

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

MARCH 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

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

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

LEG. LINDSAY:

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

MR. LAUBE:

Good morning, Mr. Presiding Officer.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

LEG. CARACAPPA:

(Not Present)

LEG. LOSQUADRO:

Present

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

(Not Present)

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here, present.

LEG. LINDSAY:

Here.

MR. LAUBE:

Fifteen. (Not Present at Roll Call: Legs. Browning, Caracappa and Mystal)

LEG. LINDSAY:

Okay. Could everyone rise for the salute to the flag, led by Legislator Montano.

*(*Salutation*)*

This morning, our visiting Clergy had a problem this morning, he couldn't be with us, but Legislator Horsley is going to lead us in a prayer. Please, quiet down in the back of the room.

LEG. HORSLEY:

Would we please bow our heads? I was regretting the past and fearing the future. Suddenly, my Lord was speaking. "My name is I Am." He paused. I waited, he continued. "When you live in the past with its mistakes and regrets, it is hard. I am not there. My name is not I Was. When you live in the future with its problems and fears, it is hard. I am not there. My name is not I Will Be. When you live in this moment, it is not hard. I am here. My name is I Am. Let this -- let this moment of zen be continued throughout the day. Amen.

LEG. LINDSAY:

Thank you, Legislator Horsley. That'll keep me thinking all day.

LEG. MYSTAL:

As to what it means.

LEG. HORSLEY:

Bill, I thought you needed it.

LEG. COOPER:

I got it, I got the message.

LEG. LINDSAY:

Okay. I just have one very important announcement. All cell phones, shut them off. I recognize Legislator Alden.

LEG. ALDEN:

I would also ask at the beginning of this meeting to have a moment of silence for those that are serving and those who have given their lives for this country.

*(*Moment of Silence*)*

P.O. LINDSAY:

Thank you, Legislator Alden, for reminding me. I was remiss this morning in that.

We have a number of presentations this morning. Actually, we only have one right now. Legislator Kennedy. I call Legislator Kennedy to the podium for the purpose of a proclamation.

LEG. KENNEDY:

I don't think they've gotten here yet.

P.O. LINDSAY:

Okay. He informs me that they haven't arrived yet. And I had one other one, but that isn't due to go on until 10:30; is that correct?

D.P.O. VILORIA-FISHER:

Jon Cooper has one, too.

P.O. LINDSAY:

Okay. All right. I'm going to call on Legislator Cooper for the purpose of a proclamation.

LEG. COOPER:

I just need the proclamee. What do you call a person who gets a proclamation? A proclamee.

D.P.O. VILORIA-FISHER:

I couldn't hear you.

LEG. COOPER:

I was just joking.

D.P.O. VILORIA-FISHER:

Couldn't hear you.

LEG. COOPER:

This is like off the record. I haven't started yet. Can we stretch? He's being interviewed by FOX 5 or something. Is there another proc. that can go first?

P.O. LINDSAY:

No. If you don't have it, I'm going to go right for public portion.

LEG. COOPER:

No, I got it.

LEG. LOSQUADRO:

A little song and dance maybe, Jon?

LEG. COOPER:

Good morning. It's my pleasure to introduce Kyle Orent, a young man from Northport who worked incredibly hard to support a very worthy cause. Last year, on his seventh birthday, Kyle asked for a lemonade stand, so he could raise money for charity. He researched various organizations and chose Canine Companions for Independence, a nonprofit that enhances the lives of people with disabilities, providing -- by providing highly trained assistance dogs, like Ohio here. Once Kyle visited their office and saw the smiles on the faces of people in wheelchairs with their companion animals, he knew that this was the charity for him.

A budding entrepreneur and a fan of The Apprentice, Kyle learned from Donald Trump that you have to think outside the box. Taking that to heart, Kyle did more than just collect donations by dispensing free lemonade on the street in front of his house, he brought his lemonade stand to garage sales, parades, soccer tournaments, baseball games and pet stores. Kyle spoke at the Kiwanis Club, held an auction on eBay's charity site, and wrote letters to celebrities soliciting items he could sell to raise money. He even ran a garage sale, selling all of his own toys to benefit the charity. In the end, Kyle raised more than \$20,000 and he donated every penny.

As Kyle wrote on the sign on his lemonade stand, "Canine Companions helps people who may not be

as lucky as me and makes their life better. I want to help make their life better, too."

And I'm honored to present Kyle with this County proclamation in recognition of his selfless efforts and enormous accomplishment. And joining him are his mother, Cathy. Where's mom? Come up. Mother, Cathy, and Meg Flood, who is a volunteer puppy-raiser for Canine Companions. And once again, that's Ohio there. And wait a second. He can do a trick. Ohio, shake.

(Applause)

Congratulations. Thank you.

MR. ORENT:

Thank you.

LEG. COOPER:

Thank you.

MRS. ORENT:

Thank you very much.

MS. FLOOD:

Thank you.

P.O. LINDSAY:

Thank you, Legislator Cooper. Ohio, that's the first requirement to be a Legislator, to shake, so he's on his way. Is there any other presentations by Legislators? No?

Okay. We have a presentation by the Board of Elections. I know Anita Katz is here. Anita, I thought I saw you. Yep. Do you want to come forward? Is anyone else here from the board that's going to -- no? Okay. Cathy Geier from the Board of Elections as well.

MS. KATZ:

There, here?

P.O. LINDSAY:

Yeah. You guys can sit here. Seth, if you could just move out of there for a little while.

MS. KATZ:

Good morning, Presiding Officer, Legislators. Thank you for the opportunity to speak about the two Capital Budget resolutions that are on today for the Board of Elections.

On Resolution 1138, it's to appropriate \$120,000 for planning and design for work at the front of the Board of Elections building. I think the real key point here is that it is not for cosmetic reasons. It's not new paneling, it's not new carpeting, it's not new paint. It's to replace the windows that both rain inside and outside when you work at the Board of Elections. It's a building from 1959, and the windows have not been replaced. Half of the building has windows that are nailed shut, because they fly open, set off the alarms and then the police have to come. So we've tried to be accommodating and help them in that way. So it is to replace the windows and to do some HVAC work. We have no duct work on the inside offices in the front of the building, so that once it hits March or April, it's about 90 degrees in there. Because we are not a union shop at the Board of Elections, obviously, we are still open. But it would never be acceptable to have employees working in that kind of heat in any other County building.

So this is just to appropriate \$120,000 for the planning to begin this process, and we would appreciate your support on that one.

On Resolution 1139, which is our other Capital Budget item, this is to both amend and appropriate \$924,000. I understand that this is a more controversial resolution, but this is absolutely crucial. It is to air condition the second warehouse. Those of you who have been to the Board of Elections for recanvass, those of you who have had close enough races to have to be there, we have three warehouses where we store voting machines, vertically, one behind the other, one, two and three. There is air conditioning in Warehouse One and in Warehouse Three. For reasons no one can explain, and I have stopped trying to find out, there is no air conditioning in Warehouse Two. There is no duct work, there is no chiller, there is no equipment of any kind.

We will be getting new machines in 2008, according to the Department of Justice. We've had several meetings with the Department of Public Works, who have explained to us that it will take 18 to 24 months to do this work. If we do not get it into this Capital Budget in this go-round, we will not make it for the Presidential Election in 2008, according to the workers at Public Works. And I don't pretend to be an HVAC expert. I go to the people who work in DPW. They have no ax to grind. They don't have a position a resolution. They don't care which machines we pick. They're the ones who tell you how long it takes to do the work. They're saying 18 to 24 months. That means we have to start the process now. It's less than a million dollars, which I realize is both a great deal of money, and, in the overall scheme of things, not a great deal of money.

We have both agreed, Cathy and I, when we spoke at the Public Works Committee, that if the County Executive is to win his lawsuit, we will not go ahead with this project, because then we would have the old machines and don't need the air conditioning in the second warehouse. But we all know how long it takes to get a judicial decision, and then there are the appeals. This could go on for a very long period of time. If we miss this go-round of the Capital Budget, we will not make the Presidential Election.

I'm asking all of you to vote on your own behalf as people who run for office and for the people of Suffolk County. None of us want to be here, if we have to store these machines in a hot warehouse and then find out that we have machines that melt down. It's basically a common sense resolution. You all have laptops. None of us leave our laptop in the car in the summer. Why? Because we know that it becomes 95 degrees and that machine is not going to work well. It's the same concept. For whatever reason, there's no air conditioning in the second warehouse and it is imperative that we have it and that we start now. I'll be glad to answer any questions. I appreciate your support.

P.O. LINDSAY:

Commission Geier, do you have any comments or --

MS. GEIER:

I basically agree with everything that Anita said.

P.O. LINDSAY:

Okay. Thank you. Anybody have any questions? Thank you, Ladies, for coming forward.

MS. KATZ:

Thank you.

P.O. LINDSAY:

I saw Commissioner Morgo in the room. Is he still here? No. Okay. I thought he --

LEG. ALDEN:

He's in the rotunda.

P.O. LINDSAY:

The rotunda? You have some imagination.

MR. MORGO:

Good morning.

P.O. LINDSAY:

Good morning.

MR. MORGO:

I obviously missed something, and maybe I should be grateful.

P.O. LINDSAY:

No. Legislator Alden said you were in the rotunda. I said he has some imagination. Di you want to make --

MR. MORGO:

I would like to, yes.

P.O. LINDSAY:

Yes, go ahead.

MR. MORGO:

Good morning, Ladies and Gentlemen. I'm here to speak about two resolutions, I.R. 2589 and 1083. Both involve hookups to the Southwest Sewer District, Sewer District 3, from outside the sewer district.

Now, one of the issues that's of great importance to sustainable economic growth on Long Island, in Suffolk County specifically, is the availability of waste water treatment facilities. I've often been here before you talking about the importance of homes that our workers can afford. In a County where just about 30% has sewers available, the availability of sewer hookups are critical. And I know that there's been an issue of available capacity, capacity for those within the sewer district, and this is something about which I've spoken to the Sewer Agency staff, particularly Ben Wright, and I've been depending on Ben Wright for more than 20 years. In fact, I depended on Ben for his expertise when I sat up there. And he has assured me through studies that there is sufficient capacity for those folks within the district who want to hook up. That's not what I'm here to talk about, though.

I'm here to talk about the importance of two entities that would be coming to our County, but only if they can have hookups. And there's no question about the fact that from the HUB building, which is the hookup that's being considered under 2589, that we lost 850 high-paying jobs when Olympus took the last of its employees from Suffolk County to Pennsylvania this past October. This is the same building that is considered for the hookup under 2589.

Honeywell Corporation is consolidating their Long Island operation, wants to consolidate their operation in the HUB building in Melville. They wish to lease approximately 134,000 square feet. The Melville space will be used for the Division's administrative sales marketing research development and executive offices. The new project not only includes the lease space, but the purchase of new equipment. The company estimates it will employ approximately 443 people, with an annual payroll of 30 million, which will be annual salaries of 70,000 per year.

And one of the other things I mentioned at the Public Works Committee is that the brokerage community in the Melville area tells me that there is a nationally known biotech company that wants to lease the remaining space at the HUB building, and they've become skittish, because this resolution was tabled and they obviously can't go to the HUB building without sewer availability.

The other resolution I want to speak about is 1083 that was passed from Public Works five to nothing last week. That's a new construction. It would be a 103,000 square foot new building at the corner of 110 and the South Service Road, and it would be the new consolidated home of Ruby's Costumes. Ruby's Costumes, as I didn't know, is the world's largest manufacturer, exhibiter, and

distributor of costumes. Last night we had a meeting of the Suffolk County Film Commission and the Commissioners were very familiar with Ruby's. And this would be a consolidation of their operation and new -- and a new building in Melville. They'll occupy 30,000 square feet, which will be used for executive and sale offices, and the balance of the building will be leased to prospective tenants. Ruby's will bring 227 jobs, with an annual salary of 81,000 -- and annual salaries of 81,000, and the -- we will keep this major manufacturer in Suffolk County. And, as you all have been reading, we are losing manufacturing and their high-paying jobs.

Finally, I'm not going to be able to be here for the public hearings today, but there is on the -- this is unrelated, but there's 2579, a public hearing to change the income maximums for the 72-h Program. I wish Legislator Schneiderman was here, because my department is not supporting that change until we receive documentation to show that it's necessary, and we were supposed to from Southampton Town; we have not. Thank you.

P.O. LINDSAY:

Before you go, Commissioner Morgo, there's a couple of questions. Legislator Mystal.

LEG. MYSTAL:

Good morning, Commissioner.

MR. MORGO:

Good morning.

LEG. MYSTAL:

Our objection at the last meeting over the hookup for the sewers were basically because we had no information whatsoever, and we wanted the Sewer Agency to come in and do a presentation, at least give us some explanation as to why these things were needed.

Number two question that I -- the more prevalent question that I have, everybody needs sewers and we need sewers in Suffolk County for economic development. Is there Administration talking and making any progress in terms of constructing new sewer districts? Because, you know, we can keep talking about hooking up to Southwest District

Number 3, but there comes a time, and that time is fast approaching, when no matter what we do, we will no longer have capacity at that -- in that sewer district. We need to build more sewers, but, so far, I haven't heard too many people talking about building new sewers in Suffolk. I've heard, you know, moving it to -- sending our sewers to Nassau, I've heard, you know, trying to expand the district that we have now, but sooner or later somebody's going to have to own up to the fact that we do not have enough sewer districts in this County, and we need to build a couple of very large sewer districts.

MR. MORGO:

I would not disagree with that, Legislator, but one thing to keep in perspective is that when the Southwest Sewer District was built, more than 90% of the cost was handled by the Federal Government. That has stopped. But the administration is committed to increasing the capacity, as you know, to the Sewer District 3 by 5 million gallons a day. We're expanding Sewer District 18, which is in Hauppauge.

The first part of your question about asking the Sewer Agency for available capacity, I do know that they have done an extensive study, and I do know that the availability is here along the Route 110 Corridor, which, as I think you also know, was a projected place for growth. And we are upgrading many other sewer districts, the Gabreski Airport, Yaphank Sewer District. I do think, however, because of the massive costs, you're not going to see a Southeast Sewer District because of the change of funding. Previously, the Federal Government realized it was not only an economic development initiative to increase sewerage, but it also is critical for our environment. But because the cost is so high that you're not going to see that kind of massive sewer district construction. What you will see is upgrades, increased capacity, improvements to the technology, and those kinds

of initiatives are taking place.

LEG. MYSTAL:

So Southwest Sewer District's going to still remain the sewer district for people to hook up. I mean, I know right now we're hooking up mostly in the 110 Corridor in Huntington, but, you know, how far do we expand? You know, are we going to try to hook up, you know, if we have a development somewhere in Brookhaven? Because there are no sewer districts anywhere to speak of --

MR. MORGO:

Yeah. Well --

LEG. MYSTAL:

-- except Southwest.

MR. MORGO:

I think you answered that question when you talked about talking to the folks at the Sewer Agency where you have the civil engineers, people who can judge the capacity, and that's what I've been doing. I have, in fact, a whole list. I asked them the questions, I could share this with you, of their plans, where they're going, where the capacity is.

LEG. MYSTAL:

We would love to see that. Thank you.

P.O. LINDSAY:

Could I just interrupt for a minute? I've asked the Sewer Agency to be here. They're going to be here about 11 o'clock. So when we get into this issue, or even if we take them out of order, the technical aspects of the whole thing they'll be able to answer for us.

LEG. MYSTAL:

Thank you.

P.O. LINDSAY:

One other question Legislator Alden has.

LEG. SCHNEIDERMAN:

Bill.

LEG. ALDEN:

Commissioner, thanks for coming down. Just I have a couple of issues and one of them is with the capacity that you stated before. There's a number of people, there's actually thousands of people in the Southwest Sewer District that didn't hook up. And right now, if you take the available capacity, we're way over what the New York State laws would require us to have as far as reserve, so we've eaten into that reserve in a huge amount. And the only reason why we could eat into those reserves was because we have someplace in the future a project that will expand by great amounts the capacity of Southwest. So if we don't do that expansion in the future, we've gone way past where we should be with reserves, and that would preclude some people that are actually in the Southwest, or could preclude people that are in Southwest from even hooking up.

The second thing is I have numerous memos and these are -- I guess they relate to the legislation that I proposed that would actually create a policy in Suffolk County, who gets hooked up in a prioritization, and a look into the future to see where we want to go with these, because there is no plan. And I've been asking for a plan and I've been told that it's on an individual basis that they look at sewer hookups. So, if somebody comes and they've got a sand mining operation, they'll look at that just pretty much in a vacuum. They won't look at how it fits into an overall plan. So I would welcome your input on my legislation, and maybe we can actually come up with a plan for the future life of Suffolk County, because --

MR. MORGO:

I saw the legislation and I saw your criteria, and one criterion, obviously, is economic development, another is workforce housing. So, obviously, I'm going to be supportive of those kind of criteria. And if -- for the first comment, the first comment you made, are you referring, Cameron, to the 5 million gallons per day increase?

LEG. ALDEN:

That's proposed sometime in the future.

MR. MORGO:

Well, it --

LEG. ALDEN:

We don't have that right now.

MR. MORGO:

It's actively going forward, the design phases is -- right.

LEG. ALDEN:

No. I know that, but my point is, if we don't finish that, we've eaten into all that reserve that would be required for the people that are actually in the Southwest and the capacity, the 5% reserve that New York State would require us to have.

MR. MORGO:

Yeah. I just defer to what Legislator Lindsay said, you're going to have the experts here.

LEG. ALDEN:

Yeah, oh, no. Thank you.

MR. MORGO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Schneiderman. Boy, you really --

LEG. SCHNEIDERMAN:

Good morning, Commissioner.

MR. MORGO:

I was looking for you previously.

LEG. SCHNEIDERMAN:

I know, I had heard that. I'm sorry, I had to step out for a moment. You were talking about 2579, which has to do with the 72-h Program.

MR. MORGO:

Right.

LEG. SCHNEIDERMAN:

And I think you had wanted to comment on that while he's here, so --

MR. MORGO:

Well, I just -- just quickly, Jay. I have not received the pro formas from the Town of Southampton yet that would indicate that they have to exceed the 80%. And I know you have a public hearing and I can't be available for that.

LEG. SCHNEIDERMAN:

Okay. So are you asking for a recess of that public hearing?

MR. MORGO:

Yes, yes.

LEG. SCHNEIDERMAN:

Okay.

MR. MORGO:

Okay. Also, I'd like to ask you something else afterwards. We talked about the Regional Planning Board.

LEG. SCHNEIDERMAN:

Yes.

MR. MORGO:

We'll have our private conversation.

LEG. SCHNEIDERMAN:

In public, on the record we'll have that. Okay. I'll be happy to talk to you.

MR. MORGO:

Okay.

P.O. LINDSAY:

Thank you, Commissioner Morgo.

MR. MORGO:

Thank you.

P.O. LINDSAY:

I appreciate it. And we have one more Commissioner in the room, Director Charles Gardner from Consumer Affairs. Charlie.

DIRECTOR GARDNER:

Good morning, Mr. Presiding Officer, and all Members of the Legislature. I'm here to speak on Resolutions 2596 and 2597. These were both proposals that came from our office. They seek to do two things, expand consumer protection within our County Consumer Codes, and also update those codes. 2596 would simply replace the current maximum penalty for a violation of our General Consumer Code from a penalty of up to \$500, and that would be regardless of how many incidences of violations there are. It would replace that with a penalty structure of up to \$750 for the first offense and up to fifteen hundred dollars for any subsequent violation. This change will bring that penalty structure into line with our other Consumer code sections, mainly in the licensing. The Legislature increased those violations back in 2000. We should have addressed the General Consumer Code at that time, but did not. And, again, these changes would simply bring the General Consumer Code into uniformity with the other licensing provisions.

2597 both updates the code and, again, increases our enforcement, mainly in the areas of light occupational licensing. As far as updating it, we would be deleting the words "alarm systems" from the licensing category. It's still listed in our code under the Home Improvement section, even though New York State took over that jurisdiction a number of years ago. And, in fact, when we did issue licenses for alarm systems, they were issued under the restricted electrical licensing category anyway. But we should -- this would just delete alarm systems from our code. It would add the words "duct work for heating, ventilation and air conditioning." Those words have been in the code

since the beginning, and they have always been a little bit of bone of contention and also confusion for both consumers and contractors in that the wording simply stated "heating, ventilation and air conditioning," and, therefore, we had home improvement contractors who thought they were allowed to do the electrical and any possible plumbing hookups that might be associated with HVAC work. This amendment would specify that it's duct work only for the Home Improvement Code. And if anybody did more than that, they would still need their either master or restricted electrical and/or plumbing licenses.

Also, painters. As far as residential painters, they have always been covered in the Consumer Code. But back around 1994 or so, when the code was reprinted, the -- for some reason, "painters" was just -- whether it's a scrivener's error or whatever, "painters" was left out of the code. Since then, we have also added "commercial painters" to our licensing code. 2597 who add back into the code "residential painters". They have always been covered, they've had to have the license, but this just puts it back in the code where it should be.

Also, again, for licensing -- the licensing code, we would be updating the requirements and our liability would change from \$100,000 to \$300,000 per instance. The minimum threshold for licensing for the contractors would now go to a \$500,000 combined single limit. In fact, most contractors have at least that now. And, again, it just updates what is really an obsolete section of the law back from 1974.

It would add -- 2597 would add also enable the office to have the power to suspend or revoke a license for a violation of the Consumer Protection Code, and this has to do with deceptive trade practices and/or unconscionable trade practice. There are certain sections of the code now where the office can revoke or suspend, for instance, making a fraudulent statement on the application, things like that. But for suspending or revoking a license, violation of the Consumer Code is not covered. I'll give you a good example. Last time we ran a sting house, several of the chimney sweep companies that we had come to our house, several of them told our undercover investigator that he was going to die if he didn't leave the house immediately, as the house was filled with a very dangerous level of carbon monoxide. I might add that he determined that the level of carbon monoxide was such without a carbon monoxide detector. But that was not in and of itself cause to be able to revoke or suspend a license and it should be. We should be able to take that kind of action, meaning a revocation or suspension, against those who would make false or misleading statements, or use scare tactics to sell home improvement jobs.

So, again, in summation, these two proposals would update our code, would strengthen enforcement where it needs to be, and they all have come from our office as a result of our experience over the past several years.

P.O. LINDSAY:

Thank you, Charlie. I appreciate the update.

DIRECTOR GARDNER:

Thank you all.

P.O. LINDSAY:

I'm told that Legislator Kennedy does have the people here for the presentation that he had planned earlier, so I'll call on Legislator Kennedy to take the podium.

LEG. KENNEDY:

Thank you, Mr. Chair. This morning, we are very fortunate to have Smithtown High School students with us. We've all seen recently about the Intel and Siemens Competition. Well, today we're very fortunate to have three of the four students who competed and received awards in that competition. And I'm going to ask them to join me at the podium now, if they would, please. We have Zeynep Basaran, we have Victoria Hung, we have Justin Schumacher, and also Kristen Hall was an awardee as well.

If I can just speak a little bit about what these bright young Smithtown High School students were able to do, I think it will be able to point out to all of us the importance and the recognition that we should rightly give to academic achievement. Zeynep was able to go ahead and work with Stony Brook University in the chemistry laboratory and work with a project that targeted chemotherapy and cancer cell treatment, obviously, something that all of us know we need to have ongoing research with, and the more that we can do to promote that, the better. Victoria worked on cell migration theory, something that at my age I struggle to understand, and here we have a bright 17 year old who's able to go ahead and make a significant contribution to science. So, once again, we were all fortunate for the fact that we have somebody who is so involved and comes from participation in important programs. Finally, Justin did important work in the area of HIV medication and treatment. Again, we all know, unfortunately, the scourge of AIDS and HIV positive, and the fact that many, many people have now been able to go on and be treated and benefit from the advances in medication and therapy that have come about. And once again, Justin here has been able to go ahead and add to that body of knowledge and help to promote the additional scientific study that will go on to treat this malady.

So, based on that, I would say to each and every one of these three, and to all in the audience, we all owe them a hearty congratulations and certainly a large round of applause.

(Applause)

And again, I'd just like to say that we're fortunate that we have school districts that voluntarily engage in the Siemens Competition and the Intel Competition. And, once again, it's nice once in awhile to see a good thing. So thank you on behalf of all the members here. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Legislator Kennedy, and congratulations to all of the finalists, semifinalists.

(Applause)

We will now go to the public portion. We have a number of cards. The first speaker is Ed Olson, and after him is Joe Gergela. Ed Olson? Mr. Olson, you have three minutes.

MR. OLSON:

Good morning. My name is Ed Olson. I'm Project Manager for Honeywell Corporation. I'm requesting your affirmative action -- affirmative vote on Resolution 2589, the sewer hookup at HUB Properties. My company will bring 450 full-time positions and require that the sewers be hooked up. We are consolidating seven buildings into one as part of the lease negotiations and ultimate decision to move from Nassau to Suffolk County, that the sewer connection would be available to us. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Olson. Legislators, please report to the horseshoe. We do not have a quorum.

LEG. ALDEN:

We have ten, because Kennedy is just in the -- what do you want call it? Not the rotunda, but --

D.P.O. VILORIA-FISHER:

The lobby?

LEG. ALDEN:

The lobby.

MR. COHEN:

The vestibule?

D.P.O. VILORIA-FISHER:

Okay. We need --

LEG. ALDEN:

It's good to have more people in here.

D.P.O. VILORIA-FISHER:

Okay. Legislators, please report to the horseshoe. We do not have a quorum and our next speaker is waiting to speak. Joe, can you just approach? Charlie, you'll be following Joe on the agenda.

LEG. ALDEN:

We have ten, Lynne's here.

D.P.O. VILORIA-FISHER:

Okay. Go ahead, Joe, you have three minutes.

MR. GERGELA:

Okay. Good morning. I'm Joe Gergela, Executive Director of Long Island Farm Bureau, and I'm here to speak this morning on Resolution 1144 as it relates to invasive species.

First, I'd like to say that, unfortunately, today we have a conflict with the industry. We have a big seminar at the Huntington Townhouse held by the Landscape Gardeners Association. Several thousand people in the industry are there today and a lot more people are very interested in this topic. I've spoken to Legislator Fisher and have requested that the public hearing this afternoon be left open to the Riverhead meeting on March 20th to give the industry a chance to comment properly. I'll be submitting written comments, as I will not be able to be at the hearing this afternoon.

First of all, the Farm Bureau does not necessarily oppose the resolution or the legislation as relates to invasive species. It is a very important subject and it's a national issue. It came out of an Executive Order, 131112 in 1999, and also in New York State there is a statewide Invasive Species Task Force. It is broader than just dealing with plant material. It includes fauna, flora, insects, yadda, yadda. As an example, golden nematode came from World War II surplus equipment, came from Europe. Asian longhorn beetle, which destroying the trees, came from China in packing material and pallets. Right now in the Great Lakes, there's a problem with what's called possum shrimp, brand new, came from foreign. It's generally alien species that are getting into our habitat in our environment.

