown to weigh in and then I'm not going to take a vote on this until after our executive session to give us an opportunity to make copies of the rate schedule, to pass it out to everybody, to see if everybody has a comfort level, and if you don't have a comfort level then we won't go forward on it. But being that the information that Legislator Romaine brought up has not been distributed, I intend to have it distributed before we vote on it.

**LEG. KENNEDY:**

Well, then maybe I will withdraw my question, Mr. Chair. Because since we will be in executive session and since negotiation of rate is something that is a sensitive manner, I would not want to go ahead and prejudice by an open forum.

**P.O. LINDSAY:**

Yeah, but the executive session that we're -- is over some pending litigation, not this litigation; it's under other litigation.

**LEG. KENNEDY:**

I understand, Mr. Chair. But I guess then what I'll ask is if during that session we could entertain some discussion here, and I will withdraw that discussion -- that question about the rate, all I'll offer is an observation, I guess, or a comment.

As a cosponsor with Legislator Horsley on the original direction to the County Attorney's Office to establish intervenor status, which we did I believe last June.

**LEG. HORSLEY:**

Right.

**LEG. KENNEDY:**

What I'd say is that in this case, unfortunately we have a self-created hardship in that we did not have communication from the County Attorney's Office that some aspect of this direction to your office was not brought forward to us. So now in attempting to comply with a filing deadline set by the Public Service Commission Administrative Law Judge, we were compelled to seek the assistance, or maybe we would have needed it last June. But it would have given us an opportunity to go ahead, consider, vet and make a decision absent this eleventh hour scenario. So again, I guess I just ask, when we ask you to do something, if there's an issue there that you lack the expertise in-house or have other constraints, let us know so that we can deal with it.

**P.O. LINDSAY:**

Mr. Brown, you've been standing there a long time and Legislator Kennedy kind of directed a question, do you want to answer this in this forum?

**MR. BROWN:**

Yes, sure, I can answer that. Thank you, Mr. Chairman. Early on, after we achieved intervenor status, I would say from approximately September or October onward, it became pretty clear that expert analysis would be needed. There are literally, as of today's date, hundreds of pages of expert and technical documents which have been exchanged in the proceeding. And initially, we reached out to Legislator Horsley, I believe that people from the County Executive's Office and the County Attorney and Legislative Counsel was involved in those early discussions, and we first began work with Joe Schroeder. And because of the volume and the technical data that was involved, it shortly became clear after that that even Joe Schroeder would need help in doing the technical and the expert analysis.

So it may seem as if you're getting this at the last minute -- and again, I can't really, you know, be drawn into your debate about that -- but I can tell you from the perspective of the Department of Law that it has been an ongoing process over the past three or four months to gain expertise in addition to Joe Schroeder's expertise.

And the only two things that I would add is that were it not for the extraordinary efforts of Joe Schroeder and Frank Ratigan in the past, I would say, two months or so, we would never have made the January 29th deadline. And basically, by meeting the January 29th deadline which is filing of direct testimony, we're able now to preserve the issues that have been outlined by Legislator Horsley and by George Nolan.

And the last thing, just so that the record is clear, even though it's been clarified by Legislator Horsley and Mr. Nolan, was that the motion states authorization for retention of Counsel, but as has been stated, we're looking for assistance, technical assistance, not for legal assistance.

**LEG. HORSLEY:**

Ever, yeah.

**MR. BROWN:**

Ever, right, thank you.

**LEG. KENNEDY:**

Dennis, all I'm going to say to you is, again; A, I'm glad the County's interests are protected by making a deadline, that's always a good thing; B, it's good that we have dedicated people like Mr. Schroeder and some other folks; but C -- and now I'm going to ask the Clerk because -- you know, there's this thing I'm 50 years old now, maybe it's CRS -- was I sponsor on this original resolution that we -- that sought intervenor status?

**MR. LAUBE:**

I am unaware.

**LEG. KENNEDY:**

Okay, I think I was. I don't recall ever hearing from you. Now, Legislator Horsley and I had some conversation in late December, but if you had this opinion or impression back in September, maybe I need to retransmit my phone number to you because I never heard anything.

**MR. BROWN:**

That -- I would have to apologize to you for that, sir, because I --

**LEG. KENNEDY:**

I'm not looking for an apology, Dennis.

**MR. BROWN:**

Because I wasn't aware that you were a cosponsor, so that's my error.

**LEG. KENNEDY:**

Well, then I guess we'll have to figure out something different; maybe it's got to be in neon or something like that, I don't know. But all I'm saying to you is we're here today to go ahead and hopefully take this action for an attorney who has worked hard and a line person who has worked very hard to protect our interest, so that's a good thing. But we're here because by a series of missteps it brings us to an eleventh hour deadline, hopefully we don't have any more going forward. That's all, Mr. Chairman.

**P.O. LINDSAY:**

Okay. What I'm going to do is I'm going to delay the vote on this resolution till after executive session so that everybody can look at the rate structure that was just passed out to you and --

**MR. NOLAN:**

(Inaudible).

**P.O. LINDSAY:**

And we'll pass around the resume to address all of Legislator Romaine's concerns. We're about 15 minutes, we had scheduled to go into executive session at eleven o'clock, I apologize for that, but I want everybody to clear the room with the exception of Mr. Like who is our presenter; I'd like Budget Review in the audience, I'd like the County Attorney's Office represented and the County Executive's Office represented.

**MR. NOLAN:**

Make a motion to go into executive session.

**P.O. LINDSAY:**

I'm going to make a motion to go into executive session. Do I have a second?

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. MONTANO:**

Mr. Presiding Officer, get the microphones off, too.

**P.O. LINDSAY:**

Yes, and would someone make sure that the microphones are off in the back.

*(\*Executive Session: 11:12 AM - 12:16 PM\*)*

**P.O. LINDSAY:**

Okay, Mr. Clerk, call the roll, please.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. CARACAPPA:**

I'm here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Present.

**LEG. ALDEN:**

(Not Present).

**LEG. BARRAGA:**

Present.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

(Not present).

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Fifteen (Not Present: Legislators Alden, Kennedy & D'Amaro).

**P.O. LINDSAY:**

Okay. We're back on the record and I'd like to go back to Procedural Motion No. 1. And in the interim, there has been passed out the resume of Mr. Ratigan as well as the billing schedule. Legislator Romaine, does that satisfy your request?

**MR. ROMAINE:**

Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

You're welcome. Do we have a motion on that resolution?

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

Any other questions on it? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Alden).

**P.O. LINDSAY:**

***2267-06 - Creating the Suffolk County Carbon Cap Implementation Advisory Committee (Horsley)***. Legislator Horsley, what's your pleasure --

**LEG. HORSLEY:**

Motion to approve.

**LEG. COOPER:**

Second.

**LEG. LOSQUADRO:**

Second, Mr. Chairman?

**P.O. LINDSAY:**

Seconded by Legislator Losquadro. Any questions on the motion? Seeing none, all in favor? Opposed? Abstentions?

**LEG. HORSLEY:**

Two for two.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***IR 2534-06 - Authorizing planning steps for the acquisition under Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund - (North Street Properties)(Town of Brookhaven) (Romaine)***.

**MR. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Do I have a second?

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington. On the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2578-06 - Amending Resolution No. 683-2006, to clarify the membership of the Regional Solid Waste Management Commission (Schneiderman).* Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Motion, second by Legislator Eddington. On the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*IR 1000-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Nielsen Property, Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-02.00-078.000) (County Executive).*

**LEG. BROWNING:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*IR 1001-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Fischetti Property, Mastic/Shirley Conservation Area, Town of Brookhaven (SCTM No. 0200-982.20-02.00-001.000) (County Executive).*

**LEG. BROWNING:**

Same motion.

**LEG. LOSQUADRO:**

Same second.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1002-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Ferreri Property, Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-03.00-032.000) (County Executive).***

**LEG. BROWNING:**

Same motion.

**LEG. LOSQUADRO:**

Same second.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***IR 1003-06 - Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Land Preservation Partnership Program for the Dickerson Property - Dickerson Creek, Town of Shelter Island (SCTM No. 0700-019.00-01.00-023.006) (County Executive).***

**MR. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, second by Legislator Schneiderman.  
All in favor? Opposed? Abstentions?

**MR. ROMAINE:**

Would the Clerk please list me as a cosponsor.

**MR. LAUBE:**

Eighteen; yes, sir.

**P.O. LINDSAY:**

**Health & Human Services:**

***2609-06 - Approving the appointment of Tracy A. Trypuc as a member of the Suffolk County Board of Health (Eddington).***

**LEG. EDDINGTON:**

Motion to approve.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

**LEG. COOPER:**

Second.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

Second. Yes, Legislator Alden, I recognize you.

**LEG. ALDEN:**

I'm not on that committee, so her qualifications were explored in the committee?

**LEG. BROWNING:**

Yep.

**LEG. MYSTAL:**

Yes, Ms. Trypuc did come to the committee presenting herself, she has a wonderful resume and she's been working around the community for a long time. So she was very well received by the committee and she was approved unanimously.

**LEG. ALDEN:**

Whose place is she taking, or was that an open position?

**P.O. LINDSAY:**

I believe it was an open --

**LEG. MYSTAL:**

An open position.

**P.O. LINDSAY:**

Open position and she is something we've never had before, a nurse.

**LEG. ALDEN:**

Great. Thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1010-06 - Providing further direction to the Suffolk County Health Care Task Force (Presiding Officer Lindsay).*** I'll make a motion and to be seconded by Legislator Romaine. This

is -- I should explain to everybody, this is actually a direction to a committee that Legislator Romaine sponsored and it's as a result of testimony we received from Dr. Luft here at our December meeting who is on the Board of Health informing us about the {Berger} Commission. We would like this task force to keep an eye on the {Berger} Commission recommendations, particularly the funding stream that Dr. Luft identified that we get very little of in Suffolk County that we could kind of use our bully pulpit to make sure we get our fair share in Suffolk County. So we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**MR. ROMAINE:**

Would the Clerk please list me as a cosponsor.

**MR. LAUBE:**

Yes, sir.

**P.O. LINDSAY:**

**Parks & Recreation:**

***1953-06 - Linking County Park Fees for veterans to park fees for senior citizens (Cooper).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper. Do we have a second?

**LEG. D'AMARO:**

I'll second.

**P.O. LINDSAY:**

Second by legislator D'Amaro.

**LEG. D'AMARO:**

Also, please add me as a cosponsor.

**LEG. HORSLEY:**

As well.

**LEG. SCHNEIDERMAN:**

Tim, myself as well.

**LEG. BROWNING:**

On the motion, can I ask a question of Counsel?

**P.O. LINDSAY:**

On the motion, Legislator Browning.

**LEG. MYSTAL:**

1010, I want to be a cosponsor.

**LEG. BROWNING:**

My husband's a veteran, my son's a veteran, so it's okay to vote on this?

**MR. NOLAN:**

Because it has such a broad application, there's so many veterans in the County, absolutely you can

vote on this.

**LEG. BROWNING:**

Absolutely, and I want to cosponsor it.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Does this set a fee or does this just link whatever fee is set to the two of them?

**LEG. LOSQUADRO:**

Cosponsor.

**MR. NOLAN:**

Links the two fees; whatever the seniors are charged, that's what the veterans will get.

**P.O. LINDSAY:**

And we have the financial impact statement on what this -- what cost?

**LEG. COOPER:**

Yes, we do.

**P.O. LINDSAY:**

We do, okay. Did you want to be recognized, Legislator Eddington?

**LEG. EDDINGTON:**

Yes, thank you. I just would say that it would be an honor as a veteran to vote for this. Thank you.

**P.O. LINDSAY:**

Are there any other comments? We have a motion and a second.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**MR. ROMAINE:**

Would the Clerk please list me as a cosponsor.

**MR. LAUBE:**

Yes, sir.

**LEG. EDDINGTON:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

And myself; you got us?

**LEG. MYSTAL:**

And it was an honor, as a senior, to vote for it.

**P.O. LINDSAY:**

***2607-06 - Reappointing Aurelio A. Colina as a member to the Suffolk County Board of Trustees of Parks, Recreation & Conservation.  
(Presiding Officer Lindsay).***

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Public Safety:**

***2347-06 - Authorizing the County Sheriff and the Police Department to monitor registered sex offenders (Browning).*** Legislator Browning?

**LEG. BROWNING:**

I'd like to make a motion.

**P.O. LINDSAY:**

Motion. Do I have a second?

**MR. ROMAINE:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Romaine. I recognize Mr. Brown.

**MR. BROWN:**

Thank you, Mr. Chairman. As you know, you were at the committee meeting, so I just wanted to restate that according to Labor Counsel for the County, in the event that the work contemplated under the resolution, including on the east end, in the east end towns, has been performed exclusively by the Detectives who are with the Police Department. The work cannot be given to the Sheriffs without the Detective's Bargaining Unit giving its okay. If this is the case, the bill may likely violate the Tailor Law.

**P.O. LINDSAY:**

Well --

**LEG. MYSTAL:**

And a few other laws.

**P.O. LINDSAY:**

Yeah, Legislator Viloría-Fisher.

**LEG. MYSTAL:**

Namely the Constitution.

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

Dennis, can you just clarify that again? I know Detectives work throughout Suffolk County, not just in the five western towns.