What I'd like to comment on is a couple of things to improve the legislation and, again, not to oppose it. A couple of concerns. Number one, the scientific criteria that is being used to make the decisions as to what should be or should not be on a do-not-sell list or a list to be used by County agencies when they buy plant material for County lands, that is not really defined in the legislation. We need some established criteria, and also who's going to be making decisions? That is also not in there. We need to know who are the people going to be reviewing this on an annual basis regarding this list, things to be added, things to be taken off, that have the credentials and the scientific backgrounds to make those decisions. So we would like to make sure, also from a selfish standpoint, that somebody from our industry is part of that when you establish that committee.

The process needs also to be done on a risk assessment and a benefit analysis. That, too, needs to be defined. Right now, one of the things -- and we've had some banter going back and forth. Legislator Fisher has held a number of meetings. One thing I do want to make clear, some people have been saying, "Well, it's kind of last minute, that the Farm Bureau and the industry are not happy with the legislation." No blame, no fault, nothing like that. The reality is, is that we were only brought into the picture in the last five months or so; just the way life is. So we have raised

some of our objections internally and working with the Legislator, but also with the group of people from various agencies and organizations. So we've only been entered into the process recently. One of the premises that's being used is that if something is --

P.O. LINDSAY:

Joe, could you wrap up? Your time is up.

MR. GERGELA:

Okay. Basically, the industry must prove something that is -- that it is not invasive. We counter that and say, "Prove to us that something is invasive. What is the basis of it?" As an example, one of the lists, you'll have a tree, let's say Norway Maple, there's 50 different kinds. Some might be invasive, some may not be. So we are having arguments over some of the listings.

P.O. LINDSAY:

Joe, Legislator Fisher is going to recess the hearing in deference to you guys, so that you'll be able to make your full comments at the public hearing at the next session.

MR. GERGELA:

Okay.

P.O. LINDSAY:

Okay.

MR. GERGELA:

No problem. If you just one -- one second on a different subject. Number of Legislators have called regarding concerns over greenhouses on agricultural lands. I'm going to be meeting with Legislator Fisher and others on this subject, and we've been working with the Administration on it, so that's something --

P.O. LINDSAY:

Thank you, Joe.

MR. GERGELA:

-- a subject we'll have to address.

P.O. LINDSAY:

Thank you.

MR. GERGELA:

Thank you.

P.O. LINDSAY:

Charles Scheer.

MR. SCHEER:

Good morning. I'm a nurseryman, farming in -- we farm in Dix Hills, Southold and Riverhead. We do 625 acres of nursery stock. I'm also past President of Long Island Farm Bureau, Long Island Nursery Landscape Association, and I was a Nursery Specialist for Cooperative Extension for a number of years.

I want to express my concern also about this invasive species resolution, 1144. The legislation may have a significant negative impact as currently proposed on our industry. As it was currently written, the supposed -- the list banning and preventing sale of certain plants has not been, in our opinion, thoroughly and scientifically reviewed in such a way to ascertain that they are -- all the species are invasive and what cultivars are invasive. We're also concerned the fact that the original Suffolk County Invasive Species Task Force had no horticultural representation on the committee,

and we feel that this is also a problem.

We want to have sufficient research documented that the invasive species are truly a problem here on Long Island. And we also want to find out that the nonnative species are a significant risk to the area. The obvious list were proposed by combining various State-banned list and making a composite list. I don't think that represents the fact that they would be invasive in Suffolk County. We had a speaker from Massachusetts who had a very composite and good list made up, well scientifically documented, at our recent hort conference in Hauppauge, and what happened is he pointed out that his list is only good from Massachusetts because of their thirteen environmental biotypes. So we really would like a lot more work done on this, and our request is that we have this resolution relooked at, and a committee representing all parties involved, including horticulture be involved, and that a systematic method, such as the one developed by Massachusetts, and I have sent letters to some of the Legislators about this, it's on a website, tells how they use their scientific criteria. I think it's a good start and we could work there. Also, that the current list be looked at and revised in light of these two above-mentioned items.

I am not opposed and I don't think the industry is opposed to doing things with invasive species, it's more than necessary. We just want to make sure that a thorough job is done, and defining these lists in such a way that it does not hurt our industry. The horticulture, floriculture industry in Suffolk County represents over 100 million dollar industry, and one of the problems we have, we produce a number of plants. In our nursery in particular, we export as far west as Chicago, all throughout New England and down into Virginia. It would impact our exporting of nursery stock if we have restrictions here in Suffolk County that would prevent us from raising and selling that plant, even if it's sold out of the area.

So that is the basic tenets. I am going to present this in a written format. I will see that the Clerk gets it. And I thank you for your time and consideration.

P.O. LINDSAY:

Thank you Mr. Scheer. Susan Hantz-West.

MS. HANTZ-WEST:

Hi. I would like to thank the County Legislature for allowing me to speak today about the restitution of grant monies, which I believe is Resolution 1070. My name is Susan Hantz-West and I am the President of Historical Society of Islip Hamlet. Our society is one of the recipients who has benefitted from -- in the past from grant money secured from Legislator Cameron Alden. We are a nonprofit all volunteer organization chartered by the New York State Education Department. The motto of the Society is "Remembering the Past to Secure the Future". Our only source of funds is our yearly membership drive, a holiday house tour, and the funds Legislator Alden has been able to secure for us.

One of the committees of the Historical Society is the Site Designation Committee. Using primary and secondary resources, our volunteers research historic areas and famous residences within the Hamlet of Islip, such as the Islip Speedway, Doxsee Clam Factory, as well as the Doxsee Family, Islip Airport, which was visited by Amelia Earhart, successful Americas Cup Captains, and the patent that created the Hamlet. The research papers are available for anyone to read, and many of them have been printed into booklet form and given to the Islip Schools and the Islip Public Library. To date, we have installed 23 historic markers. The grant money we receive each year helps to offset the cost of the historic markers. When we started installing them in 1994, they cost \$325, not including installation. Today, they cost anywhere from 800 to \$1,000, not including installation. These markers are prominently placed throughout the community. The markers are ultimate tool used by teachers in the Islip Public Schools.

Students are encouraged to visit the historic site closest to their home. They are then encouraged to either contact the Historical Society or visit the library to read up on that site. Many students are so enthused about learning the history, they have gone further and sought out long term residents

who remember the sites first hand. Others have discovered a family connection to the place or event memorialized by the marker. Taking away the grant money would force us to scale back from our mission of educating the community of our rich history. Thank you for letting me speak today.

P.O. LINDSAY:

Thank you very much, Susan.

MS. HANTZ-WEST:

Thank you.

P.O. LINDSAY:

Tom Cilmi.

LEG. ALDEN:

Cilmi.

P.O. LINDSAY:

Cilmi, I'm sorry.

LEG. ALDEN:

Former Legislative Aide.

MR CILMI :

Good morning, Mr. Presiding Officer, Legislators.

P.O. LINDSAY:

Good morning.

MR. CILMI :

Thank you for the opportunity to speak with you this morning. I'm here to speak also on I.R. 1070. As you know, this resolution will restore funding to a variety of community organizations. As you also know, the funding was cut by the County Executive after being approved by this Legislature during the original budget process, and unfortunately at the time, the Legislature failed to override the County Executive's veto.

I'm here basically to say thank you to Presiding Officer Lindsay for recognizing that a mistake was made mere here. And I also want to say thank you to Legislator Cameron Alden for giving -- for not giving up and for fighting for a variety of organizations in his district that mean so much for our community. I'd like to ask each of you for your support for this resolution, and on behalf of the more than 2,000 children, ages three through nineteen, who are registered with our club. I'm here to ask County Executive Levy to him please reconsider his position on this funding.

At the end of last season, a gas utility cart was stolen from our fields. We use this cart to transport equipment, soil, people from field to field within our complex. We use it to transport injured kids off of the field, and we use it to transport handicapped individuals from a parking facility onto our fields to watch their children and grandchildren play. Needless to say, this cart is a necessity for a club. It must be replaced. To do so would cost us approximately seventy-five hundred dollars. The \$4,000 that Legislator Alden has requested will go a long way towards funding that purchase.

So, once again, on behalf of the 18 other Board Members from the East Islip Soccer Club, the hundreds of volunteers who run our club and the more than 2,000 kids in our program. I'd like to thank you for your consideration of this resolution and we do hope for your support. Have a good day.

P.O. LINDSAY:

Thank you, Tom. Dr. Mark Bridgen.

DR. BRIDGEN:

Good morning. My name is Mark Bridgen. I'm a Professor of Horticulture from Cornell University, and for the past five years, I have been stationed down here in Riverhead at Cornell University's research station on Sound Avenue, and I'm here to address Resolution Number 1144, the invasive plant legislation.

I believe, at this time, the legislation's not in the correct position to be introduced. It's -- there's some inaccuracies on this. And I'm testifying on a scientific point of view. The criteria that is -- that has been used to develop this list is incorrect. There's some incorrect plant names on it. It currently -- the list as it stands currently bans all cultivars from particular species and certain cultivars and certain plants are not invasive, they're sterile, in fact. And also, the list does not separate the aquatic plants from the terrestrial plants, which is also a major problem. Even the definition of what an invasive plant is still is debatable and questionable, and I think there needs to come some uniform consensus for this. There is a National Invasive Species Council made up of governmental, academic, plant professional organizations, botanical gardens that work on this invasive plant issue. And one of their key observations from this panel is that people are the major dispersers of invasive plants, not the horticultural industries. And so there needs to be a plan for education of the homeowners, public education. Of course, Cornell, Cornell Cooperative Extension are key points -- are key point to this education.

I'm also a plant breeder. I've introduced several plants during my career, and I'm afraid that this legislation as written will prevent or impede new plant introductions and plant improvement. My colleagues at Cornell University and Cornell Cooperative Extension work very closely with the nursery industry on Long Island, and they have voluntarily agreed to get involved with this problem of invasive plants, because they already are good stewards of the environment. They would like to develop a strategic plan for Long Island that's more accurate and appropriate with voluntary codes of conduct by the Green Industries, as you know is the largest -- Suffolk County is the largest producer {gate} value of product in the State of New York, using Best Management Practices, BMP's, to prevent the introduction of invasive plants and then also appropriate regulations.

Just a few comments from the voluntary code of conduct include that they would publish a guide that has colorful pictures for identification purposes. They would also help determine which plants are invasive. They would develop a list of suitable alternatives to invasive plants to promote and educate the consumers, and they would also phase out existing stocks of plants that are considered to be a threat once a correct list of invasive plants is determined. Thank you for your attention.

P.O. LINDSAY:

Perfect. Thank you, Doctor. Mike Mitchell.

MR. MITCHELL:

Hi. I'm also here to speak to 1144. I'm with New York State Flower Industries. I think Mark, Chris already spoken quite well to the -- actually, their points are perfect, what they're talking about in terms of reasoned legislation, in terms of education. Those are the right steps to make, and I'm just rising in support of them. Thank you very much.

P.O. LINDSAY:

Thank you very much, Mr. Mitchell. Donna Moramarco.

MS. MORAMARCO:

Good morning. Thank you for the opportunity to speak on 1144. My name is Donna Moramarco. I'm currently the President of Long Island Nursery Landscape Association, incoming President of New York State Nursery and Landscape Association. I work for a large retail garden center, and I spent 22 years working for Cornell Cooperative Extension in Nassau County, educating the public.

I think it's fair to say that we are not opposed to legislation involving invasive plants. However, I

think that we're looking for a fair process. The scientific end, the information that's been presented has been gleaned from areas that are not identical to the growing conditions that have here on Long Island. And, you know, information that is geographically sensitive to Long Island to make an informed decision I think is what we're asking for. Education is the way to go. I spent a number of years educating the public about Best Management Practices. Invasive plants I think needs to go along in that same realm, that education is the way to go. We, as an industry, would be willing to come to the table to work with a nonbiased Advisory Board to really make informed decisions that will benefit all of Suffolk County, including our industry that are providers of plants, and the people that then plant those plants and make wise, informed decisions. Thank you.

P.O. LINDSAY:

Thank you very much, Donna. Laura Ahearn. Laura, you're going to talk to us about invasive people?

MS. AHEARN:

That was a good one. Laura Ahearn, Executive Director, Parents for Megan's Law, and actually the new Crime Victims Center.

Really quickly, the Crime Victims Center now is a new program of the agency. We're sort of trying to expand the services that we provide and will be. Any victim of a violent crime is entitled to New York State Crime Victims Compensation, as long as they had no contributory behavior. So, for all of you Legislators, if you have anybody calling your office who is a victim of a violent crime, they're entitled to Crime Victim Compensation, meaning if they lost wages, if they had personal injury and they don't have health insurance. And even if they have health insurance, they'll even go so far as covering copayments. For the elderly and disabled, they don't even have to be a victim of a violent crime. They will also be compensated for essential property losses. But I just had to add that before I speak about why I'm here in particular, and that's to support two resolutions.

First is Legislator Browning's I.R. 2290, requiring landlords to register with the Department of Probation prior to renting to sex offenders. I will not be at the public hearing today, but I have spoken in great depth with Legislator Browning and George Nolan. We're fully supporting the legislation. It promotes public safety by holding landlords accountable and responsible for the population that they are profiting from, and acts as a deterrent to help prevent oversaturation of registered sex offenders in particular communities.

The second piece of legislation I'm here to support is by -- introduced by Legislator Nowick, and it is to establish a public education campaign to encourage residents to register for Amber Alerts. And the lights are going out. Amber Alert is the name of the program as a legacy to 9 year old Amber Hagerman, who was from Arlington, Texas. She was riding her bicycle in a shopping center parking lot and was dragged, literally dragged off of her bicycle and brutally murdered. The community was so outraged after they found her body four days later that they established a coordinated response to child abductions, now known 10 years later or 11 years later as Amber Alert. What that does is all the radio stations, the T.V. stations, the formally known Emergency Broadcast System is utilized to release information to the general public on a potential abduction, a child abduction, and also the perpetrator of the abduction.

The legislation that Legislator Nowick is introducing is going to educate the public by making sure that information is being made available through government agencies, through the County website, through the Police Department website, through Information Technology. And it's really important to make sure that people have Amber Alert information, because children that are found murdered, up to 70% of those children that are found murdered after an abduction, they are murdered within three hours. So time is of the essence. We have a phenomenal Kidnapping Task Force here. They're on Amber Alert, they've been for years. But it's really important to promote public awareness to ensure that people in the community are getting these alerts via E-mail, via cell phone, or even via fax. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Laura.

P.O. LINDSAY:

Thank you, Laura. Donald Price.

MS. PRICE:

I'm not Donald, but I'm Claudia.

P.O. LINDSAY:

You're Claudia?

MS. PRICE:

Yes.

P.O. LINDSAY:

Okay. Please come forward, Claudia.

MS. PRICE:

I have some booklets to pass around. Do we do it or --

MR. LAUBE:

I'll do it, sure.

MS. PRICE:

Good morning.

P.O. LINDSAY:

Good morning.

MS. PRICE:

I'm very thankful to be here to speak to you this morning, and I don't say that I am thankful lightly, because I do live in a fire district that does not allow public input from the residents. So again, I'm very thankful to be here. My name is Claudia Price. I live at 20 Greentree Drive in Medford, and I am a resident in the Gordon Heights Fire District.

I'm here today to talk about the very high fire district tax rate that is being imposed upon the residents in the Gordon Heights Fire District. The average homeowner in my district pays \$1,000 to \$1,800 more than any other resident in Brookhaven Town, Suffolk County, Nassau, and if not, the entire United States. That's 1,000 to \$1,800 more.

I would like to talk about the district. When you hear the name Gordon Heights, most people have the assumption that the Gordon Heights Fire District is going to service the entire Gordon Heights community. This is not true, it is a myth. So I ask you just for one thing today, too. When you hear the name Gordon Heights and Gordon Heights Fire District, you realize that the Gordon Heights Fire District does not service 40% of the people who live in Gordon Heights.

I have some booklets I think that were passed around for your information. As you know, we past around a petition to dissolve the fire district, and the booklet contains all the information that was given to the residents who signed the petition. So the people who signed the petition were well informed on the facts. So because it is a fire district issue, I feel that it is overflowing to every Legislative district in Suffolk County. And it's important that you understand the research and time that was put in to gathering data before we circulated the petition.

I'm here today to ask you for your expertise and help in helping us to set up a Task Force or some sort of an Advisory Committee, so that we can resolve this problem, this very serious problem that's

facing our low to middle income district. And I thank you very much.

P.O. LINDSAY:

Thank you, Claudia. Donald is not here? Donald?

MR. PRICE:

She said it all.

P.O. LINDSAY:

Okay. Thank you very much, Donald, I appreciate it. George Hoffman.
Hello, George.

MR. HOFFMAN:

Good morning. My name is George Hoffman and I'm here this morning on behalf of the Route 110 Redevelopment Corporation and Supervisors Steve Bellone and Frank Petrone. And I'm here to speak on those resolutions having to do with sewer district hookups within the Southwest Sewer District.

Just want to just give you little quick facts. You know, a lot of people, we talk a little bit about economic development, but the Route 110 Corridor is probably one of the most important business hubs that we have here in Suffolk County. We employ over 133,000 employees. Most of them are Suffolk residents. There's a payroll of almost 6 billion dollars a year. It's one out of five jobs in Suffolk County that come out of that 110 Corridor, so it's a very important economic engine in Suffolk County. And, as you can imagine, we also compete with other regions in the metropolitan areas, and nowadays, because we have a global economy, we're even competing with other places around the world. And so for us to be able to recruit and to entice and to attract Corporate 500 -- you know, Fortune 500 businesses, it's very important that they have access to sewer district hookup.

You know, I understand that there's an important public policy decision that this body is making and it takes time, but in the world of business, time is money, time is everything, and when we're trying to compete against areas in New Jersey, Connecticut, if we have to tell them that there's a discussion going on in the Legislature, we're not quite sure about policy, there's always this potential that we could lose these businesses. And, as you heard this morning from Honeywell, that's 400 new jobs coming to Suffolk County.

So what we're asking for you is your consideration, your approval of those resolutions. And thank you very much for your time.

P.O. LINDSAY:

Thank you, George. Sister Camille Solis. Good morning, Sister. How are you?

SISTER CAMILLE:

Good morning. Thank you very much for this opportunity to talk to you this morning. My name is Sister Camille Solis. I'm a Daughter of Wisdom, and I minister at Saint Mary's Parish in East Islip. I'm the Coordinator of Parish Social Ministry. This morning I brought with me a list of the numbers of the statistics that we took last year. For instance, we fed 1,270 people. But I think our numbers say very little of who we are and what we do, so I want to I give you a better understanding.

We serve the homeless, the unemployed, but mostly the working poor, the people who fall through the cracks, the people who are so pummeled by pain they can't advocate for themselves, and we serve them in simple ways. We have our outreach office and a daily food pantry, so people come up for food and to feed their children. And sometimes we have to give gift cards to supermarkets, because people need fresh milk, and meat, and diapers and formula. We also have a thrift shop and our clients come and get vouchers for used clothing, gently used clothing, but there are occasions when they need new clothes and new underwear, and socks, and hard to find sizes, and special

occasions, and communion dresses and wedding gowns. We help people who, for whatever reason, can't be helped by HEAP or Project Warmth, so we fill their tanks with fuel. We give money to transportation for bus tickets, for people who have to go to doctors and Department of Social Services, and to work. We help with gasoline, no matter how high the cost is rising. We buy people glasses and pairs of shoes. We run holiday programs that gives Christmas presents and Christmas food baskets, and Thanksgiving and Easter. That's what we do with the money.

Last year we received \$2,500, thank you, Legislator Alden, and we were so grateful to do it, to get that money, it really helped. This year, for whatever reason, we did not get any money, and really, I thought we did the paperwork, I really did. So what I'm asking you is to consider the things that we do and for the people that we do for, and the poor will always be with us. So thank you very much.

Oh, I just wanted to say one thing. The Youth Program, the Youth Minister couldn't be here today. Last year they received money and didn't receive it this year, and they buy sports equipment and give children opportunities to go to local events and go bowling with their families, just very simple basic things, but so necessary. Thank you.

P.O. LINDSAY:

Thank you, Sister Camille. I wish I knew you were in the audience, you could have done the prayer before, because you would have done a better job than Legislator Horsley.

SISTER CAMILLE:

May I say, the prayer was so beautiful, you know. And God does say, "I am". I wish you say, "I am" to me, too. Thank you.

LEG. NOWICK:

There you go, right from the mouth of God.

LEG. HORSLEY:

I like that, she's all right.

P.O. LINDSAY:

Mark Hammer?

MR. HAMER:

Hamer.

P.O. LINDSAY:

Hamer, I'm sorry.

MR. HAMER:

I don't know how to follow that other request. Good morning. Thank you, Legislator -- Presiding Officer Lindsay and Suffolk County Legislators for giving me the opportunity to address this Legislature regarding Resolution 2590, and the others that were looking for the sewer hookups.

My name is Mark Hamer. I'm the managing member of M3GH Properties, LLC, the entity that owns the office building located at 245 Old Country Road in Melville New York on the 110 Corridor, and one of the six properties for which the Suffolk County Legislature recently tabled the recommendation for the Suffolk County Sewer Agency to hook up to the Southwest Sewer District. It is my understanding that the motion to approve the hookup of these properties to the sewer district is in front of you again today. I want to provide you with further insight into the benefits of this project for Long Island and specifically Suffolk County.

As an overview, the 28 year old building that is the subject of this application has been vacant since December of 2005, when Citibank vacated the building. We are expanding this office building from

82,000 square feet to 115,000 square feet, and renovating the exterior facade, interior lobby, common areas, improving the site and landscaping, improving the building systems, and renovating the tenant spaces. As part of this redevelopment, we're seeking approval to hook into the sewer district through the adjacent office building and property to the east, which we also own. Our application requests authorization to hook into the Southwest Sewer District, and request capacity for 7,730 gallons per day, representing .6% of the available capacity of 1.3 million, according to the staff report recommending approval.

According to the draft resolution, our connection will provide a financial benefit to the district through the payment of a connection fee. Once completed, we will have transformed a 28 year old building into an energy efficient, operationally efficient and environmentally friendly office building. This redevelopment will have taken two-and-a-half years, contracts with seven management and professional service organizations, contracts with over 20 trades that employ over 200 tradesmen at a cost of over 10 million dollars. More importantly, our redevelopment will provide attractive Class A office space for corporations that will employ approximately 460 people in the Melville marketplace. We are providing needed office space in Melville, a submarket that has a limited number of large blocks of space available for lease by corporations. If you narrow the search to Class A space in Melville, the large blocks are even more scarce.

In our marketing, we are finding that corporations have expanded site selections beyond traditional borders, and will look for the competitive product in the Tri-State area and beyond if they have existing operations elsewhere. My office building offers these corporations a viable option in Melville, creating another significant economic development opportunity for Suffolk County. The economic opportunity starts with the construction industry, but only gains its momentum by attracting corporations most likely from Nassau County and Queens to relocate to Suffolk County, or retaining a company that might otherwise leave Long Island. It continues with the employment of 460 people in good paying jobs, and culminates with the multiplying effect of adding threefold to the employment of our region. This economic development project not only attracts major corporations in Melville and provide for job opportunities, but will also increase the property tax base, the income tax base, and the sales tax base for the building.

P.O. LINDSAY:

Could you wrap up, Mr. Hamer?

MR. HAMER:

Yes, sir. I ask you to weigh all the benefits of accepting the Sewer Agency's recommendation to incorporate this building into the sewer district. It is a well thought out building redevelopment, one that will add to Suffolk County's economic development.

P.O. LINDSAY:

Thank you, Mr. Hamer.

MR. HAMER:

Thank you.

P.O. LINDSAY:

I appreciate it. Valerie Biscardi.

MS. BISCARDI:

Good morning, Mr. Presiding Officer --

P.O. LINDSAY:

Good morning, Valerie.

MS. BISCARDI:

And Legislators. My name is Valerie Biscardi. I'm the Commissioner of Housing, Community

Development and Intergovernmental Affairs for the Town of Brookhaven. I'm here today to reiterate the Town's support for Resolution 1082, which appropriated County funds for the improvements at Raynor Beach County Park. The Town has committed \$50,000 in community development block grant funds towards this project. These funds will be used towards curbing, sidewalk, related drainage on Lake Shore Road, from Harding Street to the entrance of the Raynor Beach Park itself. This will allow safe pedestrian access to the park.

The support has also been voiced in writing by Supervisor Brian Foley in a letter dated December 15th of '06, as well as in a letter to Legislator Kennedy in a letter dated February 15th of '07.

On another quick note, I would just like to -- on the subject of workforce housing and affordable housing, I'd just like to urge the County to continue to offer viable lots to the Town of Brookhaven through the 72-h process, so that the Town may facilitate development and then sale of these homes to first-time home buyers of low or moderate income. Thank you.

P.O. LINDSAY:

Miss Biscardi.

MS. BISCARDI:

Yes.

P.O. LINDSAY:

Legislator Kennedy wants to thank you.

LEG. KENNEDY:

Thank you, Mr. Chair. I know ordinarily -- but to facilitate this process, which has been something that's been over a year in the making, I appreciate you being here today, it goes a long way. Thank you.

P.O. LINDSAY:

Thank you.

MS. BISCARDI:

No problem. Thank you.

P.O. LINDSAY:

Peter Quinn.

MR. QUINN:

Good morning, members of the Legislature.

P.O. LINDSAY:

Good morning, Peter.

MR. QUINN:

Nice to see you again. Although there were two presenters by KeySpan at the Energy Meeting last week, we should understand that KeySpan is not our friend, nor is LIPA. The fact of the matter is that KeySpan filed a motion to dismiss the case involving the manufactured gas plants in Bay Shore before the public service commission. And I have good news, because yesterday the Commission determined that KeySpan's motion is denied, so that the people of Bay Shore will be represented.

Secondly, the Spagnoli Road was a proposal by KeySpan for three years ago, back in '04. LIPA was the one that objected to it, saying, "We don't need the power." Five months later, they went to Caithness and said, "Yes, we do need the power? And in the course of doing that, they pushed to provide community funds to public officials and to community groups of starting out with 137 million. It went to 152 million, it went to 185 million under a resolution in January. Then, when South Country School District objected, it went to 189 million, and now, through the IDA, we have

information from Brookhaven Town that it's 198 million. If you don't examine with some scrutiny our ratepayer dollars being used to be given to a private company, then you're not doing your job.

In terms of -- excuse me. In terms of repowering, KeySpan does admit in this report, for those of you who are -- have you got a quorum? I don't think so. Now you've got nine.

LEG. ALDEN:

No, you got ten.

MR. QUINN:

Okay, now you got them.

P.O. LINDSAY:

Go ahead.

MR. QUINN:

Hey, as a former actor, I hate to speak to an empty house. Continuing, then, in terms of the report that KeySpan prepared, repowering, for those of you who are fond of the idea, there are two types, hybrid, which will cost 1.3 billion dollars to do at Northport, and the backyard repowering, which will run 800 million dollars. If we were to do 32 KeySpan-owned generating plants, it would run over 32 billion dollars. That would bankrupt Long Island. So I ask those of you who are fond of doing repowering, without thinking of the cost, to reconsider it.

And then the report fails to show, although they claim that demand is increasing all the time, fails to show how much we are exporting off Long Island through the cables under the Sound. We import it, but nobody talks about the exporting. And if you don't get that data from KeySpan, then you're remiss in your duties.

And finally, I'd like to commend this Legislature for making a decision about the sewers in Suffolk County by when you said we're doubling the price, and I thank Legislator Cameron Alden for introducing that legislation and for all of you unanimously supporting it, doubling the fees for effluent dumping in the sewer districts, when you consider that money is going out the back door through the IDA's, Town and County IDA's in the form of tax abatements and sales tax eliminations, it's nice to know that you're going to retrieve some of that money by doubling the fees. And I would urge those sewer districts that haven't gone to tertiary treatment, such as Huntington, it might be a way to move some of that effluent from Melville up into the sewer plant in Huntington, rather than have you expand clarifiers each time you need more capacity at the Southwest Sewer District. Thank you very much.

P.O. LINDSAY:

Perfect, Peter. Thank you. Frank Caprino.

MR. CAPRINO:

Good morning, Mr. Presider and Legislators.

P.O. LINDSAY:

Good morning.

MR. CAPRINO:

I'm Frank Caprino. Good morning. I'm Frank Caprino, President of the Bay Shore Historical Society, and I'm here in support of Resolution 1070. Our group consists of over 240 members from all walks of life, and nobody asks what political party you belong to. You just come in and everyone is interested in preserving the history of our village.

We have two fund-raisers a year. We have our yard sale, which will be coming up in June, and then in December, we have our Snow Flake Sale. These monies are enough to run the house, but for any

external expenditures, it's not sufficient. We just had to have the fence painted and the trim on the house was painted, and we're looking forward -- and now we have three out-buildings that need painting and refurbishing, and the \$3,000 we would get on the 1070 would help a long way in paying for these bills.

And I thank you for letting me speak. And I invite all Legislators to come in and see us and see what we do. We're located on 22 Maple Avenue, right on the road to the ferries in the summer, if you're going down, and we're open Tuesdays and Saturdays from 2 p.m. to 4 p.m. Thank you.

P.O. LINDSAY:

Thank you, Frank, for taking the time to come down and talk to us. Mike Chiarelli.

MR. CHIARELLI:

Good morning, Presiding Officer, and other Legislators. I want to thank you for the opportunity to speak. Specifically, I'm here to talk about the connections to Southwest Sewer District. I've listened to a lot of speakers talk about the economic advantages to the connections. I'd like to speak specifically about the gift to the environment by allowing these connections. I'm a professional engineer and have been designing waste water treatment systems for over 40 years, most of them in Suffolk County. We're dotting the landscape with too many small plants. And I urge your approval of the resolutions on the table now, specifically for Somerset Woods, 2585-06, and Providence, 2586-06, because in one case they eliminate an aging sewage treatment plant, and in another case, they prevent construction, design and construction of a small sewage treatment plant. We just have too many plants, and I believe the connections and the sewage should be transported to Southwest and treated.

I'm available for any questions the Legislators may have. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Chiarelli. {Baseeya} Braddish.

LEG. ALDEN:

Basia.

P.O. LINDSAY:

Basia. Basia, I'm sorry.

MS. BRADDISH:

I've had it said a lot of strange ways. Basia Braddish from the County Attorney's Office. I just wanted to come and give a brief summary on two resolutions which are before the Legislature today. The first is 1090, and that would authorize the Police Department to pay the gas bill for heating the hangar out at Gabreski directly to the utility provider. We are occupying the premises pursuant to month-to-month lease. We are not looking to enter into any long-term agreement while the County explores its options there.

The second resolution is 1092. This premises is 95 Executive Drive in Edgewood. It's where the department of Health Services are located. In entering into negotiations, the landlord actually indicated to us that he preferred that we not remain at the premises. Given the extent of time that it takes us to relocate, he did agree to a 10-year lease. However, it contains an option to cancel at will by the County. In this regard, we have been looking for a new site, and we actually intend to present to the Space Steering Committee at our April meeting the two proposers, possibly three, for consideration for a new location.

The lease is pretty standard. It's a 3% escalation per year. The facility is in good condition. The landlord actually voluntarily did a number of renovations. And I think that's about it.

P.O. LINDSAY:

Thank you very much.

LEG. SCHNEIDERMAN:

Bill, I'm sorry. Basia, I have a question for you.

P.O. LINDSAY:

No, no question, no questions. We're in the public portion.

LEG. SCHNEIDERMAN:

It's the County Attorney.

LEG. ALDEN:

It's public portion.

LEG. SCHNEIDERMAN:

It's on one of the bills she brought up.

P.O. LINDSAY:

Yeah, it's under public portion. She'll be here later. I'm just going to say Debbie from AME.

MS. ALLONCIUS:

Okay. I would love to come up, but the fellows are here. Bobby Tuerlings, you want to come up? Okay, thank you.

P.O. LINDSAY:

They didn't -- yeah, go on up, Debra, because you didn't -- they didn't fill out a card, you know.

MS. ALLONCIUS:

I've got to cover for the guys, Bill. I welcome myself into this forum and very happy to speak before you, Presiding Officer Lindsay and the Legislature. AME strongly supports the Department of Audit and Control to administer Insurance Risk and Management, so we would like to let you know that we would appreciate all your support in not following Resolution I.R. 1134. We -- Audit and Control has done marvelous job in the past. We would like to have a chance to keep it, that money there. Any questions? Thank you.

P.O. LINDSAY:

Can't ask questions. Thank you, Debbie. Guy {Sermano}. Germano.

MR. GERMANO:

Germano.

P.O. LINDSAY:

I'm sorry. I thought it was a "C".

MR. GERMANO:

Mr. Presiding Officer, Members of the Legislature, Guy Germano. I'm here representing the Rubies Office Building, stated to pour construction this Spring, at the southwest corner of 110 and the Long Island Expressway. It's Resolution 1083 on today's agenda.

You've heard -- I've heard several speakers, including Commissioner Morgo. I'm not going to repeat what he said about our project, and I support everything he said about us. I just wanted to introduce you to the project and to Rubies briefly.

This is new construction. This is the view of the office building from the Expressway. It will be a signature building. It's being designed by {Moto Sumpner} from Huntington. It takes its cues from a building in Paris. Rubies is the largest costume maker in the world. It has 900,000 square feet of

space it owns on Long Island, about a half a million in Suffolk County, 200,000 in Melville, and another 200,000 in Bay Shore. It employs about twelve hundred people on Long Island now, about 600 of those in Suffolk County. It's an important employer in the area, one I guess we haven't heard too much about, but with the construction of this building, I think you'd hear more about them in the Long Island area.

There's no better place for office expansion on Long Island than the center of the office locations in the Melville corridor. We think it's eminently smart for larger office buildings to be built there where there is sewer currently available. And we ask for your support for Resolution 1083, so this project can start. It's currently stated -- it's on track to start in the Spring. It will bring about 170, initially 170 construction jobs right away, approximately a 23 million dollar construction project. Thank you.

P.O. LINDSAY:

Thank you, Mr. Germano, I appreciate it. I'm remiss. We're past the 11 o'clock. I'll entertain a motion to extend the public portion.

LEG. ALDEN:

Motion to extend.

P.O. LINDSAY:

Motion by Legislator Alden. A second? Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

14. (Not Present: Legs. Caracappa, Montano, Horsley and Cooper)

D.P.O. VILORIA-FISHER:

Renee, I'm here.

P.O. LINDSAY:

Nancy Cochran.

MS. COCHRAN:

Good morning.

P.O. LINDSAY:

Good morning, Ms. Cochran.

MS. COCHRAN:

I'm here to discuss the grant restitution, Resolution 1070. My name is Nancy Cochran. I am the Executive Director of Keep Islip Clean. For those of you who may not know, we serve all of Islip Township, not just Islip Hamlet. We are a not-for-profit organization, and we are an affiliate of Keep America Beautiful. Our mission is community enhancement, mainly through litter prevention and litter cleanup, although we also do work in recycling and graffiti abatement.

Now we receive a grant annually from Legislator Alden, thank you, Legislator Alden, and it's to be used for educational materials. We use it wherever there are young kids. We use it in grade schools. We have Boy Scout, Girl Scout troops, Brownies, Cub Scouts, a lot with the youth enrichment services groups, anywhere where there are young kids, because we believe at KIC that our best hope for preventing litter, not cleaning up litter, preventing litter, is by educating kids

before bad habits are formed where littering is concerned. With these kids, we stress the aesthetics as well as the environmental impact with litter. It's not just a cup by the side of the road, there is an environmental impact, especially where animals are concerned.

When our grant was cut, we lost our budget for educational materials for 2007. Now we always use our grant responsibly, we always use it for its stated purpose, and we always comply with all requirements. Frankly, I can think of no fair reason for this grant cut. Now, if you believe as I do, that it is important to educate our young people about the importance of a clean and beautiful community and environment, then I will ask you to please revisit this issue and restore the grant for Keep Islip clean. Thank you.

P.O. LINDSAY:

Thank you, Nancy, I appreciate you being here. Ted Sanford.

MR. SANFORD:

Good morning, Mr. Legislature -- Mr. Presiding Officer, Members of the Legislature. My name is Ted Sanford, lifelong resident of East Islip. I'm here in support of Resolution Number 1070. It's interesting to see, speaking at this position, how the grant program fits into the social fabric of the Islip area. We've had Saint Mary's here, we've had the East Islip Soccer Club here, we've had Keep Islip Clean. I'm here as a past president of the East Islip Historical Society, charter member since its founding in '92, and I just spent six years as a Trustee of the Suffolk County Historical Society. I know every year it's a struggle for not-for-profits to balance their budgets.

I'm also a soccer coach. Tom already addressed the East Islip Soccer Club. And the East Islip Historical Society years ago adopted Irish Land as a cleanup. We're part of the -- I'm the Chairman of the Keep Islip Clean Committee of our Historical Society, so it all ties together.

Like I said, we're an NGO, or not-for-profit, or a 501C3. I guess in your parlance, we're a contracts agency, and we're a historical society. Our mission is to collect, preserve and disseminate the facts of our community. And I regret the characterization by the County Executive that somehow we're waste, or we're a pet project or pork. It is a vital part of our community, and we count on this income on a regular basis.

We're certainly not lobbyists. We're not even sure how this procedure works here. In fact, at our last Trustees meeting, our Chairman of the Trustees voted against us appearing here today, because he didn't want us to appear partisan. I think we had no choice but to be here and support 1070. At that same Trustees meeting, we made the painful decision that for the first time since 1992, we actually raised our dues. We have about 100 members, more than half of them are senior citizens, some of them on fixed income. We get \$500 a year through the County. We raised our dues \$5 to generate that \$500 that we use to bring our speakers in. We have about seven speakers every year at the Brookwood Hall Gatehouse.

Five hundred dollars is not a big amount of money. The rest we raise with our annual Fathers Day Pancake Breakfast. And one of the things that I see that's key here is the accident of geography. Prior to redistricting, we were in the old Ninth Legislative District, and year in, year out, Ginny Fields was very supportive of us. After redistricting, we're now in the new Tenth District, and Cameron Alden has -- thank you, Cameron, has been equally supportive through the years, so it's certainly a bipartisan or nonpartisan issue. We haven't moved. The political landscape changes, and it would be a shame if our funding fell victim to an accident of geography. And I ask your support for 1070, and I thank you for your attention.

P.O. LINDSAY:

Thank you Mr. Sanford. Patricia Duffield. Before you begin, Miss Duffield, Legislator Fisher wanted to make one announcement.

D.P.O. VILORIA-FISHER:

Just bear with us for one second, Miss Duffield. I would like to welcome some visitors who are here to observe the Legislative process. They are a group who are visiting here from Maryhaven. I had an opportunity to meet with them a little earlier. Thank you for being with us, and I hope that you enjoy the day and learn a great deal from this.

P.O. LINDSAY:

Okay, Miss Duffield. Thank you for being here.

MS. DUFFIELD:

I'm Pat Duffield and I'm from the Lake Ronkonkoma Civic Organization, and I thank you for allowing me to be here. And I'd like to address 2257-06, the acquisition of the property, Robbins -- known as Robbins.

To repeat what I had said before, and I know Ken, who should be following me, will bring in a lot more of the other details, we need to keep our green areas, especially in our older communities. We don't have that much left, and to preserve what we can is so essential. We have to get in there, save these properties before we have the large developers coming in, before we get yet another bank, another pharmacy, another fast food place.

I have been doing, since our meeting last week when I was able to speak, some research on where we can bring things in from the community to work with us. We have over 300 members in the civic. We are a very active civic, and by now I believe you should have the letter from the Town, as well as from our civic, indicating our support and our willingness to cooperate. There are things we can do, working with the Scouts to put in walking trails. We can do something with some of the older people in the area, where we can put in square foot gardens so that they have -- there is a cleared area, or will be, where they can come back and still feel useful and productive. We can work with Audubon. They're already working with another piece of property in town to put in bat houses, bird houses. There are so many things we can do, and it's essential that we have a place where people can walk to, where they can take their bikes to, where children can be educated. We can put in plaques. There are many things that can be done for the community with this property.

We have a record in Lake Ronkonkoma of being very active, our civic. We're working now with an acquisition, the Triangle Property. There is a skateboard that's going to be coming in. So I'd like, please, if you would consider very seriously purchasing the property or okaying the acquisition of this property. Thank you.

P.O. LINDSAY:

Thank you, Patricia. Ken Kellaheer.

MR. KELLAHER:

Good morning. I'm Ken Kellaheer, Treasurer of the Lake Ronkonkoma Civic. I'm here also to speak on behalf of -- it's actually Resolution 2297-06 for authorizing the planning steps for the acquisition of the five-acre parcel on the southeast corner of Portion Road and Holbrook Road to be used as a community park. It's a very important acquisition for the community. This park at this location was promised to the community as part of our agreement with DPW to support the reconstruction of Portion Road at the public hearing back in July of 2006. As Patricia stated, we have an agreement now with the Town of Brookhaven, who actually managed this park on behalf of the County, and the Civic will partner with the Town to actually handle that management. We'll get involved with litter control and under the Adopt a Park Program, we'll work closely with Brookhaven.

Just want to stress that moving quickly on this issue is important. We're concerned that this is an attractive parcel and there are developers that may be interested in acquiring this parcel. This part of Portion Road was designated in the community visioning in 2004 as a less intensely developed part of the road. We're willing to have more development in the three town centers that have been designated along Portion Road, but retaining this wooded parkland at this location is essential to the balance along Portion Road. So, again, we urge your approval of this resolution.

And I particularly would like to thank Presiding Officer Lindsay and Legislator Kennedy for their support on this issue. Thank you.

P.O. LINDSAY:

Thank you, Kellaher. Kenneth Gray.

MR. GRAY:

Good morning, Legislators.

P.O. LINDSAY:

Good morning, Mr. Gray.

MR. GRAY:

Kenneth Gray, Village Attorney to the Village of Ocean Beach. I'm here appearing as the Village Attorney, and on behalf of Mayor Joseph Loeffler, who is out of the jurisdiction and not available today. We're just here to restate what we've already said, that we are in support of the Fire Island Ferries' application for a rate increase, except we do not support the Office of Budget Review's recommendation that you delete or nullify the Village discount tickets for Village residents. I believe the resolution, as it's proposed in front of you today, Resolution Number 1973-06, leaves intact the Village resident discount books, and we ask that you adopt the resolution as proposed. Thank you.

P.O. LINDSAY:

Thank you, Mr. Gray. Barbara {Axinger}.

MS. AXMACHER:

Axmacher.

P.O. LINDSAY:

I'm sorry, what was it, Barbara?

MS. AXMACHER:

Axmacher.

P.O. LINDSAY:

Okay. I'm sorry about that.

MS. AXMACHER:

That's okay. Good morning I stand before you today, a concerned citizen and optimistic constituent. As the mother of my own little Suffolk County residents, I am, as you are, a guardian and caretaker of the future. It is a daunting responsibility managing all our best intentions, many which remain riddled with uncertainty. But for all those things I do not know and are still yet to come, I feel confident moving forward with a safe and sustainable procurement policy in Suffolk County is undeniably a safe decision of incomparable value, great understanding, and historic significance. Although we may often see the world change, we are not so often privileged to actually feel the world change. Being part of a global shift towards ensuring a higher quality for present and future generations is as noble a cause as I have ever known. Thank you.

P.O. LINDSAY:

Thank you very much, Barbara. Patricia Keany.

MS. KEANY:

Good morning, Presiding Officer, members of the Legislature. My name is Patricia Keany. I'm a Board Member of the Huntington Breast Cancer Action Coalition and I'm here this morning on behalf of the Safe and Sustainable Procurement Policy, Number 2171.

In 2003, the second National Report on Human Exposure to Environmental Chemicals found that children had twice the levels of pesticides in their bodies compared to adults, and adolescents had higher levels of phthalates than adults.

In another joint study by the Environmental Work Group and the Mt. Sinai School of Medicine, nine individuals were tested. As many as 91 residues of toxic chemicals per person were found in their systems. Two-thirds of those compounds found can threaten nearly every organ in the human body at every stage of life. However, there is a body of research indicating that children are most in danger, because during this time of rapid development, they may suffer harmful results from even the smallest toxic exposures that have little or no impact on adults.

Once harmful chemicals enter the human system, there's no known way to eliminate most of them. Therefore, it's imperative for communities to work to eliminate the most dangerous of these chemicals, and to take precautionary approach when it comes to chemicals released into our air, water and soil. A safe and sustainable procurement policy is an excellent example of a precautionary approach to reducing the chemical body burden of Suffolk County residents. Therefore, I applaud County Executive Steve Levy, Legislators Edward Romaine and Steven Stern, and the other members of the County Legislature for taking a step towards a healthier and safer Suffolk County.

I have a two year old granddaughter living in Melville who is about to become a big sister. This policy will help to reduce the unhealthy chemical exposure of these children and the rest of Suffolk's children. They are our future and it is our responsibility to protect them. Purchasing environmentally preferred products and services is a step in the right direction. Reducing exposure to substances known to or suspected to be carcinogens, endocrine disrupters or risks to human development can only improve the quality of life for all Suffolk residents. Thank you.

P.O. LINDSAY:

Thank you, Patricia. Jaime Siegel.

MR. SIEGEL:

Good morning. As Chairman of HUSH Quiet Skies, a civic association formed to preserve the quality of life for residents living in communities surrounding Gabreski Airport, and as a member of the Airport Conservation and Assessment Panel, I'm here to convey the dismay expressed by the community over the CEQ issuance of a neg dec on the Long Island Jet proposal for expanding operations at Gabreski Airport, and to request that debate be reopened on this matter.

In my role as secretary of ACAP, I was present for the CEQ meeting in question. It was concerning that the business of the meeting was permitted to proceed, even though few panel members were in attendance and there was no representation present for East End residents. Of greater concern was that the CEQ did not review or deliberate over the ACAP document that was 51 pages, nor was there substantive discussion on the issue. ACAP representatives were present and prepared to defend the recommendation for the most stringent environmental review possible of the Long Island Jet lease application. In my opinion, the ACAP document was not given the attention it merited. In addition, panel members appeared uncertain as to the process, and seemed surprised when it was announced that a vote had been taken without deliberation.

Since the CEQ ruin was made public, HUSH has received well over 100 complaints from alarmed residents and taxpayers asking to have the discussion on this issue reopened, and with good reason. If permitted to go forward as proposed, the Long Island Jet expansion at Gabreski Airport will add 20,000 additional gallons of jet fuel storage, increase parking to accommodate 70 additional cars, and add 35 new jobs. Given that Gabreski is a highly unusual location for an airport within the Central Suffolk Pine Barrens atop the federally designated sole source aquifer and the Town of Southampton Aquifer Protection Overlay district, we think a stringent environmental review of this application is imperative to assess a potential for adverse consequences of this proposed expansion

will have to our pristine environment. Surely, an expansion of this magnitude that is proposed to take place in an area recognized as environmentally sensitive is worthy of a full environmental review and not the cursory study it received.

I'd further like to say that after speaking with Legislator Schneiderman, he pointed out something that really was alarming as well. The White House is smaller than the proposed development at Gabreski, and the White House would require an environmental impact for sure. So, therefore, we're asking just for the same consideration. Just do the due diligence and do a full environmental impact statement. Thank you very much and have a good day.

P.O. LINDSAY:

Thank you very much, Mr. Siegel. Anthony Guardino.

MR. GUARDINO:

Good morning, Presiding Officer Lindsay and Members of the Suffolk County Legislature. I am here to make a statement on behalf of my client, Herb Agin, from Sutton and Edwards with respect to I.R. Number 2589 of 2006. And if you will indulge me for one second, I just want to take a couple of minutes to just read this letter.

"Dear Presiding Officer Lindsay and Legislators, my name is Herb Agin and I am the Chief Executive Officer for Sutton and Edwards TCN Worldwide, the leasing and managing agent for HUB Properties Trust, the owner of 2 Corporate Drive in Melville. HUB's sewer application was one of the six applications that were tabled at last month's Legislative meeting. I had hoped to be here today to personally address the Legislature, but a prior commitment didn't allow me to do so. However, I have asked HUB's attorney to read this letter into the record, so that you will have a full understanding of the consequences of further delaying the approval of HUB's application."

"The property consists of 285,000 square feet of office space that was most recently occupied by Olympus America. In August of 2006, Olympus left Suffolk County and relocated to a new facility in Allentown, Pennsylvania, with the loss of over 800 jobs. Since that time, HUB has marketed the office building, and its proximity to a sewer line made available by its neighbor, Estee Lauder. Through its efforts, HUB was able to convince Honeywell International to relocate its Nassau County headquarters with up to 600 jobs from Syosset to Melville by leasing approximately 144,000 square feet, or more than half of the office space in the building. As part of the deal, Honeywell required that HUB obtain approval to connect the facility to the Suffolk County sewer system. Accordingly, on April 24th, 2006, HUB submitted an application to the Suffolk County Sewer Agency and received approval on May 15th of 2006. Since that time, our attorneys have been working diligently with the Suffolk County Attorney's Office to finalize the County's review, but that process is proceeding slowly."

In HUB's case, the Suffolk County Legislature's inaction on HUB's sewer application has the potential to impact up to 600 jobs that have already been committed for relocation from Nassau to Suffolk County. Moreover, HUB is seeking a tenant for the remaining 141,000 square feet, which has the potential to bring in an additional 600 jobs to Suffolk County. Indeed, I have received several inquiries from biotech companies that would like to lease the remaining space, but will not give the building serious consideration unless it is connected to the County sewer system. If Suffolk County is truly committed to bringing more high paying jobs to the County, this Legislature must act on HUB's sewer application today. Further delay will send a message to businesses worldwide that they should look elsewhere, because Suffolk County is unable to accommodate them."

"On behalf of HUB Properties, I thank you for your time, and hope that the Legislature will look favorably on HUB's application." Thank you very much. Signed, Herbert Agin.

P.O. LINDSAY:

Thank you, Mr. Guardino.

MR. GUARDINO:

Thank you.

P.O. LINDSAY:

I appreciate that. That concludes the number of cards. Is there anyone else in the audience that would like to address the Legislature? Seeing none, I'll entertain a motion to close the public portion.

LEG. NOWICK:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Nowick.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. All in favor? Opposed? Abstentions?
I think we have almost everybody here. We're going --

MR. LAUBE:

Fifteen. (Not Present: Legs. Romaine, Kennedy and Viloría-Fisher)

P.O. LINDSAY:

Yeah, all right. We're going into the agenda. Turn to Page 5, the Consent Calendar. I'll entertain a motion on the Consent Calendar.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

Turn to Page 8 in the paper agenda, Resolutions Tabled to March 6th, 2007. ***I.R. 2022-05 - Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of Long Island Jet Center East, Inc., Town of Southampton.*** I'm going to make a motion to table for one more cycle.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

I.R. 1880-06 - To require the percentage of recycled paper used to be indicated on all

publications of the County of Suffolk. What's your pleasure, Legislator Losquadro?

LEG. LOSQUADRO:

I'll make a motion to continue tabling while I work on it.

P.O. LINDSAY:

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

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? ***I.R. 1885-06 --***

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

-- Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day, Thanksgiving Day and Labor Day Holidays.

I'll make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1894 - Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel in lieu of the percentage right of such taxes, pursuant to the authority of Article 29 of the State Law and the State of New York in a fiscally responsible and prudent manner.

LEG. MONTANO:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1952-06 - Adopting a Local Law to require proper supervision at hotel and motel swimming pools.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. SCHNEIDERMAN:

Mr. Clerk, please list me as recusing myself from this vote.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Do I have a second? Second by Legislator Caracappa. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

1973 - Authorization of alteration of rates for the Fire Island Ferries, Inc. I'm going to make a motion to approve for the purpose of discussion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. My questions to Budget Review is, are we done with our analysis on this and do we have a recommendation?

MS. VIZZINI:

Yes, we're done with our analysis. The recommendation, I believe, was made to Counsel. George, where do we stand?

MR. NOLAN:

There were several recommendations made by the Budget Review Office that were followed, and the resolution was amended to take out, for example, the cost of the automatic escalator. I believe the only issue that's my understanding out there that was mentioned in the Budget Review report is the discounted tickets for Ocean Beach, and I think that's really the one outstanding issue, if I'm correct.

P.O. LINDSAY:

So where are we, Counsel, are we ready to approve it? I'm sorry, I wasn't --

MR. NOLAN:

It's eligible for a vote today, yes.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Motion to table.

P.O. LINDSAY:

We have a motion to table by Legislator Caracappa.

LEG. ALDEN:

I'll second that.

P.O. LINDSAY:

Second. The only thing to keep in mind is we're getting very close to the season where we have to

either approve, adjust, or do something with the rates, you know. We have a motion.

LEG. ALDEN:

On either motion, I'd just like to put something on the record.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I believe that the -- that this resolution's been amended to reflect a 6.5% or 6.3% -- 6.5?

MR. REINHEIMER:

Yes.

LEG. ALDEN:

So the amount of the increase has been amended down to the --

P.O. LINDSAY:

It was 10 originally, right?