**MR. BROWN:**

Exactly.

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

But I thought there was some discussion that Detectives only do work on felonies, I didn't know that they were doing this work with this particular charge, these duties on the east end.

**MR. BROWN:**

I can't speak with respect to only -- with only felonies. At the original committee meeting -- and Legislator Browning, please correct me if I'm wrong -- the Detectives Association did come out and speak against this and they say that tracking the sex offenders was a portion of their duties. And I believe also --

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

That was throughout the County, Dennis, or just the five western towns? That's what my question is.

**MR. BROWN:**

I do not have a definitive answer in that respect, I have conflicting information in that respect.

**P.O. LINDSAY:**

Legislator Kennedy, did you want to talk?

**LEG. KENNEDY:**

Yes, I had a couple of questions, Mr. Chair, thank you. Not being on the committee, my question is there has been a registry in place for some time now. Prior to the actions that are being contemplated here, who has -- who has either done the work or who's had responsibility to do the work as to whether or not it may have occurred?

**MR. BROWN:**

At the time the bill was heard by the committee, the Detectives Association spoke and they said they do the work.

**LEG. KENNEDY:**

All right. In other conversations that I've had with Probation and other areas, there's about 400 offenders that are on the list that reside in the County at this point. How many of those or who of those are being seen, or has the address been confirmed?

**MR. BROWN:**

I don't know the answer to that question.

**LEG. KENNEDY:**

You don't know any of that. There's a -- you know what, Mr. Chair. I guess through the chair, I see Laura Ahearn is here and I'm going to ask if she may have information relevant to this, if she could add any of it?

**P.O. LINDSAY:**

Laura, do you want to come forward?

**LEG. ALDEN:**

Mr. Kennedy, if you would suffer an interruption.

**LEG. KENNEDY:**

Absolutely.

**LEG. ALDEN:**

There's more than 400 registered sex offenders, that's whose monitored by our Probation, I think there's thousands, because parole, New York State Office of Parole monitors a lot of them.

**LEG. KENNEDY:**

Well, that's helpful because that's the number that I got regarding our County Probation Department, so certainly I'd be, you know, interested to hear.

**MS. AHEARN:**

There's actually about 800 sex offenders in Suffolk County that are registered. So this is -- this bill is dealing with registered sex offenders, not offenders who are not registered. So you can have an offender, a sex offender who was found guilty and convicted of a sex crime pre-Megan's Law, or you can have an offender who committed a sex crime but plead down to an endangering which is not a registered sex offense, and Probation may have those offenders as well.

**LEG. KENNEDY:**

Or you can have an offender who committed a sex crime that actually had that dismissed and got convicted on a different matter.

**MS. AHEARN:**

Exactly, if it was a plea-down. But in Probation they're very proactive, so they might give that offender sex offender conditions, but that still doesn't mean that that offender is registered, so this bill is dealing with registered sex offenders.

And the way that it works now is the Division of Criminal Justice Services gives information to local law enforcement who have jurisdiction over that offender, so wherever the offender is residing. For example, in Southampton, Southampton Police Department, they do their own notifications, Suffolk County Police Department doesn't do their notifications. So Suffolk County Police Department doesn't have -- the Detectives that are in the Megan's Law Unit are overseeing the offenders that are within the Suffolk County Police Department jurisdiction. So DCJS, the Division of Criminal Justice Services who is the clearing house for sex offender registration information, will send the information again to the jurisdiction where the offender is residing. So on the east end, and somebody -- you guys are from the Sheriff's Department? They could probably talk to you more which municipal police departments have juris -- where the jurisdiction lies for those sex offenders. But within Suffolk County, there are 820 something sex offenders, but not all of them are being monitored by the Suffolk County Police Department. So the Sheriffs -- really there needs to be somebody here from the Sheriff's Department to be more clear about how many of those offenders that they will actually be monitoring. But Suffolk County Police Department themselves, they do not have jurisdiction over every single sex offender in the County.

**LEG. KENNEDY:**

So there is a loophole or a gap in the disfunction, at this point, that this bill would address; it would give continuity from end to end?

**MS. AHEARN:**

I'm not the Suffolk County Police Department and I'm not the Sheriff's Office, but what I would say is that Suffolk County Police Department, the Megan's Law Unit is doing proactive initiatives to monitor offenders. But again. I know from a notification standpoint that Southampton Police Department does their own notifications and the Suffolk County Police Department Megan's Law Unit does not do the notifications for them, and I know that only because we have difficulty getting those notifications from that particular Police Department, in the past we've had trouble but we're getting them now. So you'd have to ask the Megan's Law Unit, and it probably would be a good idea to specifically ask, "Are you doing the -- are you doing the monitoring for those offenders as well?" If they're not doing the notifications, then I'm not sure if they're doing the monitoring. It would make

sense if they're not, but I'm not the Megan's Law Unit so I can't say that unequivocally.

**LEG. KENNEDY:**

Is there any protocol with this confirmation of residency?  
I mean, is it one visit, is it once a year?

**MS. AHEARN:**

In the Megan's Law Unit, when Division of Criminal Justice Services notifies the Police Department in Suffolk County that there's an offender in their jurisdiction, they will go out and they will verify that address and ensure if they are in violation of the residency restriction law or not. And if they are not registering as they should be every 90 days for the high risk offenders and every year for the Level II's and Level I's, they will also go out and they will try to ascertain where they're residing and violate them if they're in violation of the law.

I think what you -- in order to make a really sound decision about this, what has to be done is somebody from the Megan's Law Unit and somebody from the Sheriff's Department has to get together and they have to clearly delineate who's doing what? Is the Southampton Police Department, meaning that's the east end, does the Megan's Law Unit have any jurisdiction over them, yes or no? And if they don't, then it makes sense. And it's my understanding that they're not doing the notifications, but I can't say if they are or not going out and checking their addresses.

**P.O. LINDSAY:**

But just to address your comments and Legislator Kennedy's questions, the bill authorizing both of our -- the Sheriff's Office and the Police Department to check on these offenders, it doesn't set down a protocol, it doesn't delineate which department will do what where, that's really a management decision that should be worked out between PD and the Sheriff's Department. We're just giving the broad authorization to do this and if -- and in those discussions, if somebody mis assigns it and it becomes a jurisdictional dispute, it's up to that --

**MS. AHEARN:**

It's up to management to make that decision.

**P.O. LINDSAY:**

Yes, and --

**MS. AHEARN:**

Because it is a good -- it's a good idea to do this.

**P.O. LINDSAY:**

And then it's up to the union to grieve it if they think the assignment is wrong, but it's beyond our purview to delineate where the line is.

**MS. AHEARN:**

Management. And if the Detectives Association feels that it's within their job authority or within their job description that they have to do it, if they are doing it within Suffolk County PD jurisdiction, that's what they'll continue to do. But if they're not doing it and it's decided by the Sheriff and the Police Department that Suffolk County PD Megan's Law Unit is not doing Southampton's, then it makes sense that the Sheriff should be doing what Suffolk PD isn't doing, because there's no argument there.

**P.O. LINDSAY:**

Okay, but it gives -- the resolution gives broad authorization to both of them to work it out. Legislator Mystal, you're between us and lunch.

**LEG. MYSTAL:**

I don't have any questions for Ms. Ahearn. I just want to say, you know, why are we getting bogged down on ministerial problems?

**P.O. LINDSAY:**

We shouldn't.

**LEG. MYSTAL:**

Whether you agree with the bill or not, it's just Suffolk County law enforcement, the money to pay it and then let them deal with it.

**P.O. LINDSAY:**

Well, Legislator Browning named both law enforcement agencies within our County, it gives them broad authority to do this, it's up to them to work out the jurisdiction.

**LEG. MYSTAL:**

Yeah. Why are we getting bogged down on it?

**P.O. LINDSAY:**

Okay. Any other questions?

**LEG. BROWNING:**

Can I answer?

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

One of the reasons why I did this was because in my district we have had a couple of incidents where sex offenders who were supposed to be living in one location were not living at that location, so that's why I feel this bill is very important, so that we can proactively check; they claim to live at 2 Smith Street but they're not living there, they're living somewhere else. I don't know yet if it's a felony, Laura can answer on that one, but it is an offense not to live where you say you're registered to live. And I know that the Police Department are saying that they do do proactive checking, you know, I hope they are, I hope they are, and that's the purpose of this bill.

I know currently there is a sex offender who just recently got out of jail and he's refusing to register, so now the police are looking for him. So we need to -- you have the Level I's, the Level II's, I believe it's one year, they register at one specific time and for a whole year they don't have to reregister. So within that one year period, we need to make sure that they're living where they're living and so that's the purpose of this bill.

**P.O. LINDSAY:**

Okay.

**LEG. BROWNING:**

I'm not going to micromanage and tell the Detectives they have to do it, it's strictly up to the commissioner.

**P.O. LINDSAY:**

Legislator Eddington, did you want to say something?

**LEG. EDDINGTON:**

I was just going to say that right now the Probation Department have ten sex offenders on GPS, and eventually when we get more moan for the technology we'll have a real minute-by-minute account for where they are.

**P.O. LINDSAY:**

But they're only the sex offenders that's on probation.

**LEG. EDDINGTON:**

Right.

**LEG. BROWNING:**

This is the ones who are not on probation, not on parole.

**P.O. LINDSAY:**

Legislator Browning's resolution goes beyond the people that are on probation.

**LEG. EDDINGTON:**

Got you.

**P.O. LINDSAY:**

Any other questions? Okay, we have a motion and a second.  
All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Cosponsor, Mr. Clerk.

**LEG. CARACAPPA:**

Yes.

**LEG. ROMAINE:**

Cosponsor.

**LEG. MYSTAL:**

Co, Tim.

**LEG. HORSLEY:**

Cosponsor.

**LEG. D'AMARO:**

Tim.

**LEG. STERN:**

Tim.

**P.O. LINDSAY:**

I'll entertain a motion to --

**LEG. ALDEN:**

Go to lunch.

**P.O. LINDSAY:**

Yeah, recess for lunch. Okay, see you at 2:30.

*(\*The meeting was recessed at 12:38 PM\*)*

*[TAKEN AND TRANSCRIBED BY LUCIA BRAATEN - COURT STENOGRAPHER]*

*(\*The meeting resumed at 2:30 P.M. \*)*

**P.O. LINDSAY:**

Okay. Mr. Clerk, can you call the roll when you get a chance?

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. CARACAPPA:**

(Not Present)

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

(Not Present)

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not Present)

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. STERN:**

Here.

**LEG. MYSTAL:**

D'Amaro, say yes.

**LEG. D'AMARO:**

Here. Sorry.

**LEG. COOPER:**

(Not Present)

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

(Not Present)

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Thirteen. (Not Present at Roll Call: Legs. Caracappa, Alden, Kennedy, Cooper and D.P.O. Vilorio-Fisher)

**P.O. LINDSAY:**

Thank you. Okay. We'll be going into Public Hearings. Mr. Clerk, has the notice of hearing been properly advertised?

**MR. LAUBE:**

Yes, they have. I checked them myself.

**P.O. LINDSAY:**

First hearing is *I.R. 1973-06 - Authorization of rates for the Fire Island Ferries, Incorporated*. And it looks like I got one speaker, George Hafele.

**MR. HAFELE:**

Good afternoon, Mr. Chairman, Members of the Legislature. My name is George Hafele. I'm the President of Fire Island Ferries in Bay Shore. We serve the west end of Fire Island from Kismet in the Town of Islip as far east as Ocean Bay Park in the Town of Brookhaven.

Since Fire Island Ferries' last fare increase in 2004, we've been experiencing a roller coaster ride in the price of fuel oil, gasoline, natural gas, and other forms of petroleum based energy products. In years past, the cost of fuel oil was determined by supply and demand. Fuel oil was most in demand during the winter heating season, when people needed to heat their homes and school buses were in full operation. The colder the winter, the higher the demand, the higher the cost, very simple economics. But in the global economy, the factors that cause price fluctuations are as widely divergent as the recent hurricane activity in the Gulf of Mexico, the war in the Persian Gulf, and elections in Venezuela. Futures contracts guarantee the oil companies revenue stability, while the spot market generates most of their profits. Instability is a profiteer's best friend. Witness the profits of Exxon Mobile in the Year 2006.

In 2006, Fire Island Ferries paid approximately \$200,000 more for fuel oil than in 2005. We did not spend \$200,000 in fuel oil, we paid \$200,000 more. The total bill was \$900,000. It was not that long ago when Fire Island Ferries could not achieve \$900,000 in revenue, much less be able to pay a \$900,000 bill.

Another component of our fare relief petition is the invocation of a cost of living adjustment provided to us by Chapter 287(3) of the Suffolk County Code. This provision will be dropped from our resolution before the fare increase vote takes place, because the COLA in itself is a bad idea. As written, it neither safeguards the interest of the Legislature, nor the ferry companies. What we need is a mechanism whereby the five ferry companies in Suffolk County can call upon the Legislature to respond to a gross rapid increase in the cost of fuel. In essence, a fuel strike price, which would trigger the option of an increase in fares when fuel prices exceed a preapproved level, and also a decrease in fares when price returns below that level.