LEG. ALDEN:

Right, to Budget Review's recommendation. The one issue that I still see as outstanding, and I think it's a matter of transparency, there's a discounted bulk rate, but then there's also a super discounted bulk rate ticket that gets issued and goes to villages. Unfortunately, there is no accounting as to what is done with those. Do they distribute those to people who live in the district? Do they go and sell them on the open market to subsidize the village operations? And then there's another matter in here that we are actually establishing a rate where we don't have fair market -- fair market rent to look at what their actual costs are to establish what that rate should be. So, if you have a discounted rate for the rent into any of these village-owned facilities, you're asking the majority of the people who ride that ferry to subsidize possibly the village operations, and that would actually go to possibly even a tax subsidy for the people that live in those districts. For instance, if they do take those bulk tickets and they sell them on the open market and they realize a profit, because we don't really know, there's no accounting of what happens to those tickets after the different municipalities get them, we are asking all the rest of the riders, and we're setting a rate that would ask all the other riders on that ferry company to subsidize those operations and the people that live in those couple of districts that actually have relations with the ferry company.

So unless that is cleared up, as far as maybe even a simple clause in that, you know, until their contract runs out, because I realize that the ferry company is in contract with these different villages for the provision of super discounted rates or rate books, until that contract runs out, I would like to see a clause inserted that would really account for an accounting or would require an accounting. What do they do with those booklets that they get? Is it used to subsidize the tax situation in those villages? Do they sell them on the open market? Do they sell them to individuals? What's the criteria of the disposition of those super discounted books? And with that, I could support the resolution, but I would like to see in the future that super discount eliminated.

P.O. LINDSAY:

And I don't have any ox to gore in this debate, but the testimony that we received prior was from a lot of the village officials that they own the property, they, for better word, rent them to the ferry facilities for docking, but rather than take it in monetary compensation, they take the income in discounted tickets and dole them out to the full-time residents of those communities. That was the testimony.

LEG. ALDEN:

Also, some of them said that they did sell them on the open market, they had the ability to sell them. So all I'm saying is that the transparency should be there, that a full accounting of where

they go. And I would like to see fair market rents reflected in the rate schedule, because I think we owe that to all the people that we're setting this rate for, not just the villages.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

I think historically there's been a negotiated agreement between Ocean Beach and Saltaire and the ferry company with reference to those discounted tickets. It is my impression the discounted tickets are then basically sold to the residents of Saltaire and Ocean Beach, because Ocean Beach and Saltaire own the docks, they own the dock; all right?

As far as the overall package is concerned, originally, it was a little more than 6%, then it went up to 10% based on a COLA, because the ferry company was complaining that there was no way to pass on in the last year-and-a-half the dramatic increases in fuel costs associated with running the ferry system. The so-called COLA provision has been dropped. It seems reasonable that they stay around 6% or a little over 6%, so I'm supporting this particular piece of legislation. But I don't think those discounted tickets are being sold on the open market. I think, basically, what the villages are saying, they take the discounted books because of the long-term negotiated agreement historically with the ferry company, and they take those discounted tickets and they sell them to their own residents.

P.O. LINDSAY:

Sell them or give them out to their own residents?

LEG. BARRAGA:

No, it's --

LEG. ALDEN:

At what price?

LEG. BARRAGA:

There's a price of roughly \$158 and that's what the residents are paying, as opposed to over \$200, which everybody else pays who are not residents of Saltaire or Ocean Beach.

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

They don't get them for free.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Stern is --

LEG. STERN:

Yeah, very quickly.

P.O. LINDSAY:

And then I'll recognize you.

LEG. STERN:

Mr. Chair, I agree with Legislator Barraga. In fact, that's what the testimony had borne out, that they're not being sold, specifically not being sold on the open market, but that the villages do keep very good track of their residents who are purchasing these books, and that was pretty consistent, the testimony that we heard.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And if that's the case, I don't think there would be any hesitation on their part to us including a paragraph in the resolution that would approve this that would provide for them to explain to us or document where those tickets are going and how much they're being sold for and to who. So if it's all above board, then that would be fine. I don't see where anybody should resist that type of reporting then.

P.O. LINDSAY:

Okay. Anyone else? No? Okay. We have a motion to approve. We also have a motion to table.

LEG. ALDEN:

And I don't know if the offer's still here, but at the -- it was either the committee meeting or the public hearing, the County Executive's Office had indicated a desire that whatever our wish is, that they would cooperate, even if it required a CN for a minor change in the resolution.

P.O. LINDSAY:

Well, are we prepared to modify this resolution at this point in time?

LEG. ALDEN:

I just thought that a reporting requirement then, and then I could support it if that's in there. I want to see some transparency and I want to see some accountability to the public, and I don't think that just handing tickets to people and then they say we're selling them to residents, well, that's not documented anywhere. They don't have a policy in place where that's exactly where those tickets go and for how much.

P.O. LINDSAY:

Budget Review, how do you -- where are we with -- have we discussed this with the operator?

MR. DUFFY:

We've prepared two memos, one dated February 7th, one dated February 22nd, which we gave to the Public Works Committee, in which we discussed the discounted village tickets. The Ocean Beach tickets are surcharged \$6, I believe, to each resident. Saltaire, there's a \$15 surcharge. They had supplied me with various information, copies of their leases, copies of the application that they send out, and a computer program at least for the Ocean -- from Saltaire that show the activity for one month. Our concern is what we discussed in our report, that these are villages -- these village discounts are highly discounted tickets, well below the 40-trip ticket, and that there's a Legislative decision whether or not you wish to continue it at the level they're in. We have not been given any information that basically was an accounting. I had asked both Ocean Beach and Saltaire, because both indicated that their outside auditors, as part of their audit report, reviewed the discounted sale of tickets. I have not yet been supplied with copies of those audits.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, thank you. Not being on Public Works this year, where I had been last year, I have not had the opportunity to see those memos. And, in this case, I would be interested, because the

question that comes to mind immediately, and maybe you explained it already and I apologize if you did, but why are the two villages having disparate pricing? Is this based on population, membership? Is there a particular amount that's being awarded per jurisdiction? What's the justification?

MR. DUFFY:

The villages own the docks, and as part of their negotiations with the ferry company, they had requested that part of the compensation that they receive be in the form of discounted tickets. Up until 2001, Ocean Beach received fourteen hundred books. At that time, it was increased by seven hundred books. That's when we first -- as the Budget Review Office started discussing this issue as to why they were discounted tickets, what are the criteria for receiving them. There had been during the last two rate increases, village officials had appeared before the Legislature describing that it was their choice, that they wish that as a form of compensation. Our concern has been that, well, if Ocean Beach -- in their lease, they built in a 3% annual escalation. No matter what the ferry has requested, they're locked in to providing a discounted ticket, which is substantially below the 40-trip ticket book.

LEG. KENNEDY:

Which there may be some logic to. I think what I'm just trying to understand, Kevin, is from a macro perspective, the total amount of revenue that's being addressed here by virtue of the price reduction per jurisdiction. And then I guess I would ask, is this joint ownership of a single dock, or is there a percentage ownership? Again, it escapes me why one jurisdiction would go with, you know, one amount of offset and the other would go to another. It's got to boil down to simple mathematics, one would hope. But if it doesn't, then I've got a question.

MR. DUFFY:

Okay. Well, Saltaire and Ocean Beach each own individually their dock. We discussed in our report that all Legislators had received, on Page 9, the loss of revenue, Ocean Beach, under the new fair structure, would be \$171,255, Saltaire would be 57,600, and Dunewood would be \$5,120, for a total discount of \$233,975.

LEG. KENNEDY:

So this is -- is this a matter, then, of three independently elected bodies deciding to what extent they'll underwrite the transportation costs of each of their residents, is that what this is?

MR. DUFFY:

What it is it's a decision that has been made by -- Dunewood is a property owner's association. The other two are villages and it has been a, I guess, conscious decision of the villages that as part of the compensation, they wish to be able to give their residents tickets at a reduced rate, which they buy from the ferry company in March and then they sell them to their residents. What they do is that both villages surcharge the residents for the books they receive. The surcharge Ocean Beach places on the tickets is \$6 for a 40-trip ticket book. Saltaire puts on a \$15 surcharge. What our concern has been, that if this were a straight lease, then all village residents would share equally in the benefit. Because they use discounted ticket books, Ocean Beach, you can purchase up to six. So, if you purchase one book, your discount is much, or your benefit is much less than mine if I purchased the entire six books, that I then receive -- I calculate it to be like \$450, where you, in purchasing one book, would only receive like 60, 70 dollars. That has been part of our concern, that this benefit is not shared equally by all of the residents, whereas, if it were a lease where there was a cash payment, all residents of the village and all properties in the village would share equally in the discount.

LEG. KENNEDY:

The -- what does the operator say when you've raised these issues, as far as what appears to be some disparity, or, God forbid, an arbitrary and capricious application associated with the discount? Have they -- is there a decision to try to institute more uniformity, or is this just their position, this is the way it is?

MR. DUFFY:

Well, that would be for the operator, not for me, to express what their point of view is. But we have discussed this and their, I guess, position is that this is a lease that they have signed and they're bound by the lease.

LEG. KENNEDY:

I have more questions than I do answers now, Mr. Chair, but I'll yield.

P.O. LINDSAY:

But, Legislator Kennedy, this has been before us about three meetings in a row. We've heard from all kinds of people on this. Legislator Alden.

LEG. ALDEN:

Just to make it clear what was elicited by Legislator Kennedy, the villages get super discounted tickets, then they mark them up and sell them to, we're not sure who. That's a -- is that an improper --

MR. DUFFY:

Well, according to their guidelines, they're sold to the residents.

LEG. ALDEN:

And they're not sold to anybody outside?

MR. DUFFY:

I just have their statement of what they have done. I have not gone and looked at who the sales actually occurred to.

LEG. ALDEN:

Well, to me, again, I'd just restate my position before, that there's an appearance, at least an appearance, of impropriety, and I don't think that's what we are looking for as a transparent rate schedule here, so I can't support it in the current form.

P.O. LINDSAY:

Anybody else? Yeah, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I can't remember whether it was at the full committee or in the -- or the full Legislature when the Mayors came for some of these areas. And I could tell you, I don't recall any testimony from anyone saying that these tickets were being sold to people other than the people who lived in those areas. But there were some distinctions between some of the villages that might help, Legislator Kennedy. I believe Saltaire owned the docks on both sides, on the Fire Island side and this side. And these villages, when they negotiate, I suppose they could have just simply had their residents pay full price and then taken the fees for the rental of the dock and distributed it back to their homeowners. But they decided, probably long before we even began regulating the ferries, to set up -- to do it a different way, and I don't know how we can get back and undo those contracts that are in place that keep getting extended. It was pretty fully vetted in the committee this question, so.

P.O. LINDSAY:

Okay. Legislator Caracappa.

LEG. CARACAPPA:

Mr. Chairman, I'll just put my usual comments on this on the record for -- I hate to sound like a broken record, but I think the ticket books are certainly the least of the concerns in this matter. The company, Fire Island Ferries, has over the years done everything within their power to crush and

eliminate competition on the Great South Bay by way of other ferry companies, and they've done that mostly by using political influence over the years. And what do I mean by that? Another ferry company would come up to try to get started, an up-start company, and they would come and discourage this Legislature from approving a new company from putting forward an application through Budget Review and then having it voted on in this Legislature. But then time and time again, they come here asking for the same privileges of approval, fast approval, and whatnot.

Then we get this outrageous original request of close to 11%, attached to that, a COLA increase and discounted tickets books. And I think that kind of request to this body comes, again, out of being a monopoly. And when you become a monopoly in this way, you get arrogant, and I think this application is nothing but sheer arrogance. And now, even though it's -- the COLA has been reduced, the fare is now being increased or being asked to be increased to six and change. That still is way out of line by way of tax increases that have occurred lately, especially from this County and from most towns. I still believe it's way too high, I still believe it's out of order, and I will never support an increase of this magnitude, just as we probably would never support a tax increase of this magnitude.

P.O. LINDSAY:

Anyone else? Legislator Kennedy, did you want to say something else?

LEG. KENNEDY:

Do we still -- we have two motions before us, Mr. Chair?

P.O. LINDSAY:

We have a motion to table and a motion to approve. No? Okay.

LEG. KENNEDY:

I'll vote.

P.O. LINDSAY:

Okay. I'll just maybe take the last word, then, is that I think that this motion has been with us for sometime, and the testimony, like Legislator Schneiderman, that I heard from the village officials was that this has been a long-standing agreement between the ferry company and the local jurisdictions, and I'm a little bit reticent to interfere with that. But let's take a vote, vote on tabling first. We have a motion and a second. Why don't you go ahead.

MR. LAUBE:

Roll call?

(Roll Called by Mr. Laube, Clerk)

LEG. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No. Okay. The motion to --

MR. LAUBE:

Seven.

P.O. LINDSAY:

-- table has failed. We have a motion to approve. Might as well continue with the roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

14.

P.O. LINDSAY:

Okay. We have a series of resolutions that are tabled, 2585 through 2591, that all have to do with hookups to sewer districts. And I've asked Ben Wright from the Sewer Agency, and I see that our Commissioner of Public Works, there were some questions earlier. If you gentlemen would come forward at this point in time, maybe we can dispense with the questions that were raised earlier in the public comments. Was it you that had the question, Cameron?

LEG. ALDEN:

I had made some questions, but somebody else had questions, too, I think.

P.O. LINDSAY:

Who had the --

LEG. ALDEN:

Elie.

P.O. LINDSAY:

Okay. I recognize Legislator Mystal.

LEG. MYSTAL:

This question, I think, is by way of explaining to the Members of the Legislature, when we're talking about capacity overall, and also, when we're talking about reserve hookups to the -- you know, reserve capacity. Would you, please, explain the two facets? Because when you reserve capacity, it doesn't mean that you're going to get it for the simple reason that if somebody comes in, you know, and gets hooked up before you -- for example, I have a gallonage reserve for Wyandanch, which we have gone to the sewer district. It may take Wyandanch five years to get pipes into the area to get hooked up to the sewers. What happened to that reserve capacity for Wyandanch if in the meantime other companies are hooking up?

MR. WRIGHT:

Yeah. When applications come to the Sewer Agency, there's a number of items that have to take place, and one is to establish what capacity is, and New York State DEC has to agree with that capacity. So we look at the actual flows of the treatment plant. We've got what's called conceptual certification from the Sewer Agency, which projects are not ready to go to construction, but we put them aside. So we've got a category for that, and we've also got a category for in-district connections. And about two years ago, we estimated that there were fifty-nine hundred in-district connections that were yet to connect to the sewer district, and we reserved sufficient capacity for those fifty-nine hundred. We haven't changed that number, although we recognize that a number of parcels have been connected over the past couple of years, but part of the expansion project that we have, where consultants are assisting us, is to confirm the number, you know, as it is today, so that we ensure that we have enough capacity for those in-district parcels.

We are looking at expanding the district. The consultant is working on that. We'll have an engineering report the next couple of months, but it does not deal with anything outside the service area, it deals with the expanding the treatment plant itself by 5 million gallons per day, and when that project is ongoing, then there'll be considerations on what areas outside the district shall be serviced. Now I know Wyandanch has been discussed in the past, and the town has actually entered into a consultant agreement to that evaluated on what capacity is necessary, but it's not part of the expansion project, that it's Capital Project 8183 is the expansion project. It's not part of that, it's only the treatment plant that we're dealing with.

LEG. MYSTAL:

A follow-up question. When you do your capacity, do you minus the conceptual that you have already approved?

MR. WRIGHT:

We were calling that pending applications, and there's roughly 2.7 million gallons per day that's tied up with those projects that are outside the sewer district that haven't gotten their SEQRA approval yet. So once they get the SEQRA approval, they can come back to the Sewer Agency for formal approval.

LEG. MYSTAL:

My question is, again, when you do the math, when you give us the capacity, let's say the capacity

is a hundred, do you minus the conceptual, plus the in-district --

MR. WRIGHT:

Yes. Let me -- let me --

LEG. MYSTAL:

-- before you give us --

MR. WRIGHT:

To do that math, if we have a 30 million gallon per day plant, which is what it's permitted for, and we subtract 24 million gallons per day, which is the actual flows, and 2.7 million gallons, which is the pending resolutions with the Sewer Agency, and 2 million gallons per day from the in-district connections that we're reserving, we have roughly 1.3 million gallons per day. That's excess available to consider from whatever applications are brought to the agency.

P.O. LINDSAY:

Okay. Legislator Alden, and then D'Amaro.

LEG. ALDEN:

Ben, on New York State, they've actually put on us a reserve capacity, or we're required to have -- is it 5% of overall capacity to be reserved?

MR. WRIGHT:

Yes. The Environmental Conservation Law says that when you hit 95% of your design flow, you have to do a number of things, either expand the plant, have a moratorium, or look at water conservation. In order to use the 1 1/2 million gallons per day, which was at 5%, we started the expansion project, so we were able to pierce that number, and we have a letter from the State indicating that that's acceptable.

LEG. ALDEN:

Okay. And that permits us to even look at some of these projects that are coming forward.

MR. WRIGHT:

Yes. As long as we have an expansion project that's going on, we can use that entire 5%.

LEG. ALDEN:

When a project is proposed to Suffolk County, it goes before the Sewer Review Agency first?

MR. WRIGHT:

The Sewer Agency only requires that there's capacity in the facility, that New York State agrees that there's capacity, and that the SEQRA process is complete.

LEG. ALDEN:

And this is a key point that I think I've been trying to make all along, that we are limited to how big we can build the Bergen Point plant; is that not right?

MR. WRIGHT:

The original concept was to double the size from 30 million gallons to 60. There have been some improvements at the site that may take that away a little bit, but there's still, you know, sufficient capacity on the site to build more tanks.

LEG. ALDEN:

But there's a finite number that you're going to get out of Southwest.

MR. WRIGHT:

Yes, yes.

LEG. ALDEN:

Okay. Then, unfortunately, as these different projects are proposed, and some of them are great, some of them are going to really increase the economic activity in Suffolk County, some of them are going to provide affordable housing opportunities in Suffolk County, but some of them don't really contribute. And at some point in time, whether it's tomorrow or whether it's 10 years or 20 years down the line, we're going to hit the end of the capacity, basically, at Bergen Point, and whether that requires a huge expansion, or whether we actually hit the finite number, at some point in time, that's going to come. And if we don't look at the quality of these hookups, whether they are providing Suffolk County with something to go into the future, then we are throwing away an opportunity to make sure the viability of Suffolk County into the future, because the only way we're going to grow is if we can bring business in here and if we can -- and on top of that, if you look at the housing report, we need to provide affordable housing. And one of the clauses in that affordable housing report was that those opportunities are going to be predicated on the ability to hook up to sewers.

So if we give away, and that's what we did in the past, and I'm glad that everybody took a lot of time and looked at raising the sewer rates, because I think that we've come to a fair number there for the future hookups, but if we continue to give away our capacity without a broader plan that goes into the future, I think that we are not doing or we're doing a disservice to the people of Suffolk County going into the future. Some of us, you know, will be here, some of us might not be here on this body when we actually hit the end of the capacity. And if we haven't supplied the affordable housing, if we haven't supplied a framework where we can grow and we can bring new business in here for our economic viability, then we haven't done our jobs. And I'm glad we're starting to look at, you know, a little bit of a plan for the future, and maybe even developing a policy who gets hooked up and what preference should be going into the future. And that would include maybe scrapping some of the original plan where the district was supposed to be extended in certain areas and just target certain other areas that we want to see some economic growth, and we want to actually start bringing in people from outside to populate our County.

But thank you for coming down and thank you for the memos. I know I've been asking a lot of you, and I've gotten a lot of information from you over the past couple of months. And, Commissioner, thank you very much for your cooperation and with a timely response.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you. Gentlemen, good morning. Thanks for coming down, I appreciate it. I agree with Legislator Alden, that we might have to in the future look to some prioritization of hookups to make sure that we meet some policy objectives. But I want to hone in a little bit on the numbers, because in my 14 months here, I've heard so many numbers thrown around on these districts, and I want to -- I appreciate that you're clarifying it today. I think, and you correct me if I'm wrong, you said the present permit capacity of the plant, Southwest Sewer District, is 30 million gallons per day; is that correct?

MR. WRIGHT:

It's actually 30.5.

LEG. D'AMARO:

Okay.

MR. WRIGHT:

But .5 of that is scavenger waste, so we're only dealing with 30 as being sanitary waste.

LEG. D'AMARO:

Okay. The actual use of that capacity presently is roughly 24 million?

MR. WRIGHT:

Yeah, and it varies from month to month.

LEG. D'AMARO:

Okay.

MR. WRIGHT:

That's the average.

LEG. D'AMARO:

There is 2.7 million gallons per day, pending approval, that's both conceptual and formal?

MR. WRIGHT:

It's conceptual.

LEG. D'AMARO:

Conceptual?

MR. WRIGHT:

Yeah.

LEG. D'AMARO:

Okay. And the formal approvals are already included in the 24 million?

MR. WRIGHT:

Yes.

LEG. D'AMARO:

Okay. Okay. And then you said there was 2 million gallons in reserve for district use. Can you explain that a little further for me?

MR. WRIGHT:

And two years ago, we had a number of fifty-nine hundred that were in-district that were not connected.

LEG. D'AMARO:

Right.

MR. WRIGHT:

And the way we arrived at that is that the town's bill or charge the various people that are in the district a benefit charge.

LEG. D'AMARO:

Right.

MR. WRIGHT:

And we have the total number of those parcels associated that both Islip and Babylon send out and it's roughly -- you know, it's over 75,000, it's roughly 75,000, and we bill the people that are actually using the sewer system a user fee. So the difference is who's not connected. So, although that number was two years old, we expect that -- you know, we get probably 600 to 700 connections per year that we inspect, but what we don't log in is are they a building that was knocked down and reconnected as compared to just a new building. So that's part of the consultant's task is to confirm the fifty-nine hundred or, you know, whatever lower number it is now.

LEG. D'AMARO:

Okay. Now, if you do the math, as you stated in your testimony, we come up with about 1.3 million gallons of what you call excess or left over capacity, after accounting for all the categories we just went through. That brings us below the 5% reserve capacity mandated by the State, and now we have a project in place that's going to actually expand the flow capacity of the Southwest Sewer District and that's moving forward, and that's expected to achieve another 5 million gallons per day capacity.

MR. WRIGHT:

Yeah. Just to expand on that, we're looking at a 5 million gallon per day expansion, but that has to also include the 5%. So the actual number is likely to be, instead of 35, it's going to be 36.8, or something like that, because we'll have to cap a new 5%.

LEG. D'AMARO:

Okay. Let me ask you a hypothetical question. Let's say we expand to the extra 5 million per day, we put the reserve aside required by State law, and we start to hook in facilities from outside the district boundaries, and we get to a point where we've used up even the expanded capacity for outside hook up. Can we then tap into, or can we not tap into the 2 million per day put aside for the district itself?

MR. WRIGHT:

Well, that's not our recommendation. I mean, we're obligated to serve people that are in the district and that's why we reserve that capacity.

LEG. D'AMARO:

Okay. So, if we ever got to that point, the Sewer Agency position would not be recommending hookup, it would be recommending I'm sure something different, like, you know, more treatment plants or expanded plants --

MR. WRIGHT:

Yes.

LEG. D'AMARO:

-- or something else. But you have a policy decision that the gallonage per day, the 2 million gallons in the reserve, in fact, should remain in reserve, even if there's a demand outside of the district; is that accurate?

MR. WRIGHT:

I think it's more than a policy. I mean, the Suffolk County Code says, if sewers are available, that you must connect, if you receive a letter. We just haven't sent that letter out telling everybody to connect.

LEG. D'AMARO:

Okay.

MR. WRIGHT:

But it's more than a policy.

LEG. D'AMARO:

Now, as the Presiding Officer stated, there are several bills pending coming up now on our agenda. Some of them deal with -- I think one or two of them deal with residential hookups. One happens to be in North Babylon where I live, and I think it's Somerset Woods. There's -- we've heard some testimony here today from businesses looking to expand their operation and their citing economic development, which is a good thing for the County, as well as job creation. Do we have a policy of -- as long as we have this extra capacity, do we have a policy of encouraging hookup of businesses,

and do you look at these applications and the impact of the applications when it comes to things like economic development, job creation, and other policy considerations, is that something you presently do?

MR. WRIGHT:

No, we don't. In fact, during 2004 --

LEG. D'AMARO:

Okay.

MR. WRIGHT:

-- it was Commissioner Bartha at the time wrote to the County Attorney's Office and the response -- about prioritization.

LEG. D'AMARO:

Right.

MR. WRIGHT:

And the response was that the law is silent with respect to that, and the only way that the agency could get involved with that issue is to have the Legislature directed to.

LEG. D'AMARO:

Okay. So we do have some legislation we're looking at that may actually prioritize and create some of those policies and that's something this body will determine. But we do have a policy I think, as the former Commissioner of Public Works had date stated, we do have a policy, though, of encouraging the smaller or private treatment facilities of hooking into a County facility; is that correct?

MR. WRIGHT:

That's one of the first questions that's asked of the Sewer Agency is can you connect to something else that has capacity.

LEG. D'AMARO:

Why is that?

MR. WRIGHT:

Well, there's over 170 sewage treatment plants in Suffolk County, and the small ones are not as effective to operate financially, just that larger sewer systems are more efficient and, you know, we'd prefer to have them connect to facilities that have capacity, rather than build another treatment plant.

LEG. D'AMARO:

Okay. One more quick question. The 1.3 million gallons of excess or left over capacity that you cite today, roughly 1.3, does that include the bills that are pending now before the Legislature, or, if we pass these resolutions, would it diminish that 1.3?

MR. WRIGHT:

That diminishes that.

LEG. D'AMARO:

Okay. So do you know roughly what the calculation is?

MR. WRIGHT:

Well, there's the tabled ones, plus Rubies is a new one. They're roughly 152,000 gallons per day.

LEG. D'AMARO:

A hundred and fifty-two thousand gallons of the excess capacity would be used out of the 1.3 million.

MR. WRIGHT:

Actually, I think you may have adopted Estee Lauder last time --

LEG. D'AMARO:

That's right.

MR. WRIGHT:

-- so subtract 15,000 off of that.

LEG. D'AMARO:

Okay. All right. And how soon will the expansion or the extra capacity be available, what's the timing on that?

MR. WRIGHT:

That's probably three to four years. I mean, the engineering for it is this year, then the design's going to follow the end of this year into next year, so we wouldn't be bidding it until I think '09 is when we have the money, and it's going to take a couple of years to do that, so by 2011.

LEG. D'AMARO:

Okay, by 2011. And at the pace we're going now in using our excess capacity and the outside hookups, do you think that we need to slow the pace or is the pace okay? I mean, do you have a sense of that, just looking at the gallons available, what's in reserve and what's coming and how soon we can tap into it?