I could speak for the other five ferry operators in Suffolk County when I say that we will meet anywhere at any time with the Legislature and its support staff to make this concept a reality. There is an element of fairness in this approach. Fuel charges are now -- fuel surcharges are now a fact of life in all phases of energy consumption. The uniqueness of this proposal will be the defined strike price, both as prices rise and as they fall. But energy costs are by no means the largest expenditure of Fire Island Ferries. The most volatile, yes. But like most other businesses on Long Island, our

most important, most expensive single investment is our workforce. A 2.3 million dollar payroll and over \$300,000 in employee benefits, profit sharing, an employee stock ownership plan, employer funded medical, long-term disability, life insurance, and a 401K match program are some of the necessities that we utilize in retaining our highly skilled workforce, not only for the continuity of the company, but also for the continued safety of our ridership. While the largest retailer in the world cannot find enough money in their billions of dollars in revenue to help defray their employees' medical costs, Fire Island Ferries continues to fully fund our employees' medical benefits and will continue to do so.

On Friday, February 2nd, I was informed that if this public hearing is not closed and a discharge petition not granted today, the resolution cannot proceed to a vote on March 6th. I respectfully request that the procedural technicalities be allowed to take place so that the past six months of dialogue between Fire Island Ferries and the Budget Review Office not be wasted. Thank you. And I'll take any questions.

**P.O. LINDSAY:**

I don't see any, George. And I wouldn't hang around too long if there isn't any immediate questions.

**MR. HAFELE:**

I'll grab my hat and I'm out the door.

**P.O. LINDSAY:**

There you go.

**MR. HAFELE:**

Thank you, Mr. Chairman.

**P.O. LINDSAY:**

Okay. I don't have any other cards on 1973. Is there anyone else in the audience who would like to speak on this matter? Seeing none, I will make a motion to close and to discharge this.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

You do it later?

**MR. NOLAN:**

Close it and they can make a motion.

**P.O. LINDSAY:**

Okay. Counsel is telling me I can't do both at the same time. So make a motion to close, and Legislator Barraga is -- second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Thirteen. (Vote Amended to 14 - Not Present: Legs. Caracappa, Kennedy, Cooper and Vilorio-Fisher)

**P.O. LINDSAY:**

Okay. Now I'll make a motion to discharge 1973 to the floor. It has to age an hour. Do I have a second?

**LEG. BARRAGA:**

Second.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern.

**LEG. ALDEN:**

On --

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

If this had to go back to -- which it would, it would go back to committee if this is closed, then it's eligible at the next meeting.

**MR. NOLAN:**

Six-month rule.

**LEG. ALDEN:**

What?

**P.O. LINDSAY:**

It's going to die because of the six-month rule.

**LEG. ALDEN:**

Okay, I get it.

**P.O. LINDSAY:**

If we don't feel comfortable after it -- after it ages for an hour, we can table it and -- you know, and act on it next month. Okay. Did you call the vote, Mr. Clerk?

**MR. LAUBE:**

No. You didn't say --

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Caracappa, Cooper and P.O. Viloría-Fisher)

**P.O. LINDSAY:**

Okay. It's discharged and will be aging an hour.

***J.R. 2045*** - I do not have any cards. It's a ***Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues***. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine, what's your pleasure?

**LEG. ROMAINE:**

Motion to recess this hearing.

**P.O. LINDSAY:**

Okay. Motion to recess.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Okay. We have a motion, Legislator Schneiderman seconded. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Caracappa, Cooper and D.P.O. Viloría-Fisher)

**P.O. LINDSAY:**

***2173 - A Local Law establishing crime prevention requirements for scrap metal dealers.***

**LEG. LOSQUADRO:**

Motion to recess.

**P.O. LINDSAY:**

Okay. I don't have any cards. Is there anyone in the audience that would like to address this subject? Seeing none, Legislator Losquadro has made a motion to recess. Are you seconding that?

**LEG. EDDINGTON:**

Yeah.

**P.O. LINDSAY:**

And Legislator Eddington is seconding that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Caracappa, Cooper and D.P.O. Viloría-Fisher)

**P.O. LINDSAY:**

***2268 - A Local Law to strengthen ATV seizure and forfeiture provisions.*** I don't have any cards in the audience -- I don't have any cards. Is there anyone in the audience that would like to speak on this subject? Being that I'm the sponsor, I'm going to make a motion to recess as well. I have talked to both the Police Commissioner and the Parks Commissioner to see if -- because we've had conflicting testimony on the provisions of the strengthening of the law. I asked if they could come up with a uniform policy and I haven't heard back from them yet, so I'll make a motion to recess.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Cooper)

**P.O. LINDSAY:**

Okay. ***2290 - A Local Law to require landlords to register with the Department of Probation prior to renting to Sex Offenders.*** And I have two cards. The first is Laura Ahearn.

**MS. AHEARN:**

Laura Ahearn, Executive Director of Parents for Megan's Law and the Crime Victims Center. We're supportive of 2290. I just had a few questions and a few points.

In Section 4, Registration Requirements, the landlord must complete a Department-approved training program on sex offender issues, and the training program has to be completed by the

landlord or by a person or agent who will actually manage or operate the dwelling. Does that mean that the landlord then can complete the class and the person on the property, who is actually going to be managing the property and overseeing the sex offenders, in certain cases, George, would they still be required to take that class, or can the landlord just take the class and be an absentee manager.

**MR. NOLAN:**

The way it's written now, it's either/or. So, if the landlord completed, the other person would not have to complete it.

**MS. AHEARN:**

So I would make a recommendation that the person actually managing the property would have to take the sex offender class, because it can be an absentee landlord and they wouldn't have the knowledge of the issues and the importance of the knowledge of the issues in order to ensure public safety.

Secondly, the landlord will pay a registration fee of \$500. Where is that registration fee going to go? Is that going back to the Department of Probation?

**MR. NOLAN:**

It would go to the General Fund.

**MS. AHEARN:**

Can it be directed to Probation to help cover the cost of the program?

**MR. NOLAN:**

That's sometimes a point of contention. But if we were going to go down that route, we'd have to put it in the law, and then we'd argue over whether or not we could do -- direct it to a particular department. I think we have done it in prior legislation.

**MS. AHEARN:**

And the program that's going to be developed by the Department of Probation, I know at other public portions, I have made a recommendation that that program be brought before the Public Safety Committee and approved first, because I think it's really important for the Public Safety Committee to have an understanding of what the sex offender issues are and what landlords and the property managers are going to be educated about. Thank you.

**P.O. LINDSAY:**

Thank you, Laura, for your comments and your input. Next card is Claudette Price.

**MS. PRICE:**

Yes, good afternoon.

**P.O. LINDSAY:**

Welcome, Miss Price.

**MS. PRICE:**

My name is Claudette Price. I live in Gordon Heights in the Gordon Heights Fire District, and, as you know, we have a terrible problem of sex offenders living in our district. Since the first of the year, when we went on familywatch.com, we have four new sex offenders living within our 1.7 mile area.

I just have one question about the bill. If a sex offender doesn't register with the Probation Department, will the Probation Department have any recourse, fine them, or prohibit them from renting? How would that work? I am just curious about that.

**P.O. LINDSAY:**

Our Counsel will answer you, Miss Price.

**MR. NOLAN:**

The law specifically only applies to registered sex offenders.

**MS. PRICE:**

And they have to register. But if they don't, what happens, if the landlord doesn't register, if a landlord rents to them? We have one house in Gordon Heights where it's a three bedroom house and 16 people were living in it, two of them were sex offenders. I doubt if these landlords are going to register.

**LEG. BROWNING:**

Don't they have a fine? Isn't there a fine if they don't register?

**MR. NOLAN:**

Well, yeah, there are penalties if they don't register. But the reason you would, in this particular law, limit it to registered sex offenders is that the landlord would be able to discover that they're sex offenders because of the registry they might -- they could access. Other people, you'd have to give the landlord the opportunity to be able to get the information he needs, otherwise it wouldn't be fair.

**MS. PRICE:**

I wasn't planning to speak, so I just thought I would, you know, come up and support the bill and reiterate again the problem we have in Gordon Heights and ask a particular question. Thank you.

**P.O. LINDSAY:**

Thank you, Miss Price. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on 2290? Seeing none, what would -- Legislator Browning, what would you like done with it?

**LEG. BROWNING:**

Well, I hate to say, I think I'm going to have to make a motion to recess so we can make some more changes.

**P.O. LINDSAY:**

Okay. There's a motion to recess. Do I have a second?

**LEG. ALDEN:**

Okay.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Caracappa, Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***2431 - A Local Law to reduce emissions of pollutants from diesel fuel motor vehicles operated on or behalf of Suffolk County.*** I do not have any cards on this subject. Is there anyone in the audience that would like to address us on 2431? Seeing none --

**LEG. STERN:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess by Legislator Stern. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Caracappa, Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***2441 - A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights.*** I do not have any cards on this subject. Is there anyone in the audience who would like to address us on 2441? Seeing none, Legislator Stern, what's your pleasure?

**LEG. STERN:**

Motion to recess.

**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:**

Fourteen. (Not Present: Legs. Caracappa, Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***2579 - A Local Law to broaden eligibility under the 72-h Transfer Program.*** I do not have any cards on this subject. Wait. Yeah, I was going to ask anybody wants to speak. I guess you want to speak, Ben.

**MR. ZWIRN:**

Just briefly. I had a chance to talk with Legislator Schneiderman, who's the sponsor of this bill. Commissioner Morgo called just a short time ago and he said he did have some people who would like the opportunity to speak on this bill, but could not be here today, so I've made a request of Legislator Schneiderman and make a request on behalf of Commissioner Morgo to the Legislature, just if we could have this recessed for one cycle.

**P.O. LINDSAY:**

Okay, thank you. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman, you're making a motion to recess?

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

Okay. Do I have a second?

**LEG. ALDEN:**

Yeah.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***J.R. 2596 - A Local Law to increase fines for violations of Suffolk County Consumer Protection Law.*** I don't have any cards on this subject. Is there anyone that would like to weigh in on this subject? I see Charlie Gardiner in the audience, Director of Consumer Affairs. Do you want to weigh in on this? No?

**MR. GARDINER:**

If anybody has -- just if anybody has any questions, Mr. Chairman. These proposed amendments to the Suffolk County Code will help to make more uniform some of the penalties and restrictions on certain license holders. It addresses some obsolete requirements, for instance, alarm systems that are no longer --

**P.O. LINDSAY:**

So your Department's in favor of these modifications?

**MR. GARDINER:**

Yes, we are, Mr. Chairman.

**P.O. LINDSAY:**

Okay. Thank you very much. With that in mind, I'll make a motion to close the hearing on this subject. Do I have a second?

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***2597 - A Local Law to strengthen and improve enforcement of occupational license laws.***  
And same thing.

**MR. GARDINER:**

Yes.

**P.O. LINDSAY:**

Director Gardiner is okay with these? Okay. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 2597? Seeing none, I'll entertain a motion. Motion by Legislator Eddington to close, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Montano, Mystal and Cooper)

**P.O. LINDSAY:**

***2598 - A Charter Law to amend Section C4-35 of the Suffolk County Charter.*** I do not have any cards on this subject. Is there anybody in the audience that would like to speak on this subject? Maybe I should ask what is C4-35?

**MR. NOLAN:**

It's the annual financial disclosure. It's an add-on. Do you want me to put that on the record?

**P.O. LINDSAY:**

Please, please.

**MR. NOLAN:**

Well, this affects the section of the Charter that has to do with the annual compensation disclosure that contract agencies have to do. This would add a new paragraph, would add new language stating that no contract agency that has incurred administrative expenses greater than 20% of reported program expenditures shall be eligible for County funding for any subsequent year until such time as those expenses come under 20% or it's approved by three-quarters vote of the Suffolk County Legislature, and that's what it does.

**P.O. LINDSAY:**

Did you want to comment on this?

**MR. ZWIRN:**

Yeah. We're working on this bill. We would ask for it to be recessed at this time for one cycle.

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

I make a motion.

**P.O. LINDSAY:**

Motion by Legislator Vilorio-Fisher to recess, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Cooper)

**P.O. LINDSAY:**

I'm glad I asked what that was. ***I.R. 2599 - A Charter Law to ensure a nonpartisan, fair and objective process by which Legislative districts are reapportioned.***

**LEG. LOSQUADRO:**

Motion to recess.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Well, I was going to ask if anybody in the audience wanted to ask about -- talk about it, you know. I have no cards. Anyone in the audience want to talk about this subject? Seeing none, I entertain a motion to recess by Legislator Losquadro, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. Check that, Fifteen. (Not Present: Legs. Barraga, Horsley and Cooper)

**P.O. LINDSAY:**

Okay. That concludes our Public Hearings for today. And I'd like to set the date for the following Public Hearings for Tuesday, March 6th, 2007, at 2:30 P.M., in the Rose Caracappa Auditorium, Hauppauge, New York:

**I.R. 1022** - A Local Law to prohibit the obstruction of County roadways. **I.R. 1051** - A Local Law to

permit polygraph examinations of civilian applicants to the Suffolk County Police Department, Sheriff's Department and District Attorney's Office.