MR. WRIGHT:

The number, it hasn't seemed to change that fast. In fact, we just cancelled the next Sewer Agency meeting for March, for this month, because there's no applications.

LEG. D'AMARO:

Okay. So you're content, I guess, with the pace.

MR. WRIGHT:

You never know what's going to happen, I mean, but that's --

LEG. D'AMARO:

Right, sure. Well, just based on what you know in the past.

MR. WRIGHT:

Yeah, yeah.

LEG. D'AMARO:

That's fair enough. Do you have any position on the bills pending before us today?

MR. WRIGHT:

I think they were all adopted by the Sewer Agency, so that, as the staff and the Chairman of the Sewer Agency, they were in favor of supporting it.

LEG. D'AMARO:

Okay, thank you. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

I'd just like to point out, too, that one of the things that's certainly going to slow down the application is raising the rates that we approved last month --

LEG. D'AMARO:

Sure.

P.O. LINDSAY:

-- you know, because it was such a bargain. Legislator Kennedy, and then Mystal.

LEG. KENNEDY:

Thank you, Mr. Chair. Just a couple of questions, I guess, to follow-up, and I'm glad you clarified where things are going as far as the expansion goes. But there is also some dialogue going on right now as far as the possibility of utilizing or accessing Nassau County's waste treatment systems. And is that something that's going to impact the expansion, or will the expansion continue, regardless of that dialogue.

MR. ANDERSON:

If we were able to -- if we were able to work out the agreement with Nassau County, that would offset the need to expand the plant physically.

LEG. KENNEDY:

Okay, but, I guess, let me see if I can pose it one more time, then. There's dialogue going on with Nassau County about the possibility of us connecting and exporting some of our waste to whatever it is, Mill Creek site, or wherever, with whatever capacity you would negotiate. At the same time, there is an expansion, the capital project for expansion of 5 million gallons, plus reserve, underway right now through your shop with the basic engineering, planning, and things such as that that are going to evolve. Are these initiatives moving together simultaneously, or is one dependent on the other?

MR. ANDERSON:

Both are moving independently. If -- and we were only in preliminary discussions with Nassau County. Should we go into -- you know, enter into an agreement with Nassau, it would essentially negate the need for the other project.

LEG. KENNEDY:

What's the capacity that you're talking about in broad terms with Nassau?

MR. ANDERSON:

Five million gallons a day.

LEG. KENNEDY:

So bill 5 mill or contract for 5 mill; correct?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

Okay. As you expand capacity -- and we heard I guess originally about, you know, the ultimate design might have been to go to 60 million. As you expand capacity, you have all the need for what goes along with the regular treatment plant, and you also have the byproduct, the sludge that gets thrown. We add 5 million gallons, we get whatever the residue is and we have to ship it out and export it, right?

MR. ANDERSON:

Correct.

LEG. KENNEDY:

Okay. But we also have 20 other some-odd districts that are continuing to go ahead and operate,

possibly expand, promote that policy of eliminating smaller sites and facilitating connection whenever we can get it, and we take residue and sludge that come out of those 20 other sites; correct?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

Okay. They get sent down to Sewer District 3, and whatever happens to them happens to them there, and then we ship it to Georgia, or ship it to South Carolina, wherever we're exporting it.

MR. ANDERSON:

Correct.

LEG. KENNEDY:

Okay. What, if anything, does it do to the plant's total ability to function and operate regarding the sludge handling that's going on with all these other plants as to what happens with the expansion there? Is there any connection or is it just without impact?

MR. WRIGHT:

Let me address that. We do have a project that is a sludge management plan that's just initiating, and we'll look at the various options on where we're going in the long term rather than just trucking, that we'd have more control over the situation. But the answer to your question is, yes, they have an impact and that impact is something that we're looking at in those remote plants as well. We've done some pilot work on creating sludge cake, the dewatered product, in those remote sites and then disposing of it from them or some other central location, rather than going down to Bergen Point, because there is an impact. And, you know, that was planned in the original design, it's planned in the -- you know, the typical operating days on, you know, what happens at that plant.

LEG. KENNEDY:

Now I'm looking at the minutes from the last Sewer District meeting. When you sit there as the Sewer Agency and make a decision like on Mill Pond Estates or some of the other project, do you take into effect not even the economic impact, or things like that, but what's going on with these other 20 plants as far as erroneous sludge and things like that as to the decision you make with this, Mill Pond?

MR. WRIGHT:

Bergen Point, as I indicated, only has a permitted capacity of 500,000 gallons per day. That's been adjusted because of the type of ways with New York State DEC that we get a little bit more than that, but it only has a limited capacity and we can only take that much in, we can't take anymore. There are two other capital projects that are concurrent and slowly progressing. One has to do with the private sector in Yaphank, building a facility on County land to take in septage and grease waste. And the other is to look at the County funding a facility, which is in the DEIS stage right now for a scavenger facility of about 200,000 gallons per day. So there is some movement and some discussion about having facilities that are in more of the centroid of where this waste is generated, whether it's septic tank waste or waste sludges from treatment plants.

LEG. KENNEDY:

All right. And just one more question, I guess, to go back to this at this point. What is the current volume of, and is it scavenger waste or is it sludge that I should be talking about? I will admit, I get lost.

MR. WRIGHT:

Well, it's all -- I mean, we're calling it septage, scavenger waste. It's cesspool waste, leachate from landfills, waste sludge is from treatment plants.

LEG. KENNEDY:

What's the capacity running through the plant at this point, how much?

MR. WRIGHT:

We've got an approval for over, a little -- 630,000 gallons per day, which includes leachate, which is --

LEG. KENNEDY:

And what are you running through it now?

MR. WRIGHT:

I think the average for the year is probably 450, because Sundays are a lower day. So, when you average it out over the year, it comes out to be, you know, per day, but we do close down early some days, when it's -- you know, if there's heavy rain and the leachate volumes are up. We do close down early some days and they have to come back the next day. But the average for the year is probably around 450,000 gallons per day.

LEG. KENNEDY:

And as each one of these Southwest Sewer District connections comes on, what does it do to that scavenger waste capacity, anything?

MR. WRIGHT:

No.

LEG. KENNEDY:

It doesn't.

MR. WRIGHT:

No.

LEG. KENNEDY:

It operates separate and apart?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

And we don't have any impact or connection.

MR. WRIGHT:

Yes.

LEG. KENNEDY:

All right. I'll leave it there, I'll yield.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I want to thank you for the answers that you have given us, and I want to thank Legislator D'Amaro for asking the questions. The thing that troubles me, and I think we just had an example of it, is the question of policy. And I'm sure Legislator D'Amaro is somewhat confident of the policy we have set. But policies are made by bureaucrats and politicians, and usually the people who suffer the most from policy from bureaucrats and politicians are those who have the least voice in the process and happen to be there. I represent an area, which is Wyandanch, which hasn't been hooked up,

and would be the subject of trying to get it hooked up, but also is vulnerable to policy-makers such as, you know, the bureaucrats in DPW and the politicians around this horseshoe and sitting in the 12th Floor. So we just had a policy somewhat change, something that we are talking about, an expansion of five million gallons for Southwest. We just heard from the Commissioner that, you know, we also may be able to truck, you know, or to pipe in our sewage into Nassau County. That's a policy change. So I do not trust, you know, anything that when you tell me that it's a policy that we are going to keep two million gallons for district-specific purposes, because that policy could change at any time. If we come to a point where some big developer comes in and says, "Well, I need that one million gallons to end up being 150 jobs," and guess what, you know, I'm one of 18, I got 18 other Legislators around me who say, "Well, that's a big project." Wyandanch is going to push back into the background and we're losing capacity. That's number one.

I just heard a very scary number that you gave, that this sewer district could expand to 60 million gallons. That is a scary number to me. And I don't know why somehow -- you know, we heard before from Commissioner Morgo that nobody wants to talk about building another sewer district anywhere in Suffolk County because the cost is prohibitive. I just want to remind you, while the head and the heart are arguing over this, the back hand, which is the sewer, is going to plug up, and we're all going to choke on it if we don't do something about it. Because I really believe that somehow Babylon and Islip, who have been paying, smelling, and not hooked up, because North Babylon is not hooked up, neither is Wyandanch or part of Islip, Deer Park is not hooked up, if we don't do something and convince the rest of this County that we need to establish another big sewer plant somewhere in this County to absorb the level of development that we all keep talking about that is good for Suffolk County, what is -- we're all going to choke on our own sewers. And we're going to run into a capacity problem sooner or later. And my thing, you know, please understand, policies as stated by you and asked by Legislator D'Amato can change and have changed over the course of the years. And usually the people who suffer are those who can't come here or who don't have the voice to talk to us. Thank you.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:

Yes, thank you. Very quickly, Commissioner, good to see you. Ben, good to see you. Thanks for taking me through the numbers. I just have a clarification here. You're saying that the hookups that are before us today, if approved, would come off the 1.3 million gallons of excess that are currently available.

MR. ANDERSON:
Yes.

LEG. STERN:

That's not -- they're not coming off of the 2.7, which are considered pending applications --

MR. WRIGHT:
Correct.

LEG. STERN:

-- applications. The pending applications, those are purely conceptual?

MR. WRIGHT:

Well, the largest one being Heartland Town Center and some others.

LEG. STERN:

Okay. In your experience, and I know that there are many, you know, factors, but in your experience, take a shot, approximately how long would it take for the pending applications that are currently going through the conceptual approval process or have received conceptual approval

process? How long is it going to take to go through the 2.7 million gallons?

MR. WRIGHT:

Well, typically, probably would take a two-year period. And I'm excluding Heartland Town Center, because I know what we're basing that two years on is the SEQRA process and that's taking a lot more time. But, typically, it's around two years. We've looked at that recently, because the agency had put another clause in the conceptual certification that they have to implement and come back for formal approval within a two-year period, or else their contract's null and void. So, typically, you know, we looked at it and it was about 1.7, 1.8 years, so we took two years as being how long it would ordinarily take. So, of that 2.7, if you take 1.6 off, that 1.1 million gallons is probably going to come to formal approval in the next two years.

LEG. STERN:

And then if that remaining excess capacity that's really going to have to take us through this gap in time between running out of the capacity that's eaten up by the 2.7 that's received conceptual approval until the additional gallonage comes on line, you had said that that's going to take a few years, but that's going to be a year or two longer than it's going to take to go through the 2.7.

MR. WRIGHT:

Yeah. What we'll have left from that 1.3, if you adopt the ones in front of you today, we'll still have 1.2 or 1.1 to take us through those number of years.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Okay. I think the last word on this subject is Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Actually, it's a very much narrower scope of the subject. I'm looking at the Port Jefferson hookup for Liberty Meadows. And we've been tabling that because I understand that there is still some issue with the building permits there, with the building inspector. And so until Port Jefferson Village has settled where they stand with this development, I would like to continue to table this until we reach a point where we know where the Village of Port Jefferson stands on this. I know that the Trustees have voted in one way, but I understand that the building inspector has some serious problems with it.

MR. WRIGHT:

Well, the condition on that that the Sewer Agency imposed was that they can't connect until the sewage treatment plant is expanded and that won't happen until next March, a year from now, so they can't --

D.P.O. VILORIA-FISHER:

However, while there's a decision still pending, I wouldn't want the County's approval of this resolution to be used as one of the arguments for the Village moving one way or the other. And so I will be making a motion to table this again until we hear from -- that there is some agreement in the Village of Port Jefferson as to where they stand. And I do understand that it wouldn't happen immediately, but I don't want it to be used as an argument for approvals.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Sorry. I'll make this very quick. It's on a -- when I heard Legislator Viloría-Fisher's question, I had realized we had gone off of the Southwest Sewer District. So Resolution 2591, Sewer District 11, the last time we table this, the discussion was, was this a residential hookup. No one has contacted

me on this. As best as I can -- I can find this, this is a residential street off West Dennis Boulevard in Coram. Do you have any explanation on this?

MR. WRIGHT:

It's a single family home. It's a vacant lot.

LEG. LOSQUADRO:

Okay. Well, we weren't provided with any information on that. We floundered a bit last time. I didn't want to hold up this project, but without having any information forthcoming, we weren't able to move it. So this is just a single residence, residential, to hook up into the sewer district.

MR. WRIGHT:

That's correct.

LEG. LOSQUADRO:

And the surrounding homes are hooked up.

MR. WRIGHT:

Yes.

MR. ANDERSON:

Yes.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Okay. If you gentlemen, if I could just prevail on you for five more minutes, because I'm going to go through these and I'd like you at the mike in case there's an additional question.

I.R. 2585 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Somerset Woods, LLC. That's an existing residential community that's -- is that the one where they're rebuilding it; is that correct?

MR. WRIGHT:

Yeah. The treatment plant's in poor shape, and they would opt --

P.O. LINDSAY:

Okay.

MR. WRIGHT:

-- to connect rather than rebuild it.

P.O. LINDSAY:

Okay. I'll make a motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. HORSLEY:

D'Amaro.

LEG. ALDEN:

Just quickly on the motion.

LEG. D'AMARO:

Doesn't matter.

LEG. HORSLEY:

D'Amaro is.

P.O. LINDSAY:

D'Amaro, I'm sorry.

LEG. ALDEN:

Before, when I made a statement that Mr. Anderson has been doing a great job, you've also been -- Ben, you've been doing a fantastic job. But on this one, do you know if there's any components that are a affordable housing component?

MR. WRIGHT:

I believe there's just garden apartments, 271 garden apartments. Our, I'll say, issue with this is that it's a good thing that it's eliminating the sewage treatment plant.

LEG. ALDEN:

Okay, good.

LEG. D'AMARO:

Also, Mr. Presiding Officer, through the Chair, just to address Legislator Alden as well, I'm familiar with this particular complex, and one of the good things about it is it provides rental. It's a rental facility in areas where, you know, especially younger folks are having a hard time coming up with down payments and paying taxes, and it certainly contributes in that way. It's a very, very meticulous, well run facility. It provides some good, decent housing for folks that can't yet afford to buy a home in Suffolk.

P.O. LINDSAY:

Come on, John. Legislator Kennedy.

LEG. KENNEDY:

All right. I'll make it quick.

P.O. LINDSAY:

You're up against the -- five minutes is all we got.

LEG. KENNEDY:

This is a proprietary for-profit entity?

LEG. MYSTAL:

Yes, it is.

MR. WRIGHT:

Can't answer it, I don't know.

LEG. KENNEDY:

Okay. The plant is going -- is deteriorating and is going towards dysfunction. In your general estimation, what would be the cost of a proprietor to go ahead and replace a plant and put it in operational workings?

MR. WRIGHT:

Actually, I'm not sure how bad it is. I've just heard that the Health Department has some issues. I don't think there's a consent order, but the plant itself is around 60,000 gallons per day. And I guess the worst case would be it could be 40 or 50 dollars per gallon per day, so, you know, it could be a 3 million dollar bill to rebuild it, probably be the high side.

LEG. KENNEDY:

And what will we realize as far as revenue for authorizing this connection?

MR. WRIGHT:

Almost \$920,000.

LEG. KENNEDY:

We're going to get 920,000, it would cost them three million to rebuild and put in place. You've not seen anything from the Health Department, though, as far as an actual violation?

MR. WRIGHT:

I know it's in our file. I just can't -- I can't address it.

LEG. KENNEDY:

I'm just asking you as far as general recollection.

MR. WRIGHT:

No, I haven't.

LEG. KENNEDY:

Then I have to ask one more question. When we do have sewage plants that are actually malfunctioning and the Health Department cites them, do they routinely send a copy of that audit to you?

MR. WRIGHT:

Yeah, we usually have that, yes.

LEG. KENNEDY:

Oh, you usually do get it.

MR. WRIGHT:

Because there's a contract with the Sewer Agency between almost every development. This is an apartment complex which does not have a contract for us to have dedication of it in the future, so our file is not big on something like this. It's more of a customary thing that the Health Department is sending over, not a requirement.

LEG. KENNEDY:

Okay. So we think it may be fatter and we think the Health Department might have said something, but we don't know for certain. Okay.

MR. WRIGHT:

Well, that was brought up at the Sewer Agency meeting.

LEG. KENNEDY:

Okay. I'll yield.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. CARACAPPA:

Mr. Chairman. Mr. Chairman.

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

I beg your indulgence. I don't know if you want to get through the tabled resolutions, but seeing that we're going to lunch, it's actually your bill that I'm going to speak on for a second. And I would ask you to consider taking it out of order in an effort to -- because there's some members of the community here waiting for an outcome. It's just a planning steps resolution on 2297. It's the Robbins Property. I was wondering if you, as the sponsor, might want to make a consideration of taking it out of order, then voting on it before lunch.

P.O. LINDSAY:

I'll be happy to do that. I'll make a motion to take --

LEG. CARACAPPA:

I'll make the second.

P.O. LINDSAY:

And second by Legislator Caracappa.

D.P.O. VILORIA-FISHER:

It's in the Environment Committee.

MR. LAUBE:

Legislator Lindsay, call the vote just on the taking out of order.

P.O. LINDSAY:

Okay. We have a motion and a second to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Now that it's before us, I'll make a motion to approve.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

All right. Being that we're accommodating people, I was hoping to get through the Sewer Agency stuff, fellows, but it doesn't look like I'm going to do it.

D.P.O. VILORIA-FISHER:

Extend it for five minutes.

P.O. LINDSAY:

Well, what I was going to do is we have people from the Board of Elections that have been here all day from both sides of the aisle there, and I thought that maybe I --

LEG. MYSTAL:

Yeah, I would like to send them back to work, so we could take them.

P.O. LINDSAY:

So I'm going to make a motion --

LEG. MYSTAL:

Especially my friend, Ivan.

P.O. LINDSAY:

Make a motion that we take 1138 out of order.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

D.P.O. VILORIA-FISHER:

Can you just give us the page for that?

P.O. LINDSAY:

It's before us, it's on Page 14. And I'll make a motion to approve. ***(1138) This is appropriating funds in the 2007 Capital Budget and Program in connection with improvements to the Board of Elections.*** I believe this is the planning money, right, for the renovation for the --

MR. ANDERSON:

Yes, it is.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

And on the bond, the same motion, same second. Roll call.

D.P.O. VILORIA-FISHER:

And that's 1139, right?

P.O. LINDSAY:

1138.

D.P.O. VILORIA-FISHER:

38.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

18.

LEG. MYSTAL:

Glad to see you all want to be re-elected.

P.O. LINDSAY:

I'm going to make a motion to extend the morning session by five minutes to get through the next resolution, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. I'm going to make a motion to take 1139 out of order. It's --

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. *(1139) It's amending the 2007 Capital Budget and Program appropriating funds in connection with the modifications to the warehouse at the Board of Elections.* This is to air condition that one warehouse that never got air conditioned. I have a second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. So that approved or took it out --

D.P.O. VILORIA-FISHER:

That would take it our of order.

P.O. LINDSAY:

Take it out of order. Okay. Same motion, same second to approve.

MR. LAUBE:

18.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Okay. And 1139A, the accompanying bonding resolution.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. With my remaining three minutes, I'm going to go back to the sewer projects.

LEG. MYSTAL:

Yes, I would like to finish them before we go to lunch.

P.O. LINDSAY:

I.R. 2586 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Providence Project. I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. ALDEN:

On the motion. This is --

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

This is the one we had testimony about that it's going to provide "X" number jobs? Or just refresh our memory quickly.

MR. WRIGHT:

This project has 200 senior apartments and 40 senior condos. I think that was another one, but --

LEG. ALDEN:

Oh, thank you.

P.O. LINDSAY:

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

MR. LAUBE:

18.

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.

D.P.O. VILORIA-FISHER:

Motion it table.

P.O. LINDSAY:

Motion to table by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2589 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the HUB Properties.

D.P.O. VILORIA-FISHER:

Cameron, this the one with the jobs.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. ALDEN:

And just through the Chair. This is the one that created the jobs and they have two or three phases where they can create more jobs?

MR. ANDERSON:

Yes, is it.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

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.

LEG. D'AMARO:

Motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

A motion to approve by Legislator D'Amaro, second by Legislator Stern.

LEG. ALDEN:

This is the costumes?

P.O. LINDSAY:

No, no, this isn't the costumes. Costumes has never been tabled.

D.P.O. VILORIA-FISHER:

Costumes hasn't been tabled.

P.O. LINDSAY:

This is the one where they're going to increase the size of an office building that was -- Citibank was occupying. It's going to create --

LEG. ALDEN:

A lot of jobs.

P.O. LINDSAY:

-- a lot of jobs. Am I correct, gentlemen?

MR. WRIGHT:

Yes.

MR. ANDERSON:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

With a minute to spare.

MR. LAUBE:

18.

P.O. LINDSAY:

You want to do Rubies?

D.P.O. VILORIA-FISHER:

Yeah. That's in Labor.

LEG. MYSTAL:

Let's do -- yeah, let's do Rubies. Let's do Rubies.

P.O. LINDSAY:

Do you want to do Rubies?

D.P.O. VILORIA-FISHER:

Sure.

LEG. MYSTAL:

Yeah, let's do Rubies.

LEG. NOWICK:

Go for Rubies.

LEG. MYSTAL:

Get it over with.

D.P.O. VILORIA-FISHER:

Page 12, isn't it?

LEG. MYSTAL:

"Ruby, don't take your love to town."

P.O. LINDSAY:

I don't see it.

D.P.O. VILORIA-FISHER:

What page is it on? I thought it was Page 12.

P.O. LINDSAY:

It's got to be in Public Works, no?

D.P.O. VILORIA-FISHER:

I'm not in Public Works. Oh, he came to speak about it in Public Works. Public Works is still Page 12. 1083 is the number. It's on the top of Page 14.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Page 14.

P.O. LINDSAY:

I'm going to make a motion to take out of order ***I.R. 1083 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Rubies Office Building.***

D.P.O. VILORIA-FISHER:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina-Fisher.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Is this the costumes?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes. Do you want a costume?

D.P.O. VILORIA-FISHER:

That's Page 14.

LEG. ALDEN:

I'm not going to need it, Bill, but --

D.P.O. VILORIA-FISHER:

Page 14, top resolution.

LEG. ALDEN:

Economic Development. Thank you.

P.O. LINDSAY:

I need one. Okay. Is there any other questions about that? Hearing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I thank you very much, gentlemen.

MR. LAUBE:

No.

P.O. LINDSAY:

What?

D.P.O. VILORIA-FISHER:

We have to make the motion to approve now.

MR. LAUBE:

Legislator Lindsay, that was to take it out of order.

P.O. LINDSAY:

Oh, okay. Motion same, second to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. With that, we stand adjourned for lunch. And I thank the --

Mr. Wright and Public Works for being here, and I thank everybody's indulgence for extending the meeting. Thank you.

[THE MEETING WAS RECESSED AT 12:33 P.M. AND RECONVENED AT 2:30 P.M.]

**(*The following was taken and transcribed
By Court Stenographer - Alison Mahoney*)**

P.O. LINDSAY:

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

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. CARACAPPA:

Here.

LEG. EDDINGTON:

(Not present).

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. ALDEN:

I'm here, too.

MR. LAUBE:

Fourteen (**AMENDED VOTE: 13 - Not Present: Legislators Romaine, Schneiderman, Eddington, Kennedy & Cooper).

P.O. LINDSAY:

Okay. Everybody, welcome to the afternoon session of the County Legislature. Mr. Clerk, we have a number of Public Hearings before us this afternoon; have they been properly advertised?

MR. LAUBE:

Yes, they have.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Of course he's going to say that.

P.O. LINDSAY:

No, he said no once.

Okay, the first Public Hearing before us is *Public Hearing on IR No. 2173-06, a Local Law establishing crime prevention requirements for scrap metal dealers (County Executive)*. I don't think we have any cards on that, right; am I correct, Legislator Fisher?

D.P.O. VILORIA-FISHER:

I don't see any.

P.O. LINDSAY:

We don't have any cards on this particular public hearing. Is there anyone in the audience that would like to speak on this issue? Seeing none, I'm open to a motion.

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Motion to recess --

LEG. STERN:

Second.

P.O. LINDSAY:

-- by Legislator Losquadro and seconded by Legislator Stern.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine, Schneiderman & Cooper).

LEG. LOSQUADRO:

Mr. Chairman, before we go to the next Public Hearing, I would just like to make a motion to discharge this way it can age for an hour, and this way when we finish the Public Hearings we could get back to it.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I would like to make a motion to discharge *IR No. 2442-06 - A Charter Law transferring certain functions of the Department of Human Resources, Personnel & Civil Service, Division of Human Resources to the Department of Audit and Control.*

LEG. CARACAPPA:

I'll second that, Mr. Chairman.

P.O. LINDSAY:

Seconded by Legislator Caracappa. Do you have copies to distribute?

LEG. LOSQUADRO:

They are being distributed now.

P.O. LINDSAY:

We have a motion and a second. I'm going to call a roll on this one.

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

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

MR. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

No.

LEG. EDDINGTON:

(Not present).

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Here.

LEG. ALDEN:

No.

LEG. LOSQUADRO:

Motion to discharge.

LEG. EDDINGTON:

Oh, yes.

MR. LAUBE:

Nine (Opposed: Legislators Browning, Horsley, Mystal, Stern & D'Amaro - Not Present: Legislators Romaine, Schneiderman, Montano & Cooper).

P.O. LINDSAY:

The discharge motion fails.

Getting back to 2268-06.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

I apologize. If we can make a --

P.O. LINDSAY:

You have to -- why don't you wait until some more Legislators are in the room.

Public Hearing on IR No. 2268-06 - A Local Law to strengthen ATV seizure and forfeiture provisions (Presiding Officer Lindsay). No cards on this. Anybody in the audience like to speak on this issue? Seeing none, I'm going to make a motion to recess this, we're still waiting to get some concurrence between the Sheriff's Department and the Police Department on exactly what they want to do. Seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Romaine & Mystal).

P.O. LINDSAY:

Public Hearing on 2290-06 - A Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders (Browning). Do we have any cards on this?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

We have no cards. Anybody in the audience like to speak on this subject, please come forward.

D.P.O. VILORIA-FISHER:

Wait a minute, there's one card, I'm sorry.

P.O. LINDSAY:

Oh, I'm sorry, there is one card. Claudia Price. No?
Are you Claudia Price.

MS. PRICE:

Yes.

P.O. LINDSAY:

Oh, okay. I'm sorry we overlooked your card. Ms. Price, you have five minutes.

MS. PRICE:

Okay. My name is Claudia Price, I live at 20 Greentree Drive in Medford. I'm here today on behalf of the resident homeowners of Gordon Heights to voice our support in favor of a positive vote on IR 2290-06, sponsored by Legislator Browning, that requires landlords to register with the Department of Probation prior to renting to sex offenders.