**I.R. 1056** - A Local Law to enact Suffolk County Homeowners Protection Act.

**I.R. 1057** - A Charter Law to reform the Suffolk County Legislative Grant Process.

**I.R. 1079** - A Local Law to amend the County policy for sewer connections to promote affordable housing.

**I.R. 1143** - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers. **I.R. 1144** - A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species.

**I.R. 1148** - A Local Law to prohibit text messaging while driving.

**I.R. 1149** - A Local Law to regulate the use of outdoor furnaces in Suffolk County.

**MR. LAUBE:**

I need a motion and a second.

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

Oh, motion.

**P.O. LINDSAY:**

I need a motion to set those public hearings. Motion by Legislator Viloría-Fisher, I'll second the motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Barraga, Horsley and Cooper)

**P.O. LINDSAY:**

Twenty-five -- we're back into the agenda, top of Page 9. We're doing really good. **2535 - Adopting a Local Law to facilitate screening of hotline employees.** Do I have a motion, Legislator D'Amaro?

**LEG. D'AMARO:**

Yes, motion to approve.

**P.O. LINDSAY:**

Motion to approve. Do I have a second? Second, okay. Does anyone want to speak on the subject? Legislator Alden.

**LEG. ALDEN:**

First, I'd like an explanation.

**P.O. LINDSAY:**

Of what a hotline is?

**LEG. ALDEN:**

No. Facilitate the screening, because we have hotlines that Suffolk County runs, we have hotlines that not-for-profits run, we have hotlines that contract agencies run.

**P.O. LINDSAY:**

Okay.

**MR. NOLAN:**

This actually amends a law that was passed in 2005, which required hotline agencies that we contract with, that have contact with children who are victims of sexual abuse, that the employees of those agencies would have to be screened. There'd have to be fingerprints and there would have to be a background check, and that law is on the books. However, when the County went to implement that law, the Division of Criminal Justice Services said there were some shortcomings or

defects in the law that we had to correct before they would help us implement the law, that we could send fingerprints to them, they would give us back the criminal record for us to look at. This law makes those changes so that we can implement the law.

**LEG. ALDEN:**

Good. Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, and this is to Counsel as well. There are other hotlines that operate out there. The one that comes to mind I think is Response, which is not designed specifically for victims of child abuse, but nevertheless, may receive phone calls regarding that or a variety of other types of matters. Would that compel this agency to have to go ahead and undergo this process as well or no?

**MR. NOLAN:**

Well, I'm not completely familiar with the agencies, but the way the law is written is that if it's a hotline service that services children who are victims of sexual abuse, there's a requirement, they have to have their employees screened. And what -- exactly what groups that's going to apply to, I don't know. That's the language of the law.

**LEG. KENNEDY:**

Well, is it a fair interpretation, then, to say that it would be designed to have agencies whose primary mission is the service of child abuse victims comply, and if there are other agencies that incidentally have to go ahead --

**MR. NOLAN:**

Well, certainly, agencies that primarily do that, I would imagine they would certainly have to do the background checks.

**LEG. KENNEDY:**

Okay. And what about --

**MR. NOLAN:**

If they're under contract with the County of Suffolk, yeah.

**LEG. KENNEDY:**

Okay. But what about agencies that incidentally might have an occasional contact, will they be bound or no?

**MR. NOLAN:**

If they service that population on a regular basis, if it's an incidental and stray occurrence, probably not, but if it's something that happens regularly, even if it's a minority of what they do, they would probably have to have those checks performed.

**LEG. KENNEDY:**

All right. So I think what you're saying is, is that in this case, the example I used, Response, probably would not wind up being subject to this requirement.

**MR. NOLAN:**

If they don't serve that population, then they would not have to do it.

**P.O. LINDSAY:**

Legislator Nowick. Are you done, Legislator Kennedy? I'm sorry.

**LEG. KENNEDY:**

Yeah.

**MR. NOLAN:**

By the way, let me just reiterate, this law has been on the books since 2005. This is not new. This is tweaking the law so that we can actually implement it.

**LEG. NOWICK:**

George, I don't think we know if that Response services that population, because they don't know what kind of a phone call they're going to receive from a high school student. They might call and say, "My little brother is" -- they just don't know. But I wonder -- I think that Laura Ahearn had -- did you have a comment in Public Safety that you wanted to make on this, or you're okay with this?

**MS. AHEARN:**

We're okay with it as it is.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I think the law would apply to contract agencies that hold themselves out as providing what the title says, a child sex abuse hotline service. Okay? So it's really not who potentially could call in, because we never know the answer, as Legislator Nowick points out. But if you're specifically providing a contracted service to the County and holding yourself out as an agency providing a service for child sex abuse hotline services, then clearly, the law would apply to you. And I think the -- as our Counsel has pointed out, this law has been on the books a few years now. And certainly, anyone, any agency that's going to hold themselves out as servicing these children in need, certainly, I think we've all agreed in the past by putting these laws on the books, that those employees answering that hotline should be screened in advance and this law just implements that policy.

**P.O. LINDSAY:**

Okay. Everybody else okay? Nothing else? All right. We have a motion and a second on 2535.

**MR. LAUBE:**

Legislator Lindsay, could I get the second again, because you didn't call somebody. I had several people say --

**P.O. LINDSAY:**

Okay. I'm sorry. It the -- the motion was by Legislator D'Amaro, and the second was by Legislator Stern.

**MR. LAUBE:**

Thank you.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Barraga and Horsley)

**P.O. LINDSAY:**

***I.R. 2565 - Accepting and appropriating a grant in the amount of \$25,500 from the State of New York Governor Traffic Safety Committee for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement Program with 84.75% support.*** Do I have a

motion? Legislator Eddington makes a motion to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Barraga and Horsley)

**P.O. LINDSAY:**

***1008 - Accepting donation of two (2) all terrain vehicles, ATV's, from the Town of Brookhaven for the Suffolk County Police Department.*** Legislator Losquadro, what --

**LEG. LOSQUADRO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Barraga and Horsley)

### **PUBLIC WORKS AND TRANSPORTATION**

**P.O. LINDSAY:**

***2580 - Reappointing a member of the Suffolk County Traffic Safety Board, Andrea R. Neubauer.***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman. Do I have a second?

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Barraga and Horsley and D.P.O. Viloría-Fisher)

**P.O. LINDSAY:**

***2581 - Reappointing a member to the Suffolk County Traffic Safety Board, Steve Kamvakis.*** Do I have a motion? Motion by Legislator Browning, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Barraga and Horsley and D.P.O. Viloría-Fisher)

**P.O. LINDSAY:**

***2582 - Reappointing member to the Suffolk County Traffic Safety Board, John J. McGarvey.***

Same motion, same second, same vote.

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Barraga and Horsley and D.P.O. Viloría-Fisher).

**P.O. LINDSAY:**

***2584 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for 80% Federal Aid for Suffolk County Transit Bus Route S92 service enhancements.***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Barraga and Horsley)

**P.O. LINDSAY:**

***2585 - Authorizing the execution of agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest with Somerset Woods, LLC (BA 1459).*** Do I have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, second by Legislator Browning.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I'm not on Public Works, but I'll direct this to -- through the Chair to whoever can answer it. Somerset Woods, what are they?

**LEG. SCHNEIDERMAN:**

Do we have somebody from DPW to --

**MR. NOLAN:**

It's 271 apartments.

**LEG. ALDEN:**

But they are for profit? Hi, Gil.

**MR. ANDERSON:**

Hey, Cameron.

**LEG. ALDEN:**

Somerset Woods, as George just pointed out, they're an apartment complex, or proposed apartment complex?

**MR. ANDERSON:**

Yes.

**LEG. ALDEN:**

Are they existing already or --

**MR. ANDERSON:**

I don't know. It came through the -- I mean, as far as an organization, they've come through the Sewer Agency. But past that, I don't have any real detail on the organization.

**LEG. ALDEN:**

And do they have a set-aside for any -- you might not know this question -- the answer to it, but do they have a set-aside for any -- to make any of those units affordable?

**MR. ANDERSON:**

Again, I'm not prepared to answer anything on this one.

**LEG. ALDEN:**

I thought maybe George might have know.

**MR. NOLAN:**

The only attachment is the sewer agency resolution. It doesn't indicate that.

**LEG. ALDEN:**

Unfortunately, it might be a good -- it might be a good project, and it might be a positive thing hooking them up to Southwest, but it doesn't look like they've created any new jobs, it doesn't look like they've developed any economic activity that hadn't already existed. They're not providing any, or it doesn't appear that they are providing any affordable housing opportunities for anybody. So you have to question the wisdom of using up the precious resources that we have at Southwest and allowing this type of hookup. It doesn't even -- where are they? Do you know an approximate location?

**MR. NOLAN:**

It's by the Belmont Lake, by the State Park there, Babylon.

**LEG. ALDEN:**

There's probably an argument that could be made that, you know, if you have them do a normal discharge or a sewer system, that they could discharge and do something that's inconsistent with the best management of our underground water or even with the lake. But, still, we haven't answered any of the broader questions that have actually been coming up since they proposed this sewer district, like what areas are they going to cover, what people are we going to hook up, and what's a true criteria. This is a glaring example of why we really need to develop criteria. We really need to do it fast, because we're running out of -- we're running out of capacity at Southwest.

And I would just make a suggestion for future Public Works and Transportation Committee meetings. If you've got outside hookups for any of the sewer districts, you really have to explore those criteria, just to find out, you know -- those are the basic questions that we should be answering, because this is something that's -- if this is a for-profit -- if it's not-for-profit, this doesn't apply, but if this is a for-profit, we're actually enhancing that person's profitability at the expense of other taxpayers in Suffolk County and future economic growth or future growth of the Affordable Housing Program.

So I would hope that you would develop those questions in the committee process. If not, maybe even go back further than that, and the Sewer Commission, when they meet, I would hope that they would start looking at some of those questions. Thank you.

**P.O. LINDSAY:**

Legislator Romaine, you had a comment on this?

**LEG. ROMAINE:**

Yes. How many units are these apartments again?

**P.O. LINDSAY:**

He just gave -- what was the number, George?

**LEG. ROMAINE:**

I think it's 240, you said.

**MR. NOLAN:**

Two-seventy-one.

**LEG. ROMAINE:**

Two-seventy-one. How old are these apartment units?

**MR. NOLAN:**

I can't tell from the language in the backup resolution whether they're existing or proposed. It sounds like they're existing.

**LEG. ROMAINE:**

If they're the apartments, I think they have been -- they've been around for many, many years, and I'm wondering what they're using right now for sewer discharge. Do they have their own cesspool fields? Do they have septic systems? What type of system are they using now for their current disposal?

**P.O. LINDSAY:**

Legislator Schneiderman, as Chairman of Public Works, do you recall the answers to any of these questions?

**LEG. SCHNEIDERMAN:**

I don't. These all have gone through the committee.

**P.O. LINDSAY:**

Right.

**LEG. SCHNEIDERMAN:**

I don't if anybody -- Gil is here from the committee.

**MR. ANDERSON:**

I can't actually answer the question, but I can certainly provide that information, if this could be --

**LEG. SCHNEIDERMAN:**

Do you want to pass over it and we'll -- we can come back to it and give you the answer.

**LEG. ALDEN:**

We're going to be out of here in a little while.

**LEG. ROMAINE:**

Yeah.

**P.O. LINDSAY:**

Is this time sensitive? Maybe we should just table it or --

**LEG. ROMAINE:**

They're obviously hooked up to something now. I mean, when they flush it, it goes somewhere.

**P.O. LINDSAY:**

I mean, they're legitimate questions. And I know I sat in on Public Works. I don't remember the dialogue, to be truthful with you, but --

**LEG. MYSTAL:**

Mr. Chairman, I suggest --

**P.O. LINDSAY:**

Yes. Yes, Legislator Mystal.

**LEG. MYSTAL:**

I know where the apartment complex is, it's right over Southern State. I suggest that somehow that we table this and answer some questions that have been brought up, because I have the same question that Legislator Alden asked.

**P.O. LINDSAY:**

Okay. So would you like to make a motion to table?

**LEG. MYSTAL:**

I would like to make a motion that we table it.

**P.O. LINDSAY:**

Okay. And --

**LEG. MYSTAL:**

And, well, with a certain caveat to the Chair of the Public Works and Transportation, that somehow they analyze and scrutinize this project and other projects that will come in front of that committee a little bit further. As Legislator Romaine says, it's an existing development and it's not time sensitive at all.

**P.O. LINDSAY:**

Okay, okay. So we have a motion to table. And, Legislator Romaine, would you like to second that motion?

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Okay. And Legislator Alden, on the tabling motion.

**LEG. ALDEN:**

Just it's not going back to Public Works, so I would ask that --

**P.O. LINDSAY:**

The motion -- the motion is to table, not to recommit.

**LEG. ALDEN:**

To table, yeah, so I would ask that, you know, through the Chair, we have a report given to us.

**P.O. LINDSAY:**

Well, what I was just going to do, Mr. Anderson, if you would facilitate that.

**LEG. ALDEN:**

Good.

**P.O. LINDSAY:**

And, Mr. Schneiderman, Legislator Schneiderman, as the Chairman of Public Works, would you make sure that we have that information at the next meeting?

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

How is that for passing the buck?

**LEG. ALDEN:**

That is great, I like it.

**LEG. D'AMARO:**

Bill. Bill.

**P.O. LINDSAY:**

Yes.

**LEG. D'AMARO:**

Just on that motion.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to clarify what information we're expecting on these resolutions. Legislator Alden, I agree, I think we have legislation either laid on the table now or pending that starts to set the policy. So are we looking for information at the next meeting that whether or not these districts are fitting into the policy stated in that pending legislation? I just want a clarification on it.

**LEG. ALDEN:**

No, because that's not the law. Here's what we have. We're faced with a situation where 18 Legislators looking to the future of Suffolk County, how do we want to see that future progress? And if we want to prioritize economic growth, if we want to prioritize affordable housing and not the bailout of an existing for-profit corporation, I think that those are legitimate questions, whether we have, you know, that policy legislation that I laid on the table or not. These are questions that we really should be asking ourselves right now. What are we looking for as far as outside hookups? Do we want to see a benefit to the County of Suffolk, to the people and to the future, or do we want to just give away very precious resources to existing corporations?

There could be compelling reasons. For instance, if these guys have a -- if they have a leaching field, or somebody else has a leaching field, that's a compelling reason to hook them up possibly to one of our existing sewer districts. But we should really know that for the record, because I feel very uncomfortable about voting for something where we could be just bailing these people out. They could have a septic treatment system that has failed and it's going to cost them a million dollars. So, instead of paying a million dollars, they'll pay \$500,000 to hook up to our system.

I would feel more comfortable knowing the answers to those questions, and also in my mind, what

we're doing looking at the future than just going and voting on these resolutions to hook people up.

**LEG. D'AMARO:**

How are we going to get those questions answered at the next session?

**P.O. LINDSAY:**

Well, I just directed -- you know, the Commissioner of Public Works has agreed to come back with the research, because we don't have the answers here. And the Chairman of the Public Works Committee is going to make sure that that happens, that we have this information at the next meeting.

**LEG. D'AMARO:**

Okay.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Barraga and Horsley)

**P.O. LINDSAY:**

*Okay. 2586 - Authorizing an execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest with the Providence Project (IS-1331).*

**LEG. MYSTAL:**

Mr. Chair, if I may.

**P.O. LINDSAY:**

Yes, Legislator Mystal.

**LEG. MYSTAL:**

I think we have the same problem enumerated by Legislator Alden earlier on the earlier project. I think, you know, we need the detailed information for this project just as well, and this is -- I think it's the same kind of problem.

**P.O. LINDSAY:**

So are you making the motion to table?

**LEG. MYSTAL:**

Yeah, I was going to make the motion to table, unless somebody --

**LEG. ALDEN:**

I'll second that.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

And on that motion.

**LEG. MYSTAL:**

Also directing the Commissioner and the Public Works -- the Public Transportation Chair to come up with a bit more information.

**P.O. LINDSAY:**

I -- so we have a motion and a second on the tabling, but --

**LEG. ALDEN:**

Is there a time sensitivity to this one?

**P.O. LINDSAY:**

I don't know, I really don't know. But, you know, Legislator Schneiderman, maybe -- I mean, usually, when these come through committee, if they're approved by the Sewer Agency, they're almost treated in a pro forma manner. You know, maybe we should have a set of questions and criteria when these come up in the future, that we can answer these questions when they hit the floor, because --  
Mr. Anderson.

**MR. ANDERSON:**

If I may.

**P.O. LINDSAY:**

Yes.

**MR. ANDERSON:**

If I may, just all these questions, with the exception, I think, of the affordable housing question, are brought up at the Agency. I just don't know the details.

**P.O. LINDSAY:**

Okay.

**MR. ANDERSON:**

And I will provide them, if requested.

**P.O. LINDSAY:**

Okay. We have a motion to table and a second. I don't see -- All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Horsley)

**P.O. LINDSAY:**

***2587 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 1 - Port Jefferson with Liberty Meadows, LLC (Village Vistas) (BR-1425).***

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

Motion to table.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher to table, and second by Legislator Alden. And you would like the same questions answered?

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

No.

**P.O. LINDSAY:**

No?

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

This is a new development.

**P.O. LINDSAY:**

Oh, this is a new development, okay. But it's tabled, okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Horsley)

**P.O. LINDSAY:**

*2588 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Estee Lauder, Inc.*

**LEG. SCHNEIDERMAN:**

I'll make a motion to approve this one.

**P.O. LINDSAY:**

You're going to make a motion to approve? Legislator Schneiderman makes a motion to approve. Do I have a second?

**LEG. D'AMARO:**

What was the motion?

**P.O. LINDSAY:**

Motion to approve the hookup for Estee Lauder.

**LEG. D'AMARO:**

I'll second it.

**P.O. LINDSAY:**

They're already hooked up, this is additional.

**MR. NOLAN:**

Additional gallonage.

**P.O. LINDSAY:**

Additional gallonage, okay.

**LEG. MYSTAL:**

Yeah, they're already hooked up.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

I'll second it.

**LEG. MYSTAL:**

We hooked them up a long time ago.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. Any discussion? Legislator Alden.

**LEG. ALDEN:**

Was it developed at committee that this is actually going to provide more jobs?

**LEG. SCHNEIDERMAN:**

The question was not asked at committee whether it would provide more jobs.

**P.O. LINDSAY:**

Talk in the mike, please.

**LEG. SCHNEIDERMAN:**

The question was not asked at the committee if it was going to create more jobs. I know that you have a bill out there to set some of these standards, but that's not the law at this point. Most of these have been pro forma as they get out of the Sewer Agency. I don't know how long ago this went through the Sewer Agency, but it had the approvals. And if we're going to start establishing new criteria, it will obviously operate.

**LEG. ALDEN:**

Actually, this isn't new criteria. This is something that we, as Legislators, always set the policy in Suffolk County. And what we've done in the past, unfortunately, is we've allowed the Sewer Agency to take care of a whole big portion that was our responsibility. And I've asked for the past nine-and-a-half or nine years these same questions, when we're going outside a sewer district, and we still haven't, you know, taken on or taken back that responsibility on our own. And, unfortunately, there's a bunch of us that will be gone, and I don't mean -- I mean, I hope I'm not dead, but, you know, gone out of office when this actually hits and it really becomes critical, because there's limited amounts of sewer, whatever you want to call it, capacity in every one of these sewer districts, especially Southwest, unless you want to, you know, like quadruple the size of the plant, and I wouldn't have a problem with that either, but Legislator Horsley might.

**LEG. SCHNEIDERMAN:**

But, up until now, we've been allowing essentially what are essentially zoning decisions to be made by the municipalities. If we're going to start saying that, okay, you know, that -- you know, that's not appropriate for the community, or this business is good and this other business is not, now I do have a bill that I put forth, I introduced today that says, if you are providing housing, that a certain percentage of it has to be for -- you know, meet the County's definition of affordability, if you're going to hook up. We'll see how that fairs. But we basically have not in our debates been weighing the merits of the project, only the gallonage of capacity of, you know --

**LEG. ALDEN:**

Through the Chair. I have a major problem with what you just stated. These people are not in a sewer district. They have not been paying the tax in the sewer district, therefore, in the plan, when they created a sewer district, these people weren't even thought of, for the most part. So they are getting a huge economic gift, if you want to call it that, or whatever you want to call it, windfall, and these are for-profits.

**LEG. SCHNEIDERMAN:**

Cameron, I'm not with disagreeing you. I think we -- I think we ought to be looking at those things.

**LEG. ALDEN:**

Good. All right. I thought you said we shouldn't be.

**LEG. SCHNEIDERMAN:**

No. I'm saying we haven't.

**LEG. ALDEN:**

Okay.

**LEG. ALDEN:**

We haven't been. We just look at the outflow of these properties and we look at our capacity, but we haven't been looking at whether they're compatible with the County's overarching interest.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. And listening to the discussion, I also agree that maybe it's time we start setting some policy or injecting some policy, other policy considerations into whether or not we permit a sewer hookup from outside the boundary of the district. And we can debate that and talk about that, and I think we should do that. But I also just want to throw into the mix that there also is policy that has been implemented up until now discouraging the proliferation of smaller sewer treatment plants. And that's been a County policy, at least from my understanding, being on Public Works last year, that's been a County policy for many, many years. So there are many policy considerations going into this. There may be a facility out there that's old, that's aging, that could be replaced, but the County policy was in place where we were discouraging -- we were building these treatment facilities and, rather, having them hook into the sewer treatment plant. So I don't disagree with the other policy considerations, but I think we need to have a comprehensive list if we're going to go down that road. Thank you.

**P.O. LINDSAY:**

Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chair. Legislator Alden raises these critical issues, and I look forward to working with him and others who are interested in setting policy on how we go forward in allowing hookups to the various districts.

I think the question for me is at what point do we implement this type of policy-making procedure and who ultimately does it affect? I agree with the and support the previous tabling motions, because those are new hookups. This one before us now appears to be just an additional hookup, that they are already hooked into the system for an allowable 52,840 gallons. This is an additional 15,000. They're already in the system. We're not going to have a large company, a large operation put the additional gallonage someplace else at this point. So, for me, this one perhaps is something that we look at a little differently.

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

Legislator Mystal.

**LEG. MYSTAL:**

I just want to alert some of the Legislators that, yes, in the past, maybe we have not looked at, you know, how capacity is doled out or meted out in the district, because we have a large amount of gallonage left over. What's happening in, you know, Southwest District No. 3 is that because of outside hookups and because of future hookups, that we are looking to the development of the 110 Corridor of places in Islip and also in Wyandanch, we are beginning to reach capacity. We have reached capacity already at Southwest District. We augmented the capacity not too long ago by giving them a grant, about five million dollars to augment the capacity. But we are getting close --

**LEG. HORSLEY:**

Five million gallons.

**LEG. MYSTAL:**

Five million gallons. We are getting close to where we are at full capacity. And the problem is that, you know, everybody wants economic development, but nobody wants to talk about a new sewer district. We need new sewers, period, if we're going to have economic development in Suffolk

County, but, in the meantime, nobody wants them in their backyard. This happens to be in my town and in Legislator Horsley's district, and he lives right around the corner from it. When the wind blows, he can smell it.

The problem is that, you know, the reason why we raise this question is not so much because we don't want economic development, it's not because we don't want new hookup, the point -- there are two questions. One the ratepayers for that district have been paying for years and not getting any of the services, people in Islip and in the Town of Babylon. They haven't gotten any services, because they're not hooked up to the sewer district.

Number two, a question of gallage, a question of capacity. How far more -- how much more can we afford to hook up outside district and keep doing it before we reach capacity, you know, with what we have? I don't have any problem in promoting economic development. We need jobs, we need new housing. That's not my problem. My problem, again, we have to start as a body setting up some kind of a policy as to how we're doing that? And Legislator Alden has been, you know, a champion in that course for awhile now and I've been, you know, part of his championing. And I really agree with him when he questioned this thing as to why do we have to do this. Is it promoting economic development, is it bringing more jobs, or is it just more capacity and we're just saying, "Oh, go ahead, you can have it"?

**P.O. LINDSAY:**

Maybe it's because they need some perfume added to the sludge. Legislator Alden.

**LEG. MYSTAL:**

Check with Pepe LePew.

**LEG. ALDEN:**

If that's what comes out of the testimony, that they're going to discharge some sweet smelling something into this, then that's a positive, especially for Legislator Horsley, who lives right near the plant. But I will not apologize for asking questions when we're taking major actions here that are going to affect the future, and it's going to affect the economy, it's going to affect the future growth, the ability to provide affordable housing. I don't apologize for asking questions, because I'm never going to be a rubber stamp for these kind of resolutions, and the transparency is demanded. The people, especially the people who live in the Southwest Sewer District, they demand of their Legislators an explanation why certain fees are being charged and why they've had to pay certain fees for 40 years, and why other people haven't paid into it at all and are allowed to hook up into that system. So I'm not going to apologize for, and it's not wasted time, but taking the time to ask the same questions. And I would hope that all of us would take an active role in asking those questions, because this is us deciding the future for Suffolk County, and it's not something to be, you know, like either laughed off or just brushed off, this is a very serious business.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I agree with Legislator Alden. And for the better part of last year, we did talk about these issues many, many times as far as policy goes. But again, I think not only are we dealing with the impacts to Sewer District 3, but we also had those impacts that come from the other districts as well by way of the sludge. And the sludge, again, it's not exactly, you know, the most palatable topic for discussion, but as we add to the capacity, vicariously, what we're doing is, is we're adding to our cost for having to go ahead and ship it out as well. And while we make the individual decisions about businesses and entities connecting here, we've still not resolved what it is that we're doing with the end product other than sending it to some other state, because we can't come to terms with how to remedy it here. So I think that, you know, I agree with Legislator Alden, it's got to be clearly some kind of a decision that we make and we can't make it piecemeal.

**P.O. LINDSAY:**

Okay. Is there anyone else on this? You know, maybe before we vote -- we have a motion to approve on this. I don't have my screen up. Counsel, could you tell us the capacity? This is in addition to a facility that's already hooked up to the sewer district?

**MR. NOLAN:**

It already hooked up. This would authorize an additional 15,000 gallons.