As you all know, Gordon Heights has the distinction of being the host community to the largest number of sex offenders in Suffolk County. The majority of these sex offenders live in homes not occupied by the landlords. We applaud steps taken by Legislator Browning, along with the Legislature, to protect our communities. It is important these absentee rental landlords realize the responsibility they have to the community residents, because it is we, the homeowners, our children

and our grandchildren who are the real victims in this issue.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Ms. Price. Is there anyone else that would like to speak on this subject? Seeing none, Legislator Browning?

LEG. BROWNING:

I would like to make a motion to close.

P.O. LINDSAY:

Motion by Legislator Browning to close, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Caracappa, Mystal & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 2431-06 - A Local Law to reduce emission of pollutants from diesel fuel motor vehicles operated on or behalf of Suffolk county (Cooper). We don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, the sponsor isn't in the room. Does anybody want to make a motion on this particular --

LEG. LOSQUADRO:

I'll make a motion to recess.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to recess, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Caracappa, Mystal & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 2441-06 - A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights (Stern).

D.P.O. VILORIA-FISHER:

No cards.

P.O. LINDSAY:

No cards. Would anyone in the audience like to speak on this subject? Seeing none, Legislator Stern, what is your pleasure?

LEG. STERN:

I think I'm going to make a motion to recess.

P.O. LINDSAY:

Motion to recess, I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Caracappa, Mystal & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 2579-06 - A Local Law to broaden eligibility under 72-h Transfer Program (Schneiderman). Do we have any cards?

D.P.O. VILORIA-FISHER:

Legislator Schneiderman; no cards.

P.O. LINDSAY:

No cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll make a motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Caracappa, Mystal & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 2598-06 - A Charter Law to amend Section C4-35 of the Suffolk County Charter (County Executive).

D.P.O. VILORIA-FISHER:

No cards.

P.O. LINDSAY:

No cards. Anyone in the audience that would like to speak on 2598? Seeing none, I don't have any instructions on this, so I'll make a motion to recess.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Caracappa, Mystal & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 2599-06 - A Charter Law to ensure a non-partisan, fair and objective process by which Legislative Districts are reapportioned (County Executive). We have one card, Katherine Hoak; Katherine, are you here?

MS. HOAK:

Yes. I am Katherine Hoak, Co-President of the League of Women Voters of Suffolk County. The League has reviewed IR 2599-06, a Charter Law to ensure a nonpartisan, fair and objective process

by which Legislative Districts are reapportioned. Since its original version, there have been many positive changes in it, the majority of which were recommended by Common Cause, NYPERG and the League of Women Voters. Two League specialists went over the original bill and made several recommendations with only minor exceptions, those recommendations have been incorporated in this legislation's amended copy as of February 5th.

So often redistricting legislation is avoided because neither party wants to yield power to the other. There is, however, no way of knowing now which party will be in power when this legislation would come into play. This is a significant opportunity for Suffolk County to be on the forefront of a movement that has been making strides in several locations across the country. Our Legislature has put itself on the front line with other significant issues, but none could be more important than this one because it strengthens our representational democracy by affording the people a meaningful choice in electing their representatives and by holding government accountable to the people. We ask that you close this hearing and send this redistricting legislation to the Legislature for acceptance of it into law.

Thank you.

P.O. LINDSAY:

Thank you very much. Katherine, I think there's a question for you, though. Legislator Romaine?

MR. ROMAINE:

It's less of a question and more of a -- in way of thanks. I know my office has worked very closely with the League of Women voters and with Katherine on these proposed -- on this proposal and specifically with the County Executive to try to craft a proposal that would be fair, equitable and worth while. I want to thank you for your help. I will make the motion at some point to close this hearing when it's appropriate. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher also has a comment or question.

D.P.O. VILORIA-FISHER:

Katherine, I'll ask you this question, I probably will ask it of the County Executive's representative as well. I just wanted to look at the definition of -- some of the membership who -- there is a look-back on how long and it had been since they have served in certain capacities and then they can't have served in certain public office and, you know, Judges, etcetera.

MS. HOAK:

Right.

D.P.O. VILORIA-FISHER:

Now, when we talk about partisan office, we're only talking about political leaders, not people who have run on a particular party line?

I'm trying to remember the language that was giving me trouble, but there was -- I believe it was those members of the board who -- those people eligible to be on the board who were a member -- who served as partisan leaders; I believe that might have been the term?

MS. HOAK:

Yes.

D.P.O. VILORIA-FISHER:

Or partisan officials; that's only party leaders?

MS. HOAK:

I believe that Legislator Barraga had spoken, had asked questions about this at the Ways & Means.

LEG. LOSQUADRO:

Speak into the mike.

D.P.O. VILORIA-FISHER:

I'm not on that committee, so I wasn't privy to that.

MS. HOAK:

Oh. I would like to defer to --

D.P.O. VILORIA-FISHER:

Okay, so I'll wait until we discuss it with the people from the County Executive's Office.

P.O. LINDSAY:

Counsel has that answer for you, if you like, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Well, since we're still in Public Hearing, I'll wait till later when we discuss it.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

I'll second the motion to close it.

P.O. LINDSAY:

I don't have a motion yet.

D.P.O. VILORIA-FISHER:

Oh, I thought --

P.O. LINDSAY:

Does anybody else have any comments, questions for Ms. Hoak? Okay. I'd be happy to entertain a motion now that Legislator Romaine put forward.

MR. ROMAINE:

I'll make a motion to close the public hearing.

P.O. LINDSAY:

And take the second from Legislator Viloría-Fisher.

LEG. LOSQUADRO:

I'm going to make a motion to recess.

P.O. LINDSAY:

Second.

LEG. MONTANO:

I'll second the motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Losquadro and seconded by Montano. Okay, the recess motion goes first. All in -- yes, Legislator Romaine.

LEG. ROMAINE:

Just a brief discussion on the motion to recess. I think this has been kicking around, it's in final form, people are either going to agree with it or disagree with it, they're going to either vote it up or down. By recessing it, we just postpone the inevitable; we indicate a reluctance to make a decision,

to take a stand. If people don't like the legislation in its current form, they have the perfect right to vote against it, but let's not postpone the vote so we never get to the point of making a decision as a body. I just think it would be worth while to close the hearing and then we can consider that.

P.O. LINDSAY:

Anybody else?

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I would just like to respectfully disagree and say that I've had some discussions with some of my colleagues and I see a very strong possibility of another piece of legislation being filed to address this issue in a manner that I think is workable. And I think having these two bills to be able to discuss simultaneously would be worthwhile and that's why I'm supportive of recessing this public hearing for the time being.

P.O. LINDSAY:

Anybody else? The only observation, I might as well weigh in, is that truthfully, I thought we did reapportionment like two years ago. All right, we have a motion to recess as well as to approve. So the motion to recess goes first. All in favor of recessing this?

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Roll call.

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

LEG. LOSQUADRO:

Yes to recess.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes to recess.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

To recess, no.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay, the resolution has been recessed.

Public Hearing on IR No. 1022-07 - A Local Law to prohibit the obstruction of County roadways (Eddington).

LEG. LOSQUADRO:

Do you have any cards on this?

P.O. LINDSAY:

Yeah, we have a couple. Joel Diamond. Mr. Diamond, are you in the audience? Oh, there you are, okay.

D.P.O. VILORIA-FISHER:

Who's the next person? Why don't you tell them who's on deck so they know.

P.O. LINDSAY:

Okay; Roger Clayman is on deck. Okay, Mr. Diamond, the floor is yours, you have five minutes.

MR. DIAMOND:

Thank you, Legislators. I'm Joel Diamond, I've been living in Suffolk County since 1967. I'm retired

from law enforcement and I'm hoping to have some Legislators' attention for the next five minutes, for all I know it's you I need to persuade, I'm not sure. Thank you.

I believe that some of you Legislators know that this bill is wrong; wrong in the sense of right and wrong, wrong in your deep conscience.

I don't get why you would vote for something that you feel is wrong, but before -- think about how it was determined that you're not an immigrant and how it was determined that you were an immigrant and when that happened. When did my ancestors come here? Who determined that it was before we got more restrictive? Who determined that my ancestors left whatever country -- your ancestors left whatever country to make you a citizen now that you're second, third or fourth generation; who determined that? Who determined that it wasn't during the time when the Statue of Liberty was honored, your tired, your poor; who was that? Did you do that? What did you do --

LEG. CARACAPPA:

Bill?

MR. DIAMOND:

-- to not be an immigrant? And if it was your great-grandmother, your great-grandfather, your great-great-great-great-great-great? They did it, but what determined that they did it? To me, that's a spiritual topic. It's like playing God. I want to count my blessings. I want to count my blessings that I don't have that what Jack and Joe have; I'm just trying to get your attention, because I really want you to hear me, I wish you returned my call so I can talk to you now.

The New York Times had a really interesting article on March 1st, I'm showing a photograph of it. The picture shows immigrants, undocumented immigrants filing Federal Income Tax. They're filing Federal Income Tax; how can that be? Because New Haven, Trenton, Newark, Hackensack, Patterson and I think some other bigger cities have made an alliance of loving thy neighbor and have found a way to work with all this. They're paying income tax, it's right here, they're filing income tax. Why should we be mean-spirited? It upsets me.

The act of seeking work in itself I don't see as soliciting, to me that's a sneaky use of that word, soliciting. Seeking work in itself, in and of itself, that's a legal thing. If my party -- if I was a Legislator and my political party thought it was strategic to go in this direction and I had a matter of conscience, I think it would be hard for me but I would try to be courageous. I wouldn't want to betray my party's original principals just for strategy.

I don't know if I'm accurate, you guys are more savvy to me. It seems to me that as a homeowner and a citizen that something is going on, it doesn't seem that you would pander to a xenophobia. Targeting a specific group, it seems to me that it's scapegoating, divide and conquer for political gain; I think it's a mistake. I think in the long run it's not a wise political strategy, I recommend you voting down this bill. Actually, I would like to ask Joe and Jack to withdraw it. To me it's a matter of conscience and courage.

I understand that Glen Cove and in Freeport and maybe soon Mamaroneck have been trying to do the right thing with a hiring hall; it's not a perfect system but they're trying. All these other places in the newspapers are trying. Why should I be embarrassed about my own County? It hurts me.

I'm hoping you do the right thing. To me it's the more American thing. Thank you. Thanks for listening; I appreciate it, I really do.

P.O. LINDSAY:

Mr. Diamond, before you leave --

MR. DIAMOND:

I'm routing for you.

P.O. LINDSAY:

-- there are a couple of questions. Legislator Caracappa.

LEG. CARACAPPA:

Thanks, Mr. Diamond, I appreciate --

MR. DIAMOND:

Like I'm an expert?

LEG. CARACAPPA:

I didn't say --

MR. DIAMOND:

Well, I mean, I can't imagine why I would know, but go ahead and ask me.

LEG. CARACAPPA:

Well, I'm going to ask your expertise as a homeowner and taxpayer in Suffolk County, as you mentioned a few times. How long would it take you if I guess myself and maybe 100 or 200 other people lined your street every morning and then when you pulled out for work or bringing your child to school or going to your place of worship, every morning we at a certain time decided to run in front of your car, every morning, time and time again; how about it? How long will it take you to reach out to the Police Department or your elected representatives; how long would it take you before you did that, if it happened to you day after day, year after year?

And let's say every day, too, I arrange for a big contractor truck to stop right in front of you without any warning and you had to, day after day, jam on your breaks doing 40, 50 miles an hour on a limited access highway? How about if that happened to you every single day, how long would it take you before you reached out for help from your elected officials and the Police Department? That's a question to you and I expect an answer.

MR. DIAMOND:

Do I get equal time, Legislator?

P.O. LINDSAY:

You had five minutes, you were asked a question.

MR. DIAMOND:

No, but he's asking me a question.

P.O. LINDSAY:

He's asking you a question, answer it.

MR. DIAMOND:

Well, can I have equal time for his question?

P.O. LINDSAY:

There's not equal time, answer the question.

MR. DIAMOND:

Because I've got a long answer, I think I do.

LEG. CARACAPPA:

It's a simple answer, how long would it take you?

MR. DIAMOND:

Well, I'm going to answer it my way.

LEG. CARACAPPA:

Of course you will.

MR. DIAMOND:

Thank you.

LEG. CARACAPPA:

Because you can't answer it.

MR. DIAMOND:

I think I can. I didn't say a mean-spirited thing, did I?

LEG. CARACAPPA:

Neither did I.

MR. DIAMOND:

It sounded like it.

LEG. CARACAPPA:

Answer the question.

MR. DIAMOND:

Hey, listen, when Irish Americans were here --

LEG. CARACAPPA:

Answer the question.

MR. DIAMOND:

I'm answering it; geez. This immigration complications is a quagmire on the Federal level; I don't think a Local Law can address it.

UNKNOWN AUDIENCE MEMBER:

That's right.

MR. DIAMOND:

When I -- when people are hungry for work, I think it's a good thing that they're seeking work. I pulled up -- I had a similar experience. I pulled up in a gas station and a bunch of jornaleros, day laborer seekers mistook my car the way I drove up thinking I was a boss offering work, came into my car. I had unlocked doors, my car was filled up with people with broad smiles on their face like they swallowed a banana sideways, so happy they were going to be able to have a day's work. I felt sad that I didn't have it and I said to them, "No trabajo"; it was the only Spanish that came back to me. Their faces looked so sad, they got out of the car very respectfully; I didn't experience any of that stuff. A hiring hall would prevent all of this.

UNKNOWN AUDIENCE MEMBER:

That's right.

Applause

Suffolk County is spending money on sex offender housing, I forgot what Newsday said, 85 or something dollars a day; don't you think we can spend money on a hiring hall or just to give public support to some non-profit for sponsoring -- you wouldn't have this on the street. Do you have any objection to that, Joseph Caracappa?

LEG. CARACAPPA:

No, absolutely not because you didn't answer my question.

MR. DIAMOND:

Thank you.

LEG. CARACAPPA:

I asked you how would you feel, you said you would feel good about it, I suppose. That's the best I can come out of that answer, I asked a straight-forward question and the best I can get out of it was a smile like a banana. You know, I asked a question, just answer it; how would you feel every day if this happened to you on your street?

MR. DIAMOND:

I would feel I want to solve the problem generically and not in a mean-spirited way like --

LEG. CARACAPPA:

So who would you reach out to solve it; your elected officials and the Police Department or who? Who?

MR. DIAMOND:

I said my solution is a hiring hall.

LEG. CARACAPPA:

Okay.

MR. DIAMOND:

Thank you.

P.O. LINDSAY:

Okay, Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Mr. Diamond, thank you for being here. I heard your answer to the question which is that how long it would take you to seek an answer, would be seeking an answer of a hiring hall; that was an answer that this Legislature did come up with several years ago, unfortunately it was vetoed by the then County Executive and the veto was not overridden. But I did want to be certain that you weren't misguided by something that was in Newsday where there was --

MR. DIAMOND:

New York Times.

D.P.O. VILORIA-FISHER:

No, no, no, no, I'm not talking about that.

MR. DIAMOND:

Sorry.

D.P.O. VILORIA-FISHER:

That it seemed that there was going to be a unanimous vote in support of this; that was misinformation in Newsday.

MR. DIAMOND:

Okay.

D.P.O. VILORIA-FISHER:

There is no sense of there being a unanimous vote in support of this.

Applause

MR. DIAMOND:

Thank you.

D.P.O. VILORIA-FISHER:

I wanted to make sure that was clear.

P.O. LINDSAY:

Thank you.

MR. DIAMOND:

I appreciate that.

P.O. LINDSAY:

We have Roger Clayman and on deck is --

D.P.O. VILORIA-FISHER:

Avideh Moussavian.

P.O. LINDSAY:

Avideh Moussavian. Hi, Roger.

MR. CLAYMAN:

Good afternoon. My name is Roger Clayman, I'm the Executive Director of the Long Island Federation of Labor. We represent 250,000 union members on Long Island and we are the voice of working people on Long Island. And with that title and responsibility, we often speak about working conditions affecting people who are not in unions as we will be today.

We have concerns about the legislation being proposed, to prohibit the obstruction of County roadways. We believe it will limit the rights of working people, perhaps unconstitutionally, and most of them who will be limited will be people who are not in unions. We are very concerned about limitations on our rights to assemble, particularly as it relates to the pursuit of work, or for any demonstration we may wish to join relating to working conditions, for protest we may have about our own working conditions. And we feel it's wrong to prevent any group of workers from assembling in order to gain work; we also believe there are better ways to do it.

It is understood that the legislation is aimed at workers who are assembling on local streets for the purpose of gaining employment from local employers; it is assumed but not proven that this group of workers is undocumented. Unrealistically, it is also assumed the passage of this legislation will stop this manner of seeking employment, probably it will not. No alternative means of creating this relationship such as through a work center is being considered at all. And we use the term work center, not hiring hall; a hiring hall is something that's common to the construction trades, this is not the same but it's something that's needed, a work center.

Placing further limitations upon a group of workers with very few rights is an invitation to ever-increasing exploitation; this drives down the wages and working conditions of all workers. We understand that there are differences of opinion within our own organization about immigrant questions, particularly the ways that public authorities should relate to undocumented workers. Some of those historic differences I've listed below, and I'm not going to read it all, I'll leave it for you, I'll try to summarize some of those. But the essential question is exploitation and the way the immigrant population is used by unscrupulous employers to drive down wages and replace good union jobs with a low paid workforce without benefits or rights of any sort. While some unions see the presence of undocumented workers placing their jobs in jeopardy, their own jobs, many of our unions represent immigrant workers and their members see legislation like this aimed squarely at them; the workers see this aimed at them, irrespective of their legal status.

We -- I'm including in here some basic principals that we believe in about what should be done with immigration law nationally, because we haven't -- I'm not going to read it, you know a lot of it, but we haven't stated it before this body and I think it needs to be made clear that this is a national problem, as you know, it really requires a national solution. It's going to be very difficult to deal with on a local basis for the reasons that you're hearing today. We have a long history within our own movement, and this is a couple of hundred years of history of concerns about immigration and it's a very interesting -- it's a very ironic problem we have because most of our members over the years are immigrants and they're concerned about the next wave of immigrants because historically the next wave is always used as strike breakers. Now we don't have so many strikes because we don't have so many opportunities or so many sectors in the manufacturing area where that's possible. But we have a new kind of an economy where we have instead of moving out or threatening to shut down or forcing workers on strike, we have people who are -- we have a government policy that allows a flood of undocumented workers to be misused and took away their rights to the courts.

I just want to state that I really believe that everybody in this circle here in the Legislature wants to do the right thing; I don't think there's any ill will. I believe that you agree with us that we need to create a strong middle class economy in Suffolk County and on Long Island generally. And I think you also believe that those people who have not obtained middle class status deserve the right and the opportunity to gain it and to move up and get good jobs with good benefits so they can be good taxpayers in this County. I think that this is not the right way to do it, through this kind of legislation.

I think on issues that have -- that are aimed at particular racial and ethnic groups, it's a far better approach to bring people together from the community and discuss with groups the way to achieve those ends, because doing it the other way appears as if it's strictly for political gain. Thank you.

P.O. LINDSAY:

Thank you, Roger.

Applause

Wait, there's a question for you, Roger. Legislator Mystal.

LEG. MYSTAL:

Mr. Clayman, do you see this law -- for example, if a group of union workers were assembled in the street protesting working conditions or conducting a strike, do you see them being subjective to that law?

MR. CLAYMAN:

I think it's possible. I think our people who assemble in the streets and protest have been subjected to just about everything, so I think it's quite possible. We don't need any more invitations to subject our people to harassment.

LEG. MYSTAL:

Thank you.

P.O. LINDSAY:

Anybody else? No? Thank you, Roger. Avidah? And then on deck is Amy --

D.P.O. VILORIA-FISHER:

Sugimori.

P.O. LINDSAY:

Sugimori.

D.P.O. VILORIA-FISHER:

La Fuente.

P.O. LINDSAY:

La Fuente.

MS. MOUSSAVIAN:

Good afternoon and thank you for your attention. My name is Avidah Moussavian and I'm the Senior Staff Attorney for Immigration Advocacy and Training at the New York Immigration Coalition. The New York Immigration Coalition is a Statewide umbrella policy and advocacy organization with over 200 member organizations throughout the State of New York and we work to promote justice and opportunities for immigrant and refugees. I'm appearing before you today to testify in strong opposition to IR 1022.

While the proponents of IR 1022 claim that the purpose of the bill is to keep its roadways safe for pedestrians and drivers, the real intent seems to be clearly directed at penalizing hard-working day laborers, in many cases who are Latino men seeking employment along County roads. By finding more ways to label hard-working immigrants as criminals, Suffolk County is not finding real solutions to real problems; it is instead fueling misunderstanding and hostility towards immigrant communities which in Suffolk County are increasingly Latino communities.

Suffolk County has repeatedly introduced legislation that uses public safety or other false pretenses as a guise for singling out and blaming immigrants and Latinos for the County's social and economic problems. This is an insult to immigrant communities who face continued efforts by the Suffolk County Legislature to cut them off from opportunities to bring home food and clothing to their families and are instead faced with the message that this County wants to make life hard enough for these families so that they'll disappear. It is particularly an insult to day laborers who already face some of the most exploitative working conditions, including verbal and physical abuse, exposure to severe weather conditions and rampant wage and hour violations all while performing some of the hardest and most hazardous jobs out there.

We simply cannot stand by and let Suffolk County claim that IR 1022 is motivated by a desire for safer roads when there has been no evidence shown to suggest that banning day laborers from County roadways would improve public safety. Without such evidence or any study that examines what relationship, if any, exists between day laborers seeking employment on County roadways and rates of pedestrian or vehicular accidents, it's difficult to see how IR 1022 is anything other than a careless attempt to attack Latino day laborers.

IR 1022 also represents yet another example of Suffolk County scraping together an ill-informed and mean-spirited bill that takes a piecemeal approach to a much larger issue; the need for comprehensive reform of our nation's immigration laws. Rather than recognize the fact that immigrant residents in Suffolk County, like the country over, contribute to the community by working hard and paying taxes and respecting strong family values, Suffolk County is instead misguided by politically expedient and simplistic arguments that dismiss all immigrants as threats to the community. While it may be easy -- while it may appear to be easy to whip up emotions and voters with this short-sighted approach, Suffolk County will only end up hurting a valuable population of immigrants who around the US are appreciated as an economic, social and cultural boon to their communities.

Our work as a leading advocate for immigrant communities on the local, State and national levels reminds us every day just how integral immigrants are to our country's prosperity. They make indispensable contributions to all sectors of our nation's workforce and our economic growth, to our religious communities and schools and to our neighborhoods and to many of us as for members of our own families.

We need to stop allowing bills like IR 1022 to distract us from the larger solution which other people have mentioned today which is comprehensive reform of our nation's immigration laws that respects

immigrants as human beings and recognizes their many contributions to our communities.

While we do need to see more opportunities for native-born workers to seek employment and move ahead, we cannot ignore the fact that our nation's growth and prosperity can not rely solely on US born workers. We need immigrants in our communities if we want to retain a vibrant economy. I urge you to look at the message that measures like IR 1022 are sending and to move away from misguided piecemeal legislation that discriminates against hard working immigrants; instead we should support policies for realistic, just and humane immigration reform. And on behalf of the 200 plus member organizations of the New York Immigration Coalition, I strongly urge you to vote against IR 1022. And thank you for your attention.

Applause

P.O. LINDSAY:

Before you leave the microphone, Legislator Kennedy has a question for you.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you for coming to speak, counselor. As to the bill itself, IR 1022; are you familiar with it.

MS. MOUSSAVIAN:

Yes, I just read the amended, recently amended version.

LEG. KENNEDY:

Okay. Does your organization actually represent parties, whether they're immigrants or anybody else, in court; do you litigate?

MS. MOUSSAVIAN:

No, we're a policy and advocacy organization, so we don't have individual clients.

LEG. KENNEDY:

I see, okay. Do you have any opinion as to the clauses in this bill as to whether or not they have legal issues, constitutional issues or anything of that matter?

MS. MOUSSAVIAN:

Well, I have colleagues here who are testifying later today that I might defer to who are more expert on some of the constitutional issues. But what I would rather focus the Legislature's attention to is the impact and the message this type of a bill is sending and that it's --

LEG. KENNEDY:

Let me interrupt, counselor. I understand that and that's your prerogative, perhaps, to go ahead and desire to move focus one place or the other. My questions, actually, are to the bill itself, and in particular to the clauses, the constitutional clauses. So if you have no opinion I understand, but that's my question.

MS. MOUSSAVIAN:

I do have an opinion, I think it does raise constitutional questions as to commercial speech and solicitation.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Thank you. Amy, and on deck is Allan Ramirez.

MS. SUGIMORI:

Good afternoon. My name is Amy Sigimori. Thank you for giving me the opportunity to address you

today. I am the Executive Director of La Fuente, a not-for-profit organization, but I'm presenting this statement on behalf of the following labor unions; SEIU Local 32 BJ, SEIU Local 1199, the Laborers Local 78, the Laborers Local 79 and UNITE HERE New York State Council.

We are very disappointed that the Suffolk County Legislature is choosing to expend its time and resources on yet another anti-immigrant and anti-worker bill. The bill targets individuals who seek employment from passing cars; in other words, day laborers. If the County chooses to make it a crime for someone to seek work to provide for his family, the County loses an opportunity to look for meaningful and proactive solutions for community problems. We see the bill for what it is; it is nothing more than an attack on day laborers and another piece of legislation that is sort of becoming a trend of targeting immigrant workers.

This type of law-making is not constructive. According to a 2006 study by Hofstra University Center for the Study of Labor and Democracy, repressive government responses that seek to address day labor markets by prohibiting standing at certain locations increase incidences in physical assault, threats, ethnic slurs and violations of workplace rights against day laborers. When government sets a negative tone it fuels intergroup tension and sours community relations; this is bad for all members of the community and bad for all workers.

If the Suffolk County Legislature is really concerned about worker's safety, it should focus on proactive laws that uphold workplace standards for all workers and set a positive tone demonstrating that different communities can come together to build a stronger and better future. The cumulative effect of a series of initiatives targeting a particular group is division, fear and mistrust; these are not ideal conditions for advancing labor rights, civil rights or human rights.

Understandably, communities in Suffolk County, like communities around the country, are looking for a solution to fix this country's broken and outdated immigration system; however, local initiatives targeting individuals will not bring about that solution. Instead we call upon Suffolk County Legislature to join us in calling on the Federal Government to pass meaningful immigration reform legislation that creates a path to legalization for hard working families, that allows for the reunification of families, provides strong workplace protection for all workers and protects the civil liberties and rights of all.

As labor unions representing workers across Long Island, it is our responsibility to stand up for all workers regardless of their race, ethnic or religious background or immigration status. When immigrant workers are targeted and attacked, standards for all working people are put at risk. Thank you.

LEG. LOSQUADRO:

Bill?

Applause

P.O. LINDSAY:

Wait; if you could just wait a minute, Amy, we have a question from Legislator Losquadro.

LEG. LOSQUADRO:

This could be a question that could probably go to any number of the presentations we're going to hear. But I feel compelled to raise a point here, just because of the commentary that you just offered to this body. When you are speaking about immigrants --

MS. SUGIMORI:

Uh-huh.

LEG. LOSQUADRO:

I don't think you could probably find someone sitting around this horseshoe who isn't much further

than second or third generation. I know I'm only second generation, American-Italian myself.

LEG. BROWNING:

(Inaudible).

LEG. LOSQUADRO:

I think we need to -- when we hear commentary such as this, I think you need to draw a distinction between illegal aliens and immigrants.

Applause

And please, let me finish. I think it's a very important distinction to draw because if you are going to sit here and tell us that you are advocating for rights for individuals that are in this country illegally and who are not paying taxes, I think many of us would take your comments very differently. If you're talking strictly about people who are immigrants, those who are here and have gone through the process legally, that's a very different standard than when you talk about illegal aliens. And for the folks who are going to offer testimony to us in the future as we move forward with this, I would like to hear that distinction.

MS. SUGIMORI:

And I think I'll just go back to the point of my presentation to clarify that the point that we're making is that we cannot divide categories of workers against each other. And so when I say it's race, religion, immigration status --

Applause

-- regardless of status, the point is we have to uphold certain standards. We have to treat all human beings as human beings and that if we were interested in advancing labor rights, it has to be for all workers without exception.

LEG. LOSQUADRO:

I hate to disagree with you, but the reason we have immigration laws is because we do draw a distinction between who is here illegally and who is not here legally. So while I agree that there are basic human rights for all individuals, we face very serious problems of those who take services from our society yet do not pay back into that society. So I think the distinction between those who are here illegally and those who are here legally must be made when you're talking about a presentation where you're arguing for rights of individuals. You and I can disagree philosophically on that, but I think it's a distinction that has to be made. Thank you.

MS. SUGIMORI:

Thank you.

LEG. CARACAPPA:

Wait a second.

P.O. LINDSAY:

Legislator Caracappa has a question.

LEG. CARACAPPA:

Thanks. In trying to keep with the spirit of the bill here, I hear your advocacy and I appreciate it. What do you say to the residents, taxpayers of certain communities that have been dealing with mass gatherings on their sidewalks and in their streets that do have to, as I mentioned earlier to the other speaker, slam on their brakes, don't have access to their local convenient store, can't walk down a sidewalk; what do you say to them by way of advocacy?

MS. SUGIMORI:

Sure. I mean --

LEG. CARACAPPA:

Learn to live with it?

MS. SUGIMORI:

No, I think -- I'm not here to --

LEG. CARACAPPA:

You know, forget it's there, deny it even exists?

MS. SUGIMORI:

I'm not here to deny the reality of people's experiences, I'm not here to deny the realities of what people are feeling or how they are perceiving the experience to be, but what I'm saying is there are more positive directions to take. And what I'm saying is that if we set negative tones and we pit groups of people against each other, and honestly, once you start pitting groups of people against each other, it becomes generalizations; you know, people become identified by how they appear.

What we're saying is we think that communities can come together, recognize that there are problems that need to be addressed, try to come up with proactive, pro-worker, pro civil and labor rights, solutions that can benefit everybody. I'm not saying it's going to be easy, I'm just saying taking one group and criminalizing them is not the solution that I would advocate.

Applause

P.O. LINDSAY:

Wait a minute; Legislator Viloría-Fisher, you wanted to comment?

D.P.O. VILORIA-FISHER:

Yes, as a person who spent my life with languages, let me just clarify. An immigrant, the word immigrant does not mean or refer to the legal position of the person, it means that there is a person who has migrated from one country to another country. So your use of the word immigrant is certainly completely appropriate.

UNKNOWN AUDIENCE MEMBER:

Bull.

D.P.O. VILORIA-FISHER:

It doesn't -- well, I suggest you get a dictionary, sir.

UNKNOWN AUDIENCE MEMBER:

I do.

D.P.O. VILORIA-FISHER:

Open it.

Laughter From Audience

If we could not have that yelling from the audience it would be helpful. In any case, I commend you for your comments and I just wanted to clarify that.

MS. SUGIMORI:

Thank you.

D.P.O. VILORIA-FISHER:

We could say an immigrant is here with the correct document or not -- and by the way, someone held up a picture showing these people who are paying taxes and so to say that they're not paying taxes is another incorrect statement.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

I just wanted to ask you a quick question. You know, I read the bill.

MS. SUGIMORI:

Uh-huh.

LEG. BARRAGA:

And I don't know how you put a bill like this together without -- within 30 seconds asking if we ban them on County streets, they'll probably go to a town street or a State street; but the question is if you ban them on County streets, where do you put them? I mean, someone was talking about a work center or a land. I mean, there are about 74 communities nationwide who have this problem and they have developed work centers, some places where they can go.

MS. SUGIMORI:

Uh-huh.

LEG. BARRAGA:

They didn't have to ban these people from being on the streets because they didn't stay on the streets, they went to the work center.

MS. SUGIMORI:

Uh-huh.

LEG. BARRAGA:

Now, I understand that obviously that didn't fly a couple of years ago, but maybe its time has come. Now, would you be amenable to that?

Applause

MS. SUGIMORI:

Yeah. I mean, that's an example of something that I think of as a constructive solution that has proven to work in other communities.

LEG. BARRAGA:

Because legislation along those lines, you wouldn't have to ban anybody from going anywhere.

MS. SUGIMORI:

Exactly, exactly.

LEG. BARRAGA:

Certainly regular union members would not have to worry about a new law on the books --

MS. SUGIMORI:

Right, that's right.

LEG. BARRAGA:

-- that would ban them from gathering on the street.

MS. SUGIMORI:

That's right.

LEG. BARRAGA:

But a work center, that might have some feasibility.

MS. SUGIMORI:

Yeah, I think that's right.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

In reference to what Legislator Barraga has just said -- and I haven't determined how I feel about this bill yet and I'm sitting here listening and I'm learning all along. But in reference to what you just said, Tom, a work station, is that what you were talking about?

LEG. BARRAGA:

A work center.

LEG. NOWICK:

A work center, and I'm thinking about that as of course a good idea because I'm thinking about days like today, it's so cold outside to see men and -- men outside, or women, I'm not sure who's there. But my question is who pays for it? And my thought is would this not be a bad idea to go to these perhaps landscapers or whoever the people are that are hiring these workers and ask them to build a work center. Since they're the contractors and they're the ones that are using all of these workers, maybe that would be the solution. I think it would be very hard to go to the taxpayers of Suffolk County and say, "All of you pay for it," when these contractors are the ones that are out there benefitting.

MS. SUGIMORI:

I mean, I think I would definitely be in support of thinking about creative solutions for how do you provide for centers, how do you fund for them. I think we can look to the experiences in other locations to see how it's been done in other places, but I know that there have been a variety of approaches.

P.O. LINDSAY:

Thank you.

LEG. MYSTAL:

One comment.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

The comment for you is coming from an historical background is that when we did talk about work centers and the County -- we did say the County would not pay for it, there were charities who were willing to foot the bill. The problem was that the community itself did not want any work center, they just wanted the immigrants out of their neighborhood and anything short of that they would not accept. At that time we did put forward, Catholic Charities had proposed to come in and do some work --

D.P.O. VILORIA-FISHER:

And the Hagadorn Foundation.

LEG. MYSTAL:

And then the foundation had proposed to put a work center together, they just didn't want to hear anything of a work center.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

I'm sorry, Elie, but I can't let you make my communities that I represent sound like they were just looking to get immigrants out of their community, that's not true. They want them there and they've been -- like Farmingville, for instance, which I share with Legislator Eddington, they've been one of the most tolerant communities in the history of Suffolk County. What the community wants is legal immigration, number one; they don't want overcrowded housing as it associates with illegal immigration, a very dangerous situation, they don't want their access to their roadways blocked, they don't want their right-of-ways blocked, they don't want their commercial establishments blocked, that's what they want. They want a fair shake at the American dream for what they're paying for.

Applause

They don't want to throw immigrants out of their community, they want public safety, they want peace of mind and they want it done right and that's it. I wish people would focus on that as opposed to this anti-immigrant BS that is so very easily used as a weapon against real solutions to a real problem, you know, let's get passed it.

Applause

P.O. LINDSAY:

Okay, thank you very much. Did you want to respond?

LEG. MYSTAL:

I just wanted to --

P.O. LINDSAY:

Are we going to debate this now? Go ahead.

LEG. MYSTAL:

As one person sitting around this horseshoe, and I remember virtually you had invited then Legislator Maxine Postal to your community to see it. And I will answer the question you've been asking people that nobody has given you an answer for and I will give you a straight answer; if I'm living in that neighborhood and people are gathering like that, I will load up my gun and start shooting, period; nobody will say it but I'm going to say it. What you are saying is that -- no, listen to this. What Legislator Caracappa is addressing is a very serious problem.

LEG. CARACAPPA:

Let me just say, I know --

LEG. MYSTAL:

Joe --

LEG. CARACAPPA:

I know you meant that as an absolute joke and I know you didn't mean that whatsoever.

LEG. MYSTAL:

No. The point I'm trying to make is very simple, is that when you wake up in the morning and there are a hundred people gathering around your neighborhood and you cannot get out of your driveway,

it is a serious problem. And any community that will have that in their neighborhood is rightfully -- is rightful in terms of their anger and they're wanting to get -- to have a solution for it. What I am saying, what I am saying is that when solutions were proposed to alleviate the problem, nobody would answer. Nobody would -- the community itself did not want to participate in that solution. Yes, it is a very serious problem that is going to the community of Farmingville and some other parts of Suffolk County, in Farmingdale and also some part of Huntington Station, there is a serious problem. But my thing is that the solutions that are at hand that are being proposed, for example, the current law to unclog County roads, you unclog the County road they will congregate on a State road or on a town road; the problem does not go away. Some permanent solution has to be found. And a work center, when it was proposed a few years back, was rejected as a solution and that's the point I'm trying to make; not that, you know, the Farmingville community does not want any immigrants.

P.O. LINDSAY:

Legislator --

LEG. MYSTAL:

They just didn't participate in that.

P.O. LINDSAY:

I don't mean to -- what we're getting into is debating the bill. I have 23 more speakers from the public that would like to make comments. It's not that I want to -- I know, Legislator Cooper, you wanted to make a comment or a question.

LEG. COOPER:

Yeah, I have one question, and then we can get back to the public hearing. But this is a question for I guess the sponsor and the cosponsor, because you know your community better than I do.

P.O. LINDSAY:

But is this debating the --

LEG. COOPER:

Well, not really, but I just want to raise a question because I'm --

D.P.O. VILORIA-FISHER:

No, this isn't the time.

P.O. LINDSAY:

You're starting to debate the bill and I really want to hear from the public, it's their time, it's supposed to be their time. Legislator Alden, do you have a question for one of the speakers?

LEG. ALDEN:

This is actually a public service announcement. What Legislator Mystal allegedly -- and really, I think, in gest -- made as a comment will not ever be tolerated in this society. So loading up a gun or taking a baseball bat or doing anything like that --

LEG. MYSTAL:

I was joking.

LEG. ALDEN:

He was strictly joking.

P.O. LINDSAY:

Okay, thank you. Allan Ramirez, I'm sorry for that divergence.

MR. RAMIREZ:

Could I just have a couple of minutes to get my bullet-proof vest before I speak?

Presiding Officer, Honorable Members of the Legislature, good afternoon. The Historian Doris Kearns Goodwin wrote the following concerning the New Year's Day 1839 Inaugural Address of New York Governor William Henry Seward; "Looking once more to broaden the appeal of the WHIG Party, Seward advocated measures to attract the Irish and German-Catholic Immigrants who formed the backbone of the State Democratic Party. Seward advocated measures to attract them for they formed the backbone of the State Democrat Party. He called on his fellow Americans to welcome them with all the sympathy which their misfortunes at home, their conditions as strangers here and their devotion to liberty ought to excite. He argued that America owed all the benefits of citizenship to these new arrivals who helped power the engine of northern expansion." On slavery, "Seward spurred the WHIG dominated State Legislature to pass a series of anti-slavery laws affirming the rights of black citizens against seizure by southern agents, guaranteeing a trial by jury for any person so apprehended and prohibiting" -- let me emphasize that word -- "prohibiting New York Police Officers and jails from involvement in the apprehension of fugitive slaves."

I respectfully ask all of you here today, where have these great leaders with such vision, wisdom and respect for human dignity gone? Where are they today?

UNKNOWN AUDIENCE MEMBER:

Graveyard.

MR. RAMIREZ:

And better yet, where will they be on that day when this measure will come before you for a vote and when they will so desperately be needed? Now, do you, Ladies and Gentlemen, really want to be known as Levycrats? Ask yourself that question.

UNKNOWN AUDIENCE MEMBER:

Yes.

MR. RAMIREZ:

I think I have the pulse of the Latino community and I have to tell you that Mr. Levy and the series of proposals that appear to be anti-immigrant have become such an annoyance to the Latino community that they have started to refer to Mr. Levy as "El Chiquitito Levy" which translated, for those of you who do not speak Spanish, simply means "Teeny Weenie Levy".

Thank you and may God bless America. I mean, this is a great country or what? Because even with the misfortunes that the Latino community is undergoing, it is learning that here in the United States of America, they don't have to be scared, intimidated or frightened by the teeny weenies of this world. Thank you.

Applause

P.O. LINDSAY:

Thank you. Mr. Ramirez, we have a question and I certainly hope it isn't about Teeny Weenie Levy. But please --

D.P.O. VILORIA-FISHER:

You just couldn't avoid saying that.

P.O. LINDSAY:

Legislator Barraga.

D.P.O. VILORIA-FISHER:

Reverend; Reverend Ramirez.

LEG. BARRAGA:

Reverend, I think when we talk about this particular issue as it pertains to immigration that's history, you know, you bring up the 1837, 183 and Seward, but yet even at that time the whole question of slavery was a major issue in this country. And if my history is correct, today is the 150th Anniversary of the so-called Dread Scott decision which basically said that whether you were a -- if you were, "a negro" in this country, whether free or slave, you could not become an American citizen. And the same Chief Justice at the time by the name of {Taney}, said, "Was there a compromise which basically gave the Federal government the right to make a determination on slavery in the territories of this country, that the court said the Federal Government had no right to do that. In 150 years we've come a long way, a long way.

The question is when we deal with this issue now, it's a very volatile issue, certainly for the people who live in that respected area but, you know, reasonable people come to reasonable objectives and goals. And I think unlike a Civil War which basically, besides preserving the union, dealt with that Dread Scott decision, I don't want to see Suffolk County go down the road where we're fighting each other tooth and nail all the way without coming together. The people around this horseshoe --

Applause

The two prime sponsors, I know them well; I have high respect for each one of them. They're the kind of people I think that are dealing with a problem in their given area and they want to come up with a solution and I think we all have to work together to do that. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Reverend Ramirez, you and I stood together in a vigil at the home of people who had been attacked because of their ethnicity or perhaps whether they were illegal or illegal aliens or whatever the issue, but I agree with Tom Barraga, that we need to stand together. And I hope that you -- certainly you've come to know members of this Legislature enough to know that we don't advocate any kind of violence and that we need -- and we take the charge of the protection of the public's health and safety very seriously; you don't have to wear a bullet proof vest here.

P.O. LINDSAY:

Thank you.

MR. RAMIREZ:

Thank you.

P.O. LINDSAY:

Dr. Luis Valenzuela.

DR. VALENZUELA:

Good afternoon. I'm Dr. Luis Valenzuela, Executive Director for the Long Island Immigrant Alliance and the President of the National Association of Puerto Rican and Hispanic Social Workers. I am extremely pleased with some of the questions coming from the Legislature. Up to this moment, I thought that this Legislature was the no-nothing Legislature, so I'm happy to hear comments coming or questions coming.

But I'm here to speak against the Standing while Latino bill. The bill is essentially racist, and that's easy to determine. All of these pieces of legislation are targeting Latinos and Latinos, whether they're here documented or not, are the ones who are going to be pursued, harassed and detained by this bill. You know, the last time I spoke here I talked about the divisions that these anti-immigrant initiatives are causing and are perpetuating; this is another step in that direction. It

does not bring unity. We have an opportunity to be known throughout the nation as a County that's inclusive, and yet throughout the nation, when you speak about Long Island, it's recognized as one of the most not only segregated regions of the nation, but a region that is anti-immigrant. We lead the State in hate crimes.

UNKNOWN AUDIENCE MEMBER:

Illegal.

DR. VALENZUELA:

We lead the State in hate crimes. The results of this legislation only flame the flames of intolerance. Do we want a society that's divisive? Do we want one that's inclusive? You know, a couple of weeks ago there was talk about children of immigrants and education and that the children of immigrants, the cost to educating them was prohibitive. Yet the Supreme Court has ruled that education is a universal right for children here and there are some who would want to overturn the Supreme Court ruling on that. Throughout the land, right now there are hundreds of children in concentration camps; speaking frankly, that's what those detention centers are, and some of them the children are only allowed one hour of education during the day and one hour of recreation throughout the day.

This bill is a race to the bottom. This bill not only perpetuates racism, it terrorizes people. Our children are terrorized, you know, and in the climate of fear of terrorism, it's useful to recognize that the most sophisticated form of terrorism is racism. This is a racism bill, there's absolutely no question. I urge you all to vote against this bill. Thank you.

P.O. LINDSAY:

Thank you.

Applause

Udi Ofer, followed by Brian Schneck.

MR. OFER:

Good afternoon. I brought brain testimony with me that goes into much greater detail than the five minutes that I'm permitted to speak; thank you.

Thank you for allowing me to appear before you today. My name is Udi Ofer and I'm Legislative Counsel at the New York Civil Liberties Union.

UNKNOWN AUDIENCE MEMBER:

Ooh.

MR. OFER:

We have many fans. Since 1951, the NYCLU has been the State's leading advocate on behalf of New Yorker's civil liberties and civil rights. We have more than 48,000 members Statewide, many thousands living here in Suffolk County and six chapters Statewide, including one about a couple of miles from here.

A troubling pattern has emerged in Suffolk County over the past few years. Time and time again, Suffolk lawmakers have introduced legislation that blames immigrants for the County's economic and social problems without providing evidence to support these accusations. Introductory Resolution 1022 is part of this pattern and I'm here to urge you to reject this mean-spirited legislation.

This proposal would criminalize day laborers who are often Latino for doing nothing more than speaking about their need for work and their desire to support their families. Thus, I think it has rightfully been dubbed to attempt to criminalize standing while Latino. Lawmakers should reject this legislation for two reasons. Number one, Introductory Resolution No. 1022 scapegoats Latino day

laborers as a source of the County's public safety problems without providing any evidence to support these allegations. And secondly, Introductory Resolution 1022 is unconstitutional as it unduly infringes on Suffolk residents' First Amendment rights.

Let me go as to the first reason. The proposal before the Legislature today is one of the harshest that the County has seen in the years that it's been proposing these types of bills, as it seeks proposing these types of bills as it seeks to prevent people from finding work and putting food on their table. It will have disastrous consequences on the lives of Suffolk residents as without a means to solicit work, day laborers will be unable to support their families. Children will go hungry, many of them will be United States citizen children; as you all know, you can but be an undocumented parent but your children are certainly citizens. Suffolk residents will be unable to find work and contribute to the local economy.

What is clear from everything that's been said so far is that support for Introductory Resolution 1022 is not driven by desire to secure our roads. Suffolk County has simply failed to produce evidence other than hollow anecdotes to support its position that banning day laborers from County roadways would improve public safety. In fact, Suffolk Police officials have gone on record as saying that they do not have statistics on the number of accidents associated with day laborers soliciting jobs on County roadways. Moreover, lawmakers and Police officials have yet to explain -- and maybe you guys can explain this -- as to why current road safety laws such as New York State's Vehicle and Traffic Law are inadequate to safeguard the County's roadways.

If Suffolk County was serious about road safety, they then would have first commissioned a study to determine whether accidents associated with day laborers seeking employment on County roadways is higher than the proportion of accidents associated with other activities on County roadways such as riding a bicycle, speeding on a County roadway or congregating along a road outside of a shopping mall. I'm waiting to see Suffolk County target those kids that are hanging out outside of shopping malls and -- they don't seem to cause distress among community residents who are trying to enter that shopping mall.

Road safety here is simply a smoke-screen for the real motivation behind this mean-spirited legislation, and that is to target Latino day laborers who are trying to make a decent living and put food on the table for themselves and their families. Suffolk lawmakers must stop scape-goating Latino day laborers and should instead inform their constituents about the contributions made by immigrants, including undocumented immigrants, of millions of dollars a year into the Suffolk economy. Documented and undocumented immigrants pay taxes with every purchase that they make. Many undocumented immigrant, probably in the thousands here in Suffolk County, file Federal Income Taxes. Many contribute to the Social Security System without ever benefitting from it, and under Federal law, undocumented immigrants are ill eligible for most of the public benefits that citizens receive.

P.O. LINDSAY:

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

MR. OFER:

Sure. Just one last quick point, is that Intro Resolution 1022 is unconstitutional as it unduly infringes on Suffolk residents' First Amendment rights. The First Amendment protects the right of the people to solicit work in public spaces and IR 1022 unduly infringes on this right because it discriminates against day laborer speech and prevents day laborers from soliciting work.

P.O. LINDSAY:

Before you leave the podium, Legislator Eddington has a question.

LEG. EDDINGTON:

Yes. I just wanted to just give you some information, because I am the Chair of Public Safety, I have been in contact with the Police and there has been a public safety traffic study there from 2001 to 2003, that's how I got involved. You can point your finger and call names like I've heard other

people, I'm not going to call names. The facts are that there were three pedestrians hit during that time, eight people on bicycles and 406 rear-end collisions. I don't care about race, I don't care who it was, there's too many. And as I talk to the residents, they tell me that there is probably even more almost rear-end accidents, but you can't put that in statistics.

But what I can tell you is when I was talking to our County Sheriff, Vincent DeMarco, he said two months ago someone ran literally across four lanes on Horseblock Road and he almost hit him, he said, "I can't believe how much it upset me." So you can point your fingers and you say whatever you want, this is a traffic safety issue. It's in my town, my constituents are concerned and I'm not going to say it's not my problem; it is, that's why they elected me.

Applause

MR. OFER:

And my point is that current -- New York's current New York State Law already gives you the legal tools necessary to stop that from happening.

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

MR. OFER:

You don't need any new laws to fix this.

LEG. EDDINGTON:

Our Police have said they only have the jaywalking.

MR. OFER:

Let me ask you, is it legal to run across the street when other vehicles are there; is it legal?

UNKNOWN AUDIENCE MEMBER:

Why can't they go back?

MR. OFER:

Easy question; is it legal for someone to run across the street?

LEG. EDDINGTON:

That's jaywalking.

MR. OFER:

So there you go, so what are you doing here? What this means is that there are other motivations behind this bill.

Applause

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Okay, you want to talk? Legislator Caracappa and then D'Amaro.

LEG. CARACAPPA:

You said New York Civil Liberties Union doesn't have many fans; well, I'm certainly not one of your fans. Where were you --

Applause

Where were you two months ago? It's so funny how you pick and choose, your organization, what you want to defend and what you don't want to defend. You know, it's sickening, to be quite honest with you, and you show yourself to be the most hypocritical group I've ever seen in my life.

UNKNOWN AUDIENCE MEMBER:

You're phony.

LEG. CARACAPPA:

My question to you is this; where were you two months ago when this Legislature passed a bill in the title banning loitering of sexual predators, which you have defended as an organization, where children gather? You didn't say one word. You didn't come to this podium, you didn't call people names, you didn't say one thing; where were you and your organization? But you're here for this one. How did you guys come up with picking and choosing, coming against this bill but not the other one? Was it because the letter of my party before my name as opposed to the other one that sponsored the other bill? It's a -- I'm flabbergasted. How do you pick and choose the ones that you defend?

MR. OFER:

My answer is I encourage you to become a member of the NYCLU because by becoming a member you're going to help us raise more money so that we can actually be there each time there's a constitutional issue at play.

LEG. CARACAPPA:

(Inaudible).

MR. OFER:

And the sad reality is that there are many, many issues that are before this County and other counties throughout the State, since we are a Statewide organization with about 30 staff people, that we just don't have the resources to address. Unfortunately, Suffolk County has become such a hotbed of anti-immigrant legislation that we've had to make it a priority to work with you and try to stop these bills from passing.

P.O. LINDSAY:

Legislator D'Amaro, you have a question? A question if we could.

LEG. CARACAPPA:

Good answer.

LEG. D'AMARO:

Good afternoon. I have a copy of the bill in front of me as well as your statement and you were speaking previously about laws that we already have on the books, the Vehicle & Traffic Law specifically that would prohibit certain conduct on roadways. And when I take a look at this bill, it seems to be doing something very similar, all of the operative sections of this bill prohibit conduct that would in such a manner as to obstruct traffic.

So my question to you is that you have made the assertion here today that the bill that we're considering is unconstitutional, yet I don't think your position is that the Vehicle & Traffic Law prohibitions are unconstitutional. Can you tell me what the distinction is?

MR. OFER:

The distinction is that the First Amendment protects the right of people to solicit work in public spaces.

UNKNOWN AUDIENCE MEMBER:

Legal.

MR. OFER:

That is the distinction.

LEG. D'AMARO:

So in other words, the solicit --

MR. OFER:

And there's nothing in State law that says that people do not have a right to solicit work in public spaces.

LEG. D'AMARO:

Let me ask you this question. If someone were to solicit in a County roadway in such a way as to obstruct traffic, do you think that the Vehicle & Traffic Law provides a remedy for that conduct?

MR. OFER:

I think there are plenty of laws under the Penal Code for disorderly conduct, under the Vehicle & Traffic Safety Law that already can address many of these issues.

Having said that, when applying, when enforcing the law, Suffolk County needs to make sure that it's applying it even-handedly.

LEG. D'AMARO:

But is your --

MR. OFER:

-- and not just focusing on Latino day laborers.

LEG. D'AMARO:

But is your position that the Vehicle & Traffic Law is targeting the traffic itself as opposed to the bill before us which is targeting the actual solicitation; is that the distinction you're trying to make?

MR. OFER:

The distinction is that this bill before you tries to criminalize the ability of people to solicit work in public spaces, and the First Amendment protects that right.

LEG. D'AMARO:

No, it does a little more than that.