**P.O. LINDSAY:**

Fifteen thousand gallons, okay.

**LEG. SCHNEIDERMAN:**

Was there a motion to table as well?

**P.O. LINDSAY:**

There is no motion to table, it's just to approve. Legislator D'Amaro, did you want --

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

-- to add another comment?

**LEG. D'AMARO:**

Just two things very quickly. The other -- another policy consideration would just be groundwater protection. If a plant has an alternative of building a sewer treatment plant or putting in a septic system, and if we don't want to have smaller sewer treatment plants located throughout Suffolk County, we might want to also think about groundwater and what recharge zone is it in, and things like that.

The other question I had is, if we can find out from DPW today, what is the remaining capacity of the Southwest Sewer District, if we know that, through the Chair?

**P.O. LINDSAY:**

Do you know that off the top of your head, Commissioner Anderson?

**MR. ANDERSON:**

I don't have the exact number, but I know it's over a million gallons. We are in the process of looking to expand the plant. I can certainly get you all the detailed information.

**LEG. D'AMARO:**

I appreciate that. I recall on Public Works last year --

**P.O. LINDSAY:**

I see you, I see you.

**LEG. D'AMARO:**

I'm sorry?

**P.O. LINDSAY:**

No, another Legislator is trying to catch my attention.

**LEG. D'AMARO:**

I recall last year at Public Works with I guess your soon-to-be predecessor stating to the committee that the capacity was 1.5 million gallons as of about three or four months ago.

**MR. ANDERSON:**

Yes.

**LEG. D'AMARO:**

All right, thanks.

**P.O. LINDSAY:**

Could we do this, I mean, and again, I'll go back to you, Legislator Schneiderman, could, at the next Public Works meeting, could we have a report from the Sewer Agency as far as capacity at Southwest, and may we -- you know, this criteria of what questions that should be uniformly answered and --

**LEG. SCHNEIDERMAN:**

Sure, I will.

**P.O. LINDSAY:**

Which probably a lot of them are already answered -- asked at the Sewer Agency, but --

**LEG. SCHNEIDERMAN:**

We can get a report. I'll work with Mr. Anderson and Mr. Wright. I do notice that Bill Hillman has joined us now as well, and it's possible that he might be able to answer some of the questions that have come up.

**MR. ANDERSON:**

With regard, and no disrespect to Bill, I don't think he would have all the -- any of the details on that.

**P.O. LINDSAY:**

He isn't a Sewer Agency guy.

**MR. ANDERSON:**

He's more the -- he's the --

**P.O. LINDSAY:**

Road guy.

**MR. ANDERSON:**

He's our Chief Highway Engineer.

**LEG. SCHNEIDERMAN:**

Okay.

**P.O. LINDSAY:**

Okay. All I'm trying to do is to avoid that situation, when we have a light agenda, we find a way of lengthening it, so --

**LEG. MYSTAL:**

That's true.

**P.O. LINDSAY:**

But I want everybody's questions -- Legislator Stern, you had a --

**LEG. STERN:**

No, no.

**P.O. LINDSAY:**

No? Legislator Mystal.

**LEG. MYSTAL:**

My question is to the Department of Public Works. Two things that should come back as a report to us. When they figure out the gallonage that is left over, the capacity that's left over, would they include the capacity that has already been committed, but not yet tapped in, because that's one of the problems we are having. We are committing gallonage for the future that's not really tapped in. That's number one. Number two, does that include the addition of 5 million gallons that we supposedly were going to increase in the capacity? Those two figures have to be -- have to come in, commitment for future gallonage -- for future gallonage and whether or not we are already including the five million that we have in there.

**MR. ANDERSON:**

If I might, that -- the first question with regards to the 1.3 million, that includes capacity that's already been taken, including --

**LEG. MYSTAL:**

Committed.

**MR. ANDERSON:**

Committed.

**LEG. MYSTAL:**

But not tapped in.

**MR. ANDERSON:**

Yes. It does not -- that 5 million dollars is not -- sorry. The 5 million gallons is not included in that number.

**P.O. LINDSAY:**

All right. Yeah, Legislator Kennedy.

**LEG. KENNEDY:**

Again, Mr. Chair, I guess, if I can either add to your request to Legislator Schneiderman and/or maybe Mr. Anderson can answer us. Fifteen thousand gallons of additional capacity, what does that translate to, as far as sludge goes? How much additional do we have and what are we adding to, as far as the transport goes?

**MR. ANDERSON:**

I can get you that information, I don't know that.

**LEG. KENNEDY:**

I think that it's something that's pertinent or relevant that we look at as well, because each time we're adding flow capacity, I assume that we're increasing the amount of end product that we're shipping out. And we do pay by the ton, as far as shipping, don't we?

**MR. ANDERSON:**

Yes, we do.

**LEG. KENNEDY:**

So, we've got a back-end cost that we're looking to -- that we incur as we go ahead and wind up with this. I think it's a number that we ought to at least be able to look at as we make these decisions to connect. We are ratcheting up our expense at the end of this cycle.

**P.O. LINDSAY:**

And I don't mean to extend this debate, and we'll take the vote on this, but the -- any time -- you

know, the conversation seems to be going towards, because you want to hook up to a sewer district, that you're doing something to profiteer, or whatever. There's other sides of the issue, too. I mean, just recently, I've had a leaching pool from an apartment complex that we found out is in -- because of the high elevations of groundwater, is in the groundwater. You know, we -- there's absolute times when hooking up to the sewer district will make a difference in whether a company stays here or comes here. So, definitely, as an economic development side of the equation, the whole idea is how do you balance all of these things. And I think what Legislator Alden would like to see is some kind of standard format questioning on these and answers that it will help us to judge these as we go forward.

**LEG. KENNEDY:**

Mr. Chair, if I can just add one statement to that. Legislator Nowick and I have a resolution to expand Sewer District 6. And I agree with you 110%, it's designed to go ahead and promote flexibility and downtown revitalization and affordability of accessory apartments and housing. However, as I guess I've tried to ask for as we look at this, I do believe that we do need to go ahead and at least be cognizant of the costs throughout the whole continuum in the process.

**P.O. LINDSAY:**

I'm not questioning that at all.

**LEG. KENNEDY:**

Okay.

**P.O. LINDSAY:**

I'm just looking for a balanced approach to the whole issue.

**LEG. KENNEDY:**

Of course.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Abstain.

**P.O. LINDSAY:**

One abstention. **2589.**

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Horsley)

**P.O. LINDSAY:**

***Authorizing the execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest with HUB properties (HU-1554).*** Do I have a motion?

**LEG. MYSTAL:**

What's a hob.

**P.O. LINDSAY:**

Not hob, HUB.

**LEG. MYSTAL:**

HUB. Just for the matter of discussion, I make a motion to table, but, you know --

**LEG. ALDEN:**

Second.

**LEG. MYSTAL:**

And I just wanted to know, what's a HUB property?

**LEG. KENNEDY:**

It's a truck yard.

**LEG. MYSTAL:**

Is that a truck yard?

**MR. NOLAN:**

It's an existing office industrial complex, 131,000 square feet, in Melville.

**P.O. LINDSAY:**

And what is the additional flow that they're looking for?

**MR. NOLAN:**

The gallonage is -- they're not hooked up.

**P.O. LINDSAY:**

They're not hooked up.

**MR. NOLAN:**

They're not hooked up, but the park already exists. The gallonage is 20,000 gallons per day.

**P.O. LINDSAY:**

Okay. So this isn't an addition, this is a new hookup of an existing facility.

**LEG. MYSTAL:**

I definitely would like to --

**P.O. LINDSAY:**

We have a motion to table and a second.

**LEG. MYSTAL:**

On the motion, Mr. Chair. Motion to table with the caveat that they bring back information.

**P.O. LINDSAY:**

Yeah. I think that --

**LEG. MYSTAL:**

The same information that we requested.

**P.O. LINDSAY:**

I think that's understood, that all of these applications we want further explanation.

**LEG. MYSTAL:**

I just don't want to leave it to chance, because somehow --

**P.O. LINDSAY:**

We have a motion and second.

**MR. LAUBE:**

No, you don't have a motion and a second.

**P.O. LINDSAY:**

Yes. We have a motion to table by Legislator Mystal.

**MR. LAUBE:**

I heard that.

**P.O. LINDSAY:**

And a second by Legislator Alden. All in favor? Opposed? Abstentions to table?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2590 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with 245 Old Country Road Building (HU-1551).*

Do I have a motion?

**LEG. MYSTAL:**

Old Country Road?

**LEG. ALDEN:**

Motion to table.

**P.O. LINDSAY:**

A motion to table. Do I have a second?

**LEG. MYSTAL:**

Yeah, I'll second.

**P.O. LINDSAY:**

Okay.

**LEG. MYSTAL:**

Old Country Road?

**P.O. LINDSAY:**

It's on the corner of Route 110, just south of the Northern State Parkway is Old County Road.

**LEG. MYSTAL:**

Whoa, we're going way up.

**LEG. ALDEN:**

Well, it might be okay, but we need the information.

**P.O. LINDSAY:**

No. I think the sewer district -- I mean, Walt Whitman Mall is hooked into the sewer district, which is further north than that.

**LEG. HORSLEY:**

Yeah, that was an add-on, too.

**LEG. MYSTAL:**

It's an add-on.

**LEG. HORSLEY:**

That's not in the district, though.

**P.O. LINDSAY:**

No, it's not in the district, but it's hooked up to it. And, you know, the question that I have -- we have a tabling motion on 245. Is this -- is this building already hooked up, or is this -- I know it's an existing building.

**MR. NOLAN:**

Not hooked up.

**P.O. LINDSAY:**

Not hooked up. So they're looking to hook up an existing building into the Sewer District. It seems -- okay, 7,700 gallons it is. Okay. So we have a motion to table and a second. All in favor? Opposed? Abstentions? And I would ask --

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

-- for more details on that hookup as well.

***2591 - Authorizing the execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 11 - Selden with 34 Myrtle Lane (BR1562).***

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

Where is this?

**P.O. LINDSAY:**

Well, let me get a motion first. Is there a -- is there a motion?

**LEG. ALDEN:**

I'll make a motion to table.

**P.O. LINDSAY:**

Motion to table --

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

-- by Legislator Alden, seconded by Legislator Stern.

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

Okay. On the motion.

**P.O. LINDSAY:**

Now on the motion, questions.

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

I have a Myrtle Avenue in Port Jefferson, but I don't think this would be it. That would be --

**LEG. CARACAPPA:**

It might be.

**MR. NOLAN:**

It says Coram.

**LEG. CARACAPPA:**

It's Coram?

**MR. NOLAN:**

It says Coram in the legislation.

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

No, it's the Selden Sewer District, but --

**LEG. CARACAPPA:**

Yeah, it's Coram.

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

Oh, it's Coram?

**LEG. CARACAPPA:**

It says Selden, but it's not. It's --

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

That's the sewer district, right.

**LEG. CARACAPPA:**

The sewer district isn't even in Selden, it's actually in Coram. And most of -- 99.99% of the hookups into that is in the Coram side of Old Town Road. Everything east and north and nothing -- well, very little on the --

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

So, is it --

**LEG. CARACAPPA:**

West of Old Town Road.

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

Dan, is it your district or a part of mine? I don't recognize the address.

**LEG. LOSQUADRO:**

I was just going to ask perhaps if DPW, maybe, Bill, if you knew where exactly this was located, 34 Myrtle Lane, tying into Sewer District 11?

**LEG. SCHNEIDERMAN:**

Why don't we just table it. We're going to get a full report of it.

**LEG. LOSQUADRO:**

All right.

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

Yes.

**MR. NOLAN:**

It's a two-unit subdivision that's hooking up.

**LEG. LOSQUADRO:**

We'll table it.

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

It's a two-unit subdivision?

**MR. NOLAN:**

Subdivision, according to the --

**LEG. LOSQUADRO:**

Oh, I do recall this one, that's right. I'll make the motion to approve this one.

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

I'll second that.

**P.O. LINDSAY:**

All right. We've got a motion to approve by Legislator Losquadro, a second by Legislator Vilorio-Fisher.

**LEG. ALDEN:**

I'll withdraw my tabling motion.

**P.O. LINDSAY:**

Withdraw the tabling motion.

**LEG. ALDEN:**

But on the motion to approve.

**P.O. LINDSAY:**

On the motion to approve, Legislator Alden.

**LEG. ALDEN:**

Through the Chair, Legislator Losquadro, can you just explain, then, what this is and why they're hooking up and they're outside the district?

**LEG. CARACAPPA:**

I don't think they're outside the district.

**LEG. LOSQUADRO:**

It's not outside the district.

**LEG. ROMAINE:**

It's within the district.

**LEG. LOSQUADRO:**

It's within Sewer District 11. Through the Chair, it's -- I don't believe this is outside of Sewer District 11.

**LEG. ALDEN:**

But you don't need a -- you don't need a resolution to hook up if you're inside the District.

**MR. NOLAN:**

The resolution says it's outside the district.

**LEG. LOSQUADRO:**

To my understanding, I think some of the -- if I'm remembering correctly, some of the surrounding areas were hooked up, but this was a new -- some new construction within the area that they wanted to tie in.

**LEG. ALDEN:**

Is this commercial or residential?

**LEG. LOSQUADRO:**

I believe it's residential.

**LEG. ALDEN:**

But correct me if I'm wrong, to Legislative Counsel, you don't need a resolution to hook up if you're inside a sewer district.

**P.O. LINDSAY:**

Counsel said it's outside.

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

It might be right outside.

**P.O. LINDSAY:**

Counsel said it's outside.

**LEG. LOSQUADRO:**

It is outside, Counsel.

**LEG. ALDEN:**

All right.

**LEG. LOSQUADRO:**

I'm really sort of flying by the seat of my pants, I have to be honest with you. I recall some of the discussions regarding this, but I don't recall the particulars. That's to the best of my recollection. If you'd be more comfortable holding this until we get a full report on it, I'd be happy to do so.

**LEG. ALDEN:**

All right. That's okay, then. Yeah, if it's all right.

**LEG. LOSQUADRO:**

I'll withdraw the table -- the approval. I'll let the tabling stand.

**LEG. ALDEN:**

Then I'll remake the motion to table.

**P.O. LINDSAY:**

You guys are confusing me. The motion to approve has been withdrawn. The motion to table has been reinstated.

**LEG. ALDEN:**

Yes.

**P.O. LINDSAY:**

And I need a second to the tabling motion.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. Okay. All in favor? Opposed? Abstentions on the tabling motion?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Eighteen, okay. Now that we got through the sewer hookup, let's see if we can get hung up on the reappointments.

2591, authorize -- oh, we did that one. ***2604 - Reappointing a member of the Suffolk County Traffic Safety Board, Robert Pearce.*** Do I have a motion on the reappointment of Mr. Pearce? Someone?

**LEG. NOWICK:**  
Motion.

**LEG. MYSTAL:**  
So made, motion.

**P.O. LINDSAY:**  
Motion by Legislator Mystal, Legislator Nowick seconds it. Traffic Safety, okay, it's on the public -- okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
***2605 - Reappointing a member of the Suffolk County Traffic Safety Board, Karl W. Klug.***

**LEG. KENNEDY:**  
I'll make a motion.

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

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
***2606 - Reappointing member of Suffolk County Traffic Safety Board, Marc H. Auerbach.*** Do I have a motion?

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

**LEG. HORSLEY:**  
Second.

**P.O. LINDSAY:**  
Motion by Legislator Schneiderman? Who seconded over there? Second?

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

**P.O. LINDSAY:**  
Legislator Horsley seconds it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**

**1007 - Confirming appointment of Commissioner of Public Works, Gil A. Anderson.**

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

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

You thought he was just here to answer the questions about the sewer districts, huh?

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

We have a motion by Legislator Viloría-Fisher, seconded by Legislator -- oh, if you don't mind, Legislator Schneiderman would like to second that; okay?

**LEG. ALDEN:**

That's fine.

**P.O. LINDSAY:**

Is there any questions of Mr. Anderson? Legislator Kennedy.

**LEG. KENNEDY:**

I'll jump in the fray, why not? Mr. Commissioner, first of all, congratulations.

**MR. ANDERSON:**

Thank you.

**LEG. KENNEDY:**

You go into this with eyes wide open, huh?

**MR. ANDERSON:**

Yes, sir.

**LEG. MYSTAL:**

Why?

**LEG. KENNEDY:**

My observation of dealing with you over the last eight or nine months has been that you have been excellent as far as your information, referral. I know I have a tremendous amount of requests that come to you out of my office. I know that we've dealt with groundwater issues more than probably you or I ever cared to. As a matter of fact, I just saw your correspondence about the viaduct under County Road 16, which I appreciate.

The request that I'll make of you, I guess, is a request I -- it seems that I share this with folks that come before us on a regular basis. Keep doing the good work that you do, but bring forward to us what you identify you need in order to go ahead and meet the requests that I have and that all of my colleagues have, because I know every one of us bombard your department with requests that run the spectrum, from mosquitoes, to roads, to debris, to everything. And what I'll ask of you is that in your assessment, identify what your needs are and bring them to us so we can hear what they are. We're going to keep requesting stuff from you, make no mistake about it.

**MR. ANDERSON:**

Understood.

**LEG. KENNEDY:**

But just when you see that you need engineers or folks to make these things happen, please bring them forward.

And the other request that I'll have for you in particular is, and you know from where I was at last year in Public Works, I've got a keen interest in the Jail. I don't have the opportunity to sit there each month now and ask you about it, but I still would like to hear where things are going, because there's been an awful lot of discussion over the past couple of years about it. So please bring that forward to us so we can hear about it, as far as progress goes.

**MR. ANDERSON:**

Okay, absolutely.

**LEG. KENNEDY:**

Thank you.

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

I'll yield.

**P.O. LINDSAY:**

Legislator Alden is next, and then I'll get to you Legislator --

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

Schneiderman.

**LEG. ALDEN:**

I'd just like to put on the record that I actually, when I worked as an attorney with the Community Development Agency, I worked with Mr. Anderson. He's an outstanding individual and he's outstanding as far as the performance in his duties in that capacity, and we did a lot of real good affordable housing projects. I know you were a resident of Suffolk County at that time. Are you still?

**MR. ANDERSON:**

Yes, I am.

**LEG. ALDEN:**

Thank you. Thanks.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. Commissioner, I'm sure you're going to be confirmed today and you're going to continue in the job that you're doing. One of the things that troubles me, and I really need your Department to take a careful look at it, is the state of dredging in this County. We have a backlog of dredging projects that is growing expeditiously each day. Now, if a Dredge Screening Committee approves a project, unless someone on a higher floor of government in the 11th calls, that project is five years before it is actually realized. The growing length of these projects, the fact that creeks are shoaling

up, it's not only presenting a health emergency, but, as I'm sure you realize, in the Nassau-Suffolk region, dredging, the marine industry is a 1 billion dollar industry. From people, commercial fisherman, recreational fishermen, and those who service them, the marine yards, bait and tackle shops, and other off-spins of that industry suffer when dredging is affected. It affects the economy, and it particularly affects the East End, where you have more than two-thirds of the coastline of Suffolk County located, both on the North and the South Fork. The complaints I am getting not only deal with Public Works, but also deal with the permit process, particularly from the Army Corps of Engineers.

**MR. ANDERSON:**

Yes.

**LEG. ROMAINE:**

I'm making this a concern, because I know the East End Supervisors Mayors are meeting, and at their next meeting, this is going to be one of the issues that are going to be discussed. I'm sure you heard this from many, many people and people are beating on you. I don't know why you would want this job, because I can only think of people knocking on your door, asking for things that you probably can't deliver.

So I would also ask you to take a careful look at some of the traffic situations on County Road 111 in Manorville, which has a high, very high rate of accidents. County Road 58, which is a sales tax generator for this County, that's where all the major stores, Tanger and all the other major stores, Target, Walmart, Home Depot, et al, are located in Riverhead along a three, four mile stretch that is nothing but clogged traffic.

So, I mean, traffic conditions and dredging, obviously, are concerns that I would bring to your attention. And County Road 48, although it's heavily traveled and it's well constructed, obviously, we have some concerns about having guardrails to prevent cross accidents that occur there. So I just make you aware of that. You know about this, because there aren't too many days that go by that I'm not calling you up about -- you or Bill, or someone about something.

**MR. ANDERSON:**

Understood.

**LEG. ROMAINE:**

Thank you.

**P.O. LINDSAY:**

That was a great question and a very distinct answer. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I guess I should start by saying congratulations, Mr. Anderson.

**MR. ANDERSON:**

Thank you.

**LEG. SCHNEIDERMAN:**

And I did ask you numerous questions in the committee, but let me ask you specific questions here on the floor.

Back in December, our Comptroller, Joe Sawicki, put out a report blasting DPW for collusion among suppliers, various issues concerning purchasing within the department. The public, obviously, is looking for reform, they're looking for individuals who they could put their faith in. What steps will you take to clean up the purchasing process within DPW to restore our faith in the process?

**MR. ANDERSON:**

Well, I've been working with staff actually to respond to Mr. Sawicki's report. While there are some issues, and a good number of issues that he was dead on and we are looking at improving, there are some that were just I would say procedural. You know, the collusion that you mentioned was addressed and by the Federal Courts and did not impact -- did not reflect our Department. But the other items we are working with Joe on. We are working in-house to improve the purchasing. And, you know, there will be actually a response that I'll copy you on when I send it over to Joe confirming this.

**LEG. SCHNEIDERMAN:**

I would at some point like to discuss those findings with the Committee, and have you respond as well to the Committee members.

**MR. ANDERSON:**

Sure.

**P.O. LINDSAY:**

Okay. Is everybody okay? Legislator Viloría-Fisher.

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

I was very proud to make the motion to approve your position --

**MR. ANDERSON:**

Thank you.

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

-- as Commissioner. I know you're a man of integrity and great character. Mr. Anderson is my constituent. And listening to the remarks around the horseshoe, you're certainly very well aware that many of us have a variety of interests, and I have a very keen interest in green buildings. And we haven't yet begun the construction of our first LEED certified building. We've been waiting for the Fourth Precinct to get underway.

**MR. ANDERSON:**

Yes.

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

And, of course, any upcoming projects which are over a million dollars, which is easy these days, are to be built according to LEED standards.

**MR. ANDERSON:**

Right.

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

So I'm hoping that you will keep me apprized of any progress that we make with moving on with LEED buildings. When I first introduced my legislation, we would have been probably one of the first, maybe the first County in the United States to have this program. Now it's almost becoming commonplace throughout the United States. So I really am hoping that we can move quickly in making this happen. Congratulations, Gil.

**MR. ANDERSON:**

Thank you.

**P.O. LINDSAY:**

Okay. If I have no other questions of Mr. Anderson, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. ANDERSON:**

Thank you very much.

**P.O. LINDSAY:**

Mr. Anderson, I would suggest that that's the conclusion of the Public Works calendar.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

I would get the hell out of here before they ask you anymore questions about Sewer Agency stuff.

*(Applause)*

Okay. I'm going to go back to **1973**, which we discharged and let lay on the table for an hour. And I'm talking about the alteration of rates to the Fire Island Ferries, Incorporated. I'm going to make a motion to table this resolution to keep it active, that the process doesn't have to start again, and that there is still some questions about the agreement that we'll address at the next meeting.

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

I'll second the tabling motion.

**P.O. LINDSAY:**

Second by Viloría-Fisher.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

If we're going to take it up and go into this resolution in depth at the next meeting, can --

**P.O. LINDSAY:**

Well, we have to bring it to some conclusion --

**LEG. ALDEN:**

Right.

**P.O. LINDSAY:**

-- because we're about -- we're getting close to the season.

**LEG. ALDEN:**

Because can we modify that resolution at that point in time and then pass it?

**P.O. LINDSAY:**

Counsel?

**MR. NOLAN:**

It can undergo modification.

**LEG. ALDEN:**

Good.

**P.O. LINDSAY:**

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

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

Table.

**P.O. LINDSAY:**

Table.

**LEG. ALDEN:**

So it doesn't die.

**P.O. LINDSAY:**

Doesn't die.

**LEG. CARACAPPA:**

Opposed.

**P.O. LINDSAY:**

One opposition.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. Back to Page 10 in the agenda.

**MR. LAUBE:**

That's Seventeen.

### **WAYS AND MEANS**

**P.O. LINDSAY:**

***2490 - Authorizing the conveyance of parcel bearing (S.C.T.M. No. 0500-002.00-01.00-002.001) to the State of New York pursuant to Section 850 of County Law.*** Do I have a motion? Ways and Means. As the Chairman of Ways and Means, do you want to make a motion on this?

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**MR. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano?

**LEG. MONTANO:**

Yes.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstention?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2515 - Authorizing the Department of Information Technology to develop a web page for the tracking of Brownfields properties.*

**LEG. HORSLEY:**

Motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Horsley to approve, second by Legislator Cooper. On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, just a question to --

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

Cosponsor.

**LEG. KENNEDY:**

To the Chair. Did we have any testimony from our I.T. Department? Is this something that's going to be developed in-house, and do they have the ability to do it?

**LEG. HORSLEY:**

Is this to the Chair or to me?

**LEG. KENNEDY:**

Either the sponsor or the Chair.

**LEG. HORSLEY:**

Who is the sponsor -- who's the Chair?

**LEG. KENNEDY:**

Well, we're in Ways and Means. I guess Lou.

**P.O. LINDSAY:**

Legislator D'Amaro or Legislator Horsley, which one do you want to answer that? Legislator Horsley.

**LEG. HORSLEY:**

Okay. I was in conversation with Sharon Cates -- Commissioner Williams, and her only -- she wanted to make sure that what department was going to be handling that, that was placed into the legislation, but, to my knowledge, that they were doing it in-house. It's an in-house proposition.

**LEG. KENNEDY:**

And she was comfortable that we have the capacity in-house --

**LEG. HORSLEY:**

Yes.

**LEG. KENNEDY:**

-- to go ahead and actually develop this?

**LEG. HORSLEY:**

Yes. In fact, she liked the idea.

**LEG. KENNEDY:**

Okay. All right. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Alden.

**LEG. ALDEN:**

Through the Chair to Legislator Horsley. This is to track all Brownfields property in Suffolk County as reported to New York State DEC or the Feds?

**LEG. HORSLEY:**

Uh-huh.

**LEG. ALDEN:**

Or that we're aware of on our own?

**LEG. HORSLEY:**

Well, that's a good question. As far as I know, it would be what -- would be in a --

**LEG. ALDEN:**

Because the definition of "Brownfields Property" is something that --

**LEG. HORSLEY:**

I understand that. Counsel, do you have an answer to that?

**MR. NOLAN:**

It is not -- but it is the Brownfields properties that are tax delinquent. Okay? So you probably could reference the other law and use that definition of Brownfields.

**LEG. HORSLEY:**

So that would be Suffolk County properties, is that the way you'd answer the question?

**MR. NOLAN:**

It's what -- they've not been necessarily taken by the County, because sometimes we don't take the Brownfields sites because of the legal problems and the exposure.

**LEG. HORSLEY:**

Right.

**MR. NOLAN:**

But the ones they are tax delinquent, that are potentially ones that we could sell tax liens to, those are the ones that would be on web page or link.

**P.O. LINDSAY:**

In other words, if you own a piece of property, you pollute the property and you want to get rid of it, you just don't pay your taxes and hope that we take it.

**LEG. HORSLEY:**

No comment.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2554 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Brookhaven.* Do I have a motion?

**LEG. BROWNING:**

I'll make a motion.

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator D'Amaro. Do I have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2559 - Authorizing the sale, pursuant to Local Law 16, of real property acquired under Section 46 of the New York State (sic) (Suffolk County) Tax Act, Richard E. Albrecht.*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by --

**LEG. MONTANO:**

Legislator Montano.

**P.O. LINDSAY:**

Montano.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2560 - Authorizing the sale, pursuant to Local Law 16, of real property acquired under Section 46, New York State (sic) (of the Suffolk County) Tax Act, Mildred Lentini.*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*J.R. 2563 - Authorizing an increase in rent for space located at 1121 and 1117 Deer Park Avenue, Deer Park, New York for use by the Health Services Department Aviation Division.*

**LEG. D'AMARO:**

Motion. And I think that's a typo. It's not the Aviation Division. I don't think we have an Aviation Division, in fact.

**LEG. ALDEN:**

They're Airborne, not Aviation.

**LEG. D'AMARO:**

I don't recall what it was corrected to in committee, but it's not Aviation. Maybe Counsel recalls.

**LEG. MYSTAL:**

Avian, maybe?

**LEG. D'AMARO:**

Excuse me?

**LEG. D'AMARO:**

Avian.

**P.O. LINDSAY:**

Counsel, is the resolution correct, or is it just the title that's wrong.

**MR. NOLAN:**

Well, the amended copy does not say which division, it just says, "For use by Department of Health Services.

**LEG. D'AMARO:**

I believe, yes, in committee it was decided that it should end there, "Department of Health Services". There's no Aviation Division.

**P.O. LINDSAY:**

Okay. We have a motion and we have a second, Mr. Clerk; am I right?

**MS. ORTIZ:**

Yes.

**P.O. LINDSAY:**

Yes, okay. And it's -- that scrivener's error in the title, we can go forward.

**MR. NOLAN:**

It's been taken out, so we --

**P.O. LINDSAY:**

It's been taken out. Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1004 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Alfred A. Smith, executor of the estate of Marie Smith a/k/a Marie Smith Divine.*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion to approve by Legislator D'Amaro.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1005 - Authorizing the sale, pursuant to Local Law 16 (1976), of real property acquired under Section 46 of the Suffolk County Tax Act Thomas Cont a/k/a Thomas Conte and Mary Conte, his wife.*

**LEG. KENNEDY:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1009 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Laura Keenan as administratrix of the estate of Anne C. Grimila.*

**LEG. KENNEDY:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, second by Legislator Montano. On the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1011 - Approving the appointment of a relative of a County Judge in the Suffolk County Legislature.***

**LEG. LOSQUADRO:**

Motion.

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

Second.

**P.O. LINDSAY:**

Is that title exactly right? A relative? Oh, okay. I thought we were appointing a Judge to the Legislature.

**LEG. LOSQUADRO:**

No. Relative of a Judge.

**P.O. LINDSAY:**

A relative of a Judge, okay. We have a motion by Legislator Losquadro, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1016 - Directing the County Attorney to file an Amicus Curiae Brief on behalf of Suffolk County Medicare beneficiaries.*** Legislator Romaine?

**LEG. ROMAINE:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. Okay. Any discussion? No?

**LEG. ALDEN:**

Quick explanation.

**P.O. LINDSAY:**

Explanation asked for by Legislator Alden.

**LEG. ALDEN:**

Within a minute.

**LEG. ROMAINE:**

Within a minute, very quickly. People in Suffolk County -- senior citizens on Medicare in Suffolk County get a lower premium than people in Nassau or New York City. As a result, they have to chip in more. They have alleged discrimination. Their organization, SAD, Seniors Against Discrimination, has brought a lawsuit. As a result, a direct benefit of this is it impacts the economy of Suffolk County by providing less federal dollars available to recipients to spend. Therefore, I've asked the County Attorney to prepare an Amicus Curiae brief on behalf of the seniors saying they should be treated with equal fairness as those in the City of New York.

**LEG. ALDEN:**

Cosponsor.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes. Thank you, Mr. Chair. Quick question to the sponsor and/or to the Chair. At the committee, was there any testimony from the County Attorney's Office as their ability to do this?

**LEG. ROMAINE:**

Yes. I believe, and the Chairman could speak to that -- I'll leave it to the Chairman to address that, Mr. D'Amaro.

**LEG. D'AMARO:**

Yeah. It was very short, actually. The County Attorney's Office was comfortable that they had the resources to do this in-house, and did also state on the record, I recall, the public purpose behind filing the brief, in agreement with what Legislator Romaine just put on the record as well.

**LEG. KENNEDY:**

Good, excellent. Thank you.

**P.O. LINDSAY:**

Okay. We have a motion and a second. And, as a senior, I want to cosponsor this. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**MEMORIALIZING RESOLUTIONS**

**P.O. LINDSAY:**

Okay. We have *MR.080-06 - Memorializing resolution in support of a Right-To-Ride livestock on Federal Lands Act of 2005*. Legislator Romaine, what is your pleasure?

**LEG. ROMAINE:**

Move it, approve.

**P.O. LINDSAY:**

Approve.

**LEG. ROMAINE:**

Motion to approve.

**LEG. ALDEN:**

I'm going to second that.

**P.O. LINDSAY:**

Second by Legislator Alden. There's got to be some jokes here, you know, there has to be, you know. I'm just waiting.

**LEG. CARACAPPA:**

Romaine Mountain.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

See, Ed, we do pass your bills, see.

**LEG. ROMAINE:**

The horse riders will appreciate that, as well as those on Broke Back Mountain.

### **CERTIFICATES OF NECESSITY**

**P.O. LINDSAY:**

Let's go to the red file, Certificates of Necessity. Okay. We've got ***I.R. 1093 - Accepting and appropriating funds from New York State in the amount of \$425,810.70 to be administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements.*** I'll make the motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1152 - Accepting and appropriating 100% additional Federal and State Aid from the New York State Office of Alcohol and Substance Abuse Services for YMCA of Long Island, Incorporated and amending the 2007 Suffolk County Operating Budget to transfer funding to YMCA of Long Island, Inc.*** Do I have a motion?

**LEG. LOSQUADRO:**

Motion.

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1153 - Accepting and appropriating 100% State Grant Funds from the New York State Department of Health to the Suffolk County Department of Health Services for a Health Workforce Retraining Initiative Program to train personnel in basic medical Spanish.*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Now, there was no 1154, right? 1154. I went from 53 to 55. Okay. I can't -- there doesn't seem to be an 1155. Oh, we did that already. 1154 was the one we took out of order this morning.

*1155 - 2007 -- Amending the 2007 Operating Budget to provide restoring the Office of Recycling and Waste Management to Suffolk County Department of Environment and Energy.* I will happily make the motion to approve.

**LEG. LOSQUADRO:**

Second. And on the motion, Mr. Chairman.

**P.O. LINDSAY:**

Second by Legislator Losquadro. And a question from Legislator Losquadro.

**LEG. LOSQUADRO:**

In looking at this bill, at the end and Third Resolved, it says that the resolution shall take effect immediately. I was just wondering, and perhaps the Executive's Office representative can comment on this, whether or not that will include retroactive pay for the position in which it has not been paid currently.

**MR. ZWIRN:**

The answer is yes. And the only problem would be is if he didn't show up for work, which I don't believe that is the case. So as long as he was there, and I believe he was, he showed up, he gets paid.

**LEG. LOSQUADRO:**

Okay.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1156 - Accepting and appropriating 100% State Grant Funds from the New York State Department of Health to the Suffolk County Department of Health Services for a Health Workforce Retraining Initiative - Health Care Worker to Licensed Practical Nurse Program.**  
Do I have a motion?

**LEG. MYSTAL:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Mystal, seconded by Legislator Vilorio-Fisher. All in favor? Did somebody want to talk on it?

**LEG. KENNEDY:**  
Just a quick question. Do we know who, in fact, is actually going to go ahead and do this training? Is it going through BOCES, or Tech, or the Community College or --

**MS. BERMEL:**  
I'm Margaret Bermel, Director of Health Administrative Services. In regard to I.R. 1156, this is a joint project between the Department of Health Services and the Department of Labor, so the training will be provided through --

**LEG. KENNEDY:**  
Ultimately, Margaret, there's got to be some academic institution or somebody that's training these displaced aides and folks to become licensed practical nurses; correct?

**MS. BERMEL:**  
That is correct. It would be the -- I believe Suffolk Community College would be the provider.

**LEG. KENNEDY:**  
Okay. That's fine. I just was curious as to who, in fact, was ultimately going to work the program.

**MS. BERMEL:**  
Okay.

**LEG. KENNEDY:**  
I guess that's it. All right. Thank you, Mr. Chair.

**P.O. LINDSAY:**  
We have a motion and a second. Take the money.

**LEG. MYSTAL:**  
Yes, please.

**P.O. LINDSAY:**  
Yes. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
Okay. **1158 - Amending the 2007 Adopted Operating Budget to transfer funding from the Riverhead Central School District to Riverhead Community Awareness Program, Incorporated, and to accept and appropriate additional 100% State Aid from the New York State Office of Alcohol and Substance Abuse for Riverhead Community Awareness Program, Inc.**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine? Second? Second --

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Go to the yellow folder, late-starters. Okay. I'm going to make a motion to waive the rules and lay on the table the following late-starters:

**1150** - Adopting a Suffolk County Vector Control and Wetlands Management Long-Term Plan and a State Environmental Quality Review Act Findings Statement for the Final Generic Environmental Impact Statement. It's assigned to Health and Human Services.

**1151** - Authorizing transfer of ten (10) surplus County computers to the Town of Brookhaven St. Michael's Recreation Center, to Public Works.

**1159** - Appropriating funds in connection with traffic signal improvements on various County roads, Public Works.

Did I miss 57? How did I miss 57? Okay, I missed 57.

**1157** - Authorizing planning steps for the acquisition under the Suffolk County Multifaceted Land Preservation Program, Marine, Incorporated Property, Town of Babylon, to EPA. We did 59.

**1160** - To expedite acquisition and redevelopment of Liberty Plating Property, to Ways and Means.

**1161** - To expedite acquisition and redevelopment of the Mackenzie Chemical Works Property, to Ways and Means.

**1162** - Directing the Suffolk County Police Commissioner to address Suffolk County's emergency psychiatric needs throughout -- through improving -- improved staffing, to Public Safety.

And **1163** - To enhance the requirement for consideration as a Suffolk County depository bank, to Public Safety.

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

I don't have that.

**P.O. LINDSAY:**

1163, you don't have?

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

No.

**P.O. LINDSAY:**

Okay. Is that it, right?

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

Actually, I -- George, I have a question about an assignment, 1150. Usually we put the SEQRA findings in EPA and not in Health.

**MR. NOLAN:**

We can make that reassignment.

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

Okay.

**MR. NOLAN:**

Okay?

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

Thank you.

**P.O. LINDSAY:**

Okay. We have a motion and a second to lay those following late-starters on the table.

**MR. LAUBE:**

I didn't have a second.

**P.O. LINDSAY:**

You didn't have a second?

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

I got a second now. Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

With that, it concludes our business for the February 6th meeting. I'll see you all tomorrow. If you didn't cough up your seven dollars pizza money, they'll meet you on the way out.

**MR. LAUBE:**

Motion to adjourn?

**P.O. LINDSAY:**

I'm getting to the motion to adjourn.

**MR. LAUBE:**

I just want to make sure you didn't miss it.

**P.O. LINDSAY:**

With that, I need a motion to adjourn by Legislator Losquadro, second by Legislator Mystal. All in favor? Opposed? Abstentions? We stand adjourned.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Yes. And I would be remiss if -- this is Richard Baker, our Deputy Clerk's last meeting with us, and

we wish you well, Rich, in your new position with the Town of Islip, and it was very nice of you serving with us. Thank you.

*(Applause)*

*[THE MEETING WAS ADJOURNED AT 4:14 P.M.]*

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