MR. OFER:

Yeah, it does even more, you're right.

LEG. D'AMARO:

It says you cannot solicit work in public places in such a manner as to obstruct traffic, okay, so that's an important part of the bill. And I just want to understand in my own mind how that is unconstitutional for this County, which has a right to regulate its roadways, how it's unconstitutional for us to say you cannot solicit in a manner as to obstruct traffic, that's unconstitutional, but the State of New York on a State road can say the same conduct is prohibitive but yet that is constitutional; I need to understand that distinction.

MR. OFER:

Well, I think I made that clear. My written testimony goes into more detail on the First Amendment issue.

P.O. LINDSAY:

Okay, thank you.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Brian Schneck; Patrick Young is on deck. Hello, Brian.

MR. SCHNECK:

Good afternoon, Presiding Officer Lindsay and to all Legislators. My name is Brian Schneck, I have the honor to serve as the Co-Chair, along with Michele Lynch, of the Suffolk County Chapter of the Working Families Party here in Suffolk County. I rise today in order to State for the record that the Suffolk County Chapter of the Working Families Party, along with the State party, is in opposition of IR 1022.

Applause

In addition, we are terribly saddened by the fact that a cosponsor of this flawed legislation is a registrant in our party; I guess every family has a cousin that we don't get along with, it is what it is, that's life. This legislative body has done many terrific things for working people in Suffolk County over the years. However, today we begin the debate of a potential law that will not solve any of the problems that our residents in Suffolk County face today. I'd rather see that we begin a debate on real issues that affect us, about how we're going to afford to live here in Suffolk County on this great Long Island; that's the issue that should be discussed.

The WFP believes in principals of good government and good public policy; IR 1022 is neither. IR 1022 is just a mere example of political pandering. This Legislative body must understand that the Federal Government is the appropriate governmental body that has the jurisdiction and the ability to control and enforce immigration. However, because of the failures of the Federal Government, there is a feel-good movement by local governments and Legislators all across the country to pass such flawed legislation as we are discussing here today. The reality is the only pandering -- they're only pandering for political gain.

Further, as a union leader with the United Automobile Workers, I am concerned of the potential impact that this legislation shall have on my brothers and sisters that may be forced to take a strike against it or their employer or are locked out by the boss or are protesting in concert against unfair labor practices, perhaps striking for recognition. I've spent many a time on a sidewalk here in Suffolk County with many of you, through my years as a union leader, so you know what I'm talking about, you know what happens during these job actions. We're concerned that this type of legislation could be interpreted by certain people in law enforcement and DA's that are overzealous and that would only suppress worker's abilities to protest conditions at work. We feel that this is going to negate our ability to gain in collective bargaining and only add another weapon to employers in their arsenal that they already have against labor.

Once again, IR 1022 wrong and, quite frankly, it should be placed in a paper shredder. Thank you.

Boos and Applause From Audience

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Brian, if you could come back again, please, Legislator Kennedy has a question.

LEG. KENNEDY:

Thank you, Mr. Chair.

MR. SCHNECK:

Yes.

LEG. KENNEDY:

Mr. Schneck, you mentioned that there may be some concern about the ability for labor or for that matter, I guess, any other kind of group or individual, to go ahead and peacefully assemble or protest or express their views concerning a strike or any other matter, since you've spoken about the fact that you've been engaged in, I guess, informational strikes and things like that before. In your experience, what happens when an employer elects to go ahead when there's a breakdown in the collective bargaining process and they are either shutting out membership or not allowing you to go ahead and go to the workplace; what are the physical parameters associated with being able to be on the property, how far do you get to go?

MR. SCHNECK:

To the sidewalk.

LEG. KENNEDY:

That's it.

MR. SCHNECK:

Right.

LEG. KENNEDY:

And if you go ahead and you attempt to enter the workplace, what does the employer do?

MR. SCHNECK:

You're probably going to get summoned for trespassing.

LEG. KENNEDY:

Exactly, so the closest you can get to it is that sidewalk proximate to the work place, correct?

MR. SCHNECK:

That's correct.

LEG. KENNEDY:

In your opinion, would this bill go ahead and actually interfere with your ability to do that?

MR. SCHNECK:

Absolutely. It would interfere with our First Amendment right to protest, all right, and also -- let me just speak on a personal example that I experienced in the City of New York which is a lot more liberal, you know, on issues such as this.

I lived in a steel cage for ten months, on a sidewalk, all right, during a strike. Meanwhile, the employer inside committed 22 unfair labor practices, stole from his workers, he did a lot of other things that I don't care to speak of. So who's the real criminal? We were placed in a cage for ten months, he's inside; he gets a mere blue and white poster on the wheel, "I swear I won't do it again," all right. But that's what labor is facing nowadays. So I'm very concerned that a law such as this, the way that it's worded and crafted, could result in what I experienced in Queens, all right? That's wrong what was going on in Queens, but we had to live it with it and we had to deal with it, we did it as best as we could. That shouldn't happen -- it shouldn't be happening in Queens, it certainly shouldn't happen out here in Suffolk County, all right, it's wrong.

To stand up -- the only thing that you have against an employer nowadays is to withhold your labor, that's the only thing that you have, that's the only -- that's the last tool in your tool box, the only piece of leverage. And systematically, Local Laws, State laws and Federal laws have been skewed to aid and abet the employer, you know, in job actions; and again, this is problematic. Thank you.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Wait, wait, Brian, Legislator Caracappa has a --

LEG. CARACAPPA:

Real quick. Thanks for coming down. I appreciate what you do when you do your job actions and that you do it on the sidewalk or along the right-of-way, but I don't think ever -- and I haven't worked with labor unions and being very supportive of them and being sponsors of the many things that you've said we've done well around here in the past, I have never heard any of them purposely blocking a right-of-way. They've always been respectful and lawful and let pedestrians pass when needed, they never jumped out or ran out in front of cars that were passing, especially a school bus, a truck, any vehicle. Of course you're not saying that's what you're looking to do, right, in the job action?

MR. SCHNECK:

Listen, when we're out on strike, we are under the microscope of a lot of different people.

LEG. CARACAPPA:

But you do it lawfully, you do it civilly, right?

MR. SCHNECK:

Absolutely, we believe in that.

LEG. CARACAPPA:

Right.

MR. SCHNECK:

However, the way that this is written is only going to negate our ability to function the way that we need to in a job action. I'll give you an example.

LEG. CARACAPPA:

Brian, did you read the bill?

MR. SCHNECK:

Yeah, I did.

LEG. CARACAPPA:

Because I don't know where it says anything like that within it.

MR. SCHNECK:

Okay, listen, real world and real world. I know how things can be interpreted. Just because it says one thing, you know, everyone else has a different opinion of it; I mean, that's the facts, that's what happens here in the world of labor that I live in.

I'll give you an example. King O'Rourke Cadillac, my local union was out on strike there eleven months here in Suffolk County, '97 through '98. Many of you, in your earlier days, selected officials joined us there. My local union President was put in jail, all right, for a Local Law that was put on the books in 19 -- no, excuse me, 1849.

LEG. CARACAPPA:

What did he do?

MR. SCHNECK:

Having to do with attempting to poison farm animals. Think about it; this is a Local Law that was put on the books back then, all right, it had to do with certain things that fall on sidewalks, all right? Back then farmers used to, I guess, steal the market share from other farmers by putting stuff on the ground that would get into the hooves of cattle, all right?

LEG. CARACAPPA:

I hear what you're saying, sometimes laws become archaic.

MR. SCHNECK:

So to utilize a Local Law from a century ago --

LEG. CARACAPPA:

Right.

MR. SCHNECK:

-- against a labor leader that was doing the right thing, standing up for his workers.

LEG. CARACAPPA:

I guess my direct question to you is does the WFP -- you're okay with blocking public access, public roadways for the sake of what?

MR. SCHNECK:

The WFP, once again, we believe in good government and good public policy. We don't believe this --

LEG. CARACAPPA:

As it relates to the obstruction of roadways and right-of-ways, what's the position?

MR. SCHNECK:

We all respect and we support the law that's currently in place. This law here, again, is nothing but political pandering.

Applause

LEG. CARACAPPA:

I'm not political pandering anybody, I'm termed out as probably a lot -- a lot of you are very happy about that. The fact of the matter is I'm not pandering to anybody.

MR. SCHNECK:

You just heard testimony two or three times already today that there's already laws on the books that speak of the same thing that you're looking to do. How many more laws do we need? It's redundant, it's political pandering.

LEG. CARACAPPA:

I disagree.

Applause

P.O. LINDSAY:

Thank you, Brian. Patrick Young.

MR. YOUNG:

It's always interesting when I come here on these pieces of legislation, sometimes there's a perception by some of the Legislators that the concerns about these bills are not the concerns of the

Latino community but of advocates for the Latino community.

I just want -- I realize that only a few of you know how to read Spanish, but you might be able to read this. This is the largest newspaper in the New York Metropolitan area in Spanish and it says, "Anti-Latinos," and on the right you'll see smiling Steve Levy as one of the two suspects. To be honest with you, if you read the Spanish newspapers you'd realize that for the last six months, when Steve Levy's picture appears in them, it is always subtitled "racist, anti: Latino, anti-immigrant, hater of immigrants"; one newspaper said he had started a war of hatred against Latinos, and your picture will be the next.

Applause

I want you to know that just in listening to some of the questions that we heard today, you know, people talked about banning them from County roads and they'll go to the State roads, etcetera; actually, a lot of the trucks will just start picking people up at the houses where they live. So instead of them being picked up in front of a 7-Eleven or in front of a vacant lot, they'll be picked up in the neighborhoods in which they live because you know what, they're still going to work and the contractors who hire them are still going to hire them. So you will have five times as many people calling you complaining about what's going on as you do now if you pass this bill.

The second thing. You know, it's always interesting when we come here, some people say this is not about immigrants, then other Legislators start saying it's about illegal immigrants. You know, there's always a sort of schizophrenia that goes on; we're not talking about immigrants, we're talking about illegal immigrants here. If you look at the bill, it doesn't make any distinction and what most of us fear is this bill is not going to be applied even-handedly, it's going to be applied where groups of brown people stand. It's not going to be applied when there are people who are at the -- heading for the train station for work, it's going to be applied where there are groups of brown people, non-white people standing; these are the people who are going to be harassed by this bill. And it's not going to make a difference if they're legal or illegal, the cops won't know that before they start to put pressure on people to move. You might also want to ask yourself how, before the hire takes place, will the police know what the intention of the alien on the street is.

My name is Patrick Young, I'm an attorney with the Central American Refugee Center in Brentwood, a special Professor of Law at Hofstra Law School. When this County was Republican run, the immigrant rights advocates defeated every anti-immigrant bill; anti-immigrant bill after anti-immigrant bill lost here. Now that it's dominated by the Democrats and the Working Family Party, today we face the possibility of the passage of the second anti-immigrant bill in just six months.

Using census-based data, the estimates are that one-quarter of a million immigrants now live in Suffolk County. With the likely passage of an earned legalization program supported by Senators Kennedy and Senator McCain --

Boos From Audience

-- 50,000 more Suffolk immigrants will begin the journey down the road to citizenship in a County which has drawn national attention for hate crimes against immigrants. Has the County Legislature scheduled a hearing on how immigrants can be integrated fully into the life of this County? One in seven people living in Suffolk County was born in another country, some of the Legislators were born in another country. However, as with virtually every Legislative hearing within my lifetime that has been scheduled here relating to immigrants, this hearing is designed as nothing more than another symbolic slap at the Latino and immigrant community, just another chance for you guys to go on record saying, "We hate immigrants, we hate Latinos, get them out." We want Suffolk County the way it was in the 40's, in the 50's, in the 60's. You can nod your head and say no; come on, I've been coming here for ten years, we know what this is about. The same people supporting this bill are often the same people who are supporting making it illegal for any County employee to speak to

somebody in Spanish. Give me a break, we know what this is about.

Immigrants and Latinos are the fastest growing demographic on Long Island. Elected officials who ignore this community risk furthering the separation of immigrants in our County from people who are native-born. The County Legislature has to stop doing this every year, or now every six months. Vote against this bill and begin the process of planning for Suffolk's future instead of wallowing in this Legislature's -- Legislature's anti-immigrant past.

Applause

P.O. LINDSAY:

Thank you, Mr. Young. Jonathan Harris. Jonathan Harris?

MR. HARRIS:

Good afternoon, Presiding Officer Lindsay and the rest of the members of the County Legislature. I'm Jonathan Harris and I work with the Suffolk Chapter of the Working Families Party. I come to you today to relate a personal experience within with an ordinance very similar to IR 1022, and this goes directly to Mr. Kennedy and Mr. Mystal's question earlier about how this bill could potentially affect a union's right to protest.

In 2003, an informational picket on a public sidewalk outside of a Wal-Mart in Miami Dade County, Florida, Police issued citations to me and several other members of the South Florida AFL-CIO and the United Food and Commercial Workers Union for a violation of a very similar ordinance. In our case, the Miami Dade County authorities used this ordinance to stifle the union's right to publicly protest. An expert of the Miami Dade ordinance reads, "It is unlawful for any person on a public street, highway or sidewalk to offer or attempt to offer any" -- "to any occupant of any motor vehicle, whether standing or moving, any soliciting materials," and I'll submit to you a copy of the ordinance for your review.

So Suffolk County law enforcement could potentially use IR 1022 to repress a union's right to publicly protest, just as Miami Dade County Police did to us. If implemented across the board, which any law obviously should be, IR 1022 could even be used to squash a Boy Scout car wash fund-raiser. Perhaps this is why on June 29th, 1999, you, the Suffolk County Legislature, voted against IR 1356, an almost identical bill to the one you're considering now, also introduced by Mr. Caracappa, and I'll offer you a hard copy of that proposal as well.

So I urge you to oppose IR 1022 as its passage could lead to far-reaching and unintended prohibitions on our freedom of speech and assembly and on our American way of life.

Boos and Applause From Audience

P.O. LINDSAY:

Thank you. Regina Graham.

MS. GRAHAM:

Good afternoon. I'm Regina Courtney Graham, a retired Suffolk County Probation Officer and I'm also a member of the Working Families Party, and you've heard from a couple of our members before me. There's no -- there's been so much excellent testimony and very touching, to me at least and I'm sure to many, if not all of us. I don't have a lot of to add, but I had a couple of thoughts that I just wanted to share and make my feelings known.

As was said earlier, I think all of us are decedents of immigrants, you know, some farther back than others. But my grandparents on both sides -- I'm only second generation American, and my grandparents on my mother's side came from Ireland and spoke English; my grandparents on my father's side were Spanish speaking. And it just occurred to me that if they were -- if both of them were emigrating here at this time in our history, that my mother's people would have probably had no problem at all and if my Irish grandfather had moved out to the Hamptons and perhaps lived in

overcrowded conditions, too many people in a house, that probably there wouldn't have been any repercussions, but that my father's father, my paternal grandfather, being Spanish speaking and looking a certain way would -- you know, if there was legislation such as this in place, might have had a lot of problems.

You know, I agree with all the people who have spoken against this bill and I just urge you to withdraw or defeat it, whatever the term might be. And thank you very much.

Applause

P.O. LINDSAY:

Thank you, Regina. Omar Henriquez.

MR. HENRIQUEZ:

Buenos tardes, good afternoon. I momentarily stepped outside and someone asked me, "Are they still discussing the Latino bill?", and I corrected her, I said, "No, they're still discussing the standing while Latino bill." So some of your constituencies already know this not as a safety issue but as a Latino bill, I just wanted to tell you that.

Members of the Suffolk County Legislature, Presiding Officer, good afternoon. My name is Omar Henriquez and I am here to speak on behalf of the Workplace Project against Resolution 1022. The Workplace Project is a community organization with offices in Hempstead, Farmingville and we have members, friends and allies in both counties. I am speaking today on behalf of the organization, but also from our own personal experience as an immigrant and as an organizer. I have visited many labor sites in Long Island, I have organized some of those sites in Long Island and have spoken and come into contact with many day laborers. As day laborers in Long Island today, we are facing some of the most difficult conditions on Long Island; low and sometimes no payment of wages at all, dangerous working conditions. We are -- the labor force has suffered the most fatalities in the labor force in the United States. We also face abuse of employers and, you know, we say why do we take these risks? Why do we take these risk? Because they're doing this work for the same reasons that all of us go to work every day, to provide food, shelter and securities for ourself and our families. These is the kind of work ethic that should not be punished, it should be admired and encouraged.

You know, I was thinking that immigration now has become the thorn in America's heart, but yet historically we have been its blood line and we continue to do so. As immigrants, or like they say -- and I invite everyone to read the research and studies. We give more than we take and we have done that historically; immigrants have provided more than we take. And I would just like to say that we give our sweat and our blood because we're dying in record numbers, but we also give our precious children that are born here than more Americans than any of you, and I tell you this because I have close relatives that when the war in Iraq came they signed up and they are fighting for America. This is what we give, our children. I like to tell -- I would like to take my child back to where I was born and he says he doesn't want to go. They don't want to go back to where they come from, they are Americans, they are here and I venture to say that most of them will be sitting here in a couple of generations and probably not doing what you're doing.

Boos and Applause From Audience

Resolution 1022 will do nothing to address any of the real issues that we face in Long Island, none of them. There have been no studies to show that the labor sites in the areas cause the traffic issues, and I sworn to have participated with communities that have taken the right approach who have solved these issues, so there's a way to do it and this is the wrong way to go. Resolution 1022, and as it was stated before, is an attack on us, on people of color, of Latinos. I can't tell you how many times that I've been racially profiled and I have lived, I'm proud to be a Long Islander, this is my adopted country and I respect it and I love it and I will defend it. This is what I'm doing now, exercising one of the basic rights the Constitution gives me.

P.O. LINDSAY:

Please wrap up, Mr. Henriquez.

MR. HENRIQUEZ:

I will; I don't know that my five minutes are up. As I said before, I'm an immigrant, but I also want to let you know that I am also a US Citizen and I vote, and there are more immigrants like me who are becoming citizens and voters and we're not going to forget this. We not happy with the direction that Suffolk is going, very unhappy. And every single anti-immigrant proposal we consider an attack on our community. This has gone far enough, this is not the way to go and I call on your conscience, on your conscience as Legislators to do the right thing because we as a community will not forget.

Boos and Applause From Audience

P.O. LINDSAY:

All right. Ruth Gaines.

MR. HENRIQUEZ:

Any questions?

P.O. LINDSAY:

No questions. Hello, Ms. Ruth. How are you?

MS. GAINES:

Hello there, Presiding Officer Lindsay, and also Deputy Presiding Officer Viloría-Fisher and Members of the Suffolk County Legislature. My name is Ruth Negron-Gaines and I am a resident of Suffolk County in Islip Town for over 48 years. I am also a member of the Nassau Suffolk Hispanic Task Force for over 15 years and I have been here before this Legislature in the past for many, many times in regards to issues like this.

Thank you for this opportunity to speak before you in opposition of.

Introductory Resolution 1022. February 28th I read an article in Newsday by Bart Jones that stated that County Executive Levy was to announce his support for an anti-loitering bill; this bill aims to clear County roads of day laborers waiting to be picked up by contractors. The article quotes Mr. Levy to say that workers need help -- that workers help fuel an illegal underground economy. A few days later I was visiting my girlfriend and she was watching the story of the underground railroad. As I sat there and listened, I learned that during those years the slaves were prohibiting -- prohibited from assembling outside their churches. We know that history repeats itself, sometimes in a different disguise or another type of presser.

May of 2005, I was invited to participate in a -- in Partners in Unity, a group spearheaded by the Suffolk County Community council. We had a great group with different opinions and enthusiasm to assist in the preparation of a five year plan to address the immigrant situation in Suffolk County; the group identified community, employment, shape-up sites, services and education. I retired last year and I haven't heard anything else. Several months ago I was here at the public portion of this Legislature and Dr. Luis Valenzuela was asked by another member of the Legislature, I think it was Legislator Eddington, what would he recommend to solve the immigrant debate. Dr. Valenzuela stated that a study needs to be done to determine relations among different measurements. This issue is not only in Farmingville or in Huntington, this issue is also in Brentwood.

Why piecemeal this issue? Who is benefitting from this ongoing conflict? Why not conduct an in-depth study of the immigration issue as a whole? We must act now because we Long Islanders simply cannot function as we should in this democratic society if we abandon our commitment to truth. Thank you very much.

Boos and Applause From Audience

P.O. LINDSAY:

Thank you. Ray Wysolmierski.

MR. WYSOLMIERSKI:

Hi. My name is Ray Wysolmierski, I've addressed this group many, many times. This is only the second time since I've addressed it before with this present group in place.

I'm the President of the Greater Farmingville Community Association. Now, I've been sitting here, I came here at 12:30 and I signed up, I found 14 people ahead of me and I have to tell you, since I have been sitting back there, there's been insinuations that we carry guns, that we're less than -- that we're mean-spirited. You know, the other side has cornered the market on compassion and morality and we're just sitting by and being nasty. Hello? I don't know who's more mean-spirited; is it the people who come into our community illegally and impose themselves upon it, or is it the people who ask their representatives in government to help them?

Now, I thought that this was a representative government, now I'm finding out that what it really is people coming here and trying to suggest that because there they may be of a minority organization, that somehow everything that is presented against them is a minority issue; this has nothing to do with that. I came here prepared to debate the merits of a safety law and I was going to talk to you about safety concerns which are all documented with the police, we've gone to the Police on many occasions, you should know this. They are certainly a distraction, they're standing there and people are running across the street. I mean, this has been going on forever and I've been fighting for this forever, and it's not anything new and it's never been about race and it's always being said it is about race.

Now, we've had a number of crazy things happen during this session, some of which I can hardly believe, namely the suggestion, even in gest, that there are guns ready to be taken out to shoot someone. Now, when that happens, that indicates something to me, it indicates that there is a problem about what this is. Now, the last time I was before you I told you at that time that this is not an immigration issue, the whole immigration issue is a nonsecretor. I brought before you testimony that indicates that the people who work for Workplace Project, for instance, give interviews to socialist worker websites, okay? I mentioned this the last time. I told you at that time that this has -- that this issue is a matter of whose priorities should take place. Actually, what we're asking here is the rights of non-citizens to assemble versus the rights of citizens to feel secure and content in their own community.

Now, which is the greater good? Tell me, am I supposed to suggest -- are you trying to suggest to me that someone who imposes themselves upon a community is supposed to be left alone while the rest -- because they may have or may not be a member of a minority, while the rest of us have no right to address our government; is this what this has gone to? I told you before, I've been doing this for ten years, I know what's going on, this has nothing absolutely to do with immigration, although you heard the word repeated over and over again. That nonsense that deals with how my grandfather was this and my mother was that and everything else, it has nothing to do with that, it has to do with protection, it has to do with what are we going to do with the safety issue. Now, I know they like to change the issue to something else, but that's what it is. And we're tired of having all of these people grandstanding for two hours talking about unions and talking about morality and talking about compassion and talking about courage. I'll tell you where the courage is here, it's with Legislators Caracappa and Eddington and with Mr. Levy, that's where the courage is.

Applause

I mean, they're really didn't want to be put up against this nonsense, but they went ahead anyway because they knew they had to do the right thing and it is the right thing. Now, I'm telling you that

what you're doing is suggesting, to me at least you're suggest that the rights of non-citizens, which of course are dubious to begin with, the rights of non-citizens, civil rights of people who are non-citizens, okay, against the citizens who have a right to be secure in their community. I don't know how -- how those two can be compared and how that can be -- how equal value can be given to both; it doesn't make any sense whatsoever.

Applause

Now, I have been doing this for a very long time. I will answer any question, including what a migrant is and what an immigrant is. A migrant is someone who goes left to right in Mexico and he's a Mexican citizen, they go up, they are an illegal alien invader, that's the difference.

P.O. LINDSAY:

Could you -- thank you. Are you done, Ray?

MR. WYSOLMIERSKI:

I'm done.

P.O. LINDSAY:

All right, thank you. Lisa Tyson.

MS. TYSON:

Good afternoon. I have been asked to make a statement for the People for the American Way, I'm going to make a short statement for them and then I'm going to make a statement for the Long Island Progressive Coalition. So I'm speaking for Andrew Stengel, Executive Director for People for the American Way, Northeast Regional Office.

We join other immigrant rights groups denouncing Suffolk County Executive Steve Levy's attacks on undocumented immigrant workers. Using anti-loitering and solicitation laws to attempt to drive undocumented immigrants out of the community rather than working with members of the Congress to pass comprehensive immigration reform is a short-sighted approach to a complex human rights issue. Instead of seeking solutions, Levy is attacking immigrants and making them scapegoats for the high cost of living and low wages in Suffolk County. Immigrants are not political pawns, immigration reforms must take into account that human lives and families are at stake.

So now I'm speaking for myself, I'm Lisa Tyson, Director of the Long Island Progressive Coalition. Our Board has taken a position against Resolution 1022 for these reasons. The first reason that we looked at the bill is we do believe that there is clearly freedom of assembly issues and this could affect protests that we do as well as human protest. We do not think that there are civil -- that our civil rights are worth this bill and that we are really concerned about what the impact is going to be. When you are doing a protest in front of an organization, a store, it's very easy for them to just pick up the phone, call the cops and say, "I'm the employer here, I want these people to be arrested, they are not allowed to be doing this in front of my place," and that will happen the minute this bill is passed. So if this goes through, you should expect that that will be the ramifications of this bill, it is in there as it is right now.

The other thing is it's kind of interesting, Suffolk County is getting a new reputation. Suffolk County historically has a reputation all across the country of being an innovator; things like the anti-smoking, you know, smoking -- the phones in the cars and the smoking legislation, and historically I've met people all across the country who know about Suffolk County for the good bills that have been coming out. But unfortunately, lately I have been getting calls all across the country, people who are saying, "What's going on in Suffolk? You have a Democratic majority, you have a Democratic County Executive and yet we are seeing the worst bills throughout the country in your County, what is happening?" Well, what's happening is a reaction of what's happening on the ground. There are some real situations out there and I think it is important to note that there is a problem in places which needs solutions; there's housing problems and places that people are gathering because they need work, and employees -- employers do need workers and they are

picking them up.

So what are the real solutions to this problem? This bill is just not that real solution. Everyone admits it; it's just going to put them into a town or on to a State road, that does not solve the problem. If you got town or State roads to have the same legislation as well, it would not solve the problem. So what is going to solve the problem? I think Mr. Barraga had said it before, let's look at a shape-up site, let's look at a work center, let's really solve the problem at hand. Affordable housing? We know we need more affordable housing, the County is working on it, that's where the problem is. We have to get at the root of the cause and bills like this just does not do that, it actually just makes things a lot worse.

So as the Long Island Progressive Coalition, and I am a representative of the Working Families Party, we really hope that this Legislature takes another approach to these problems, one that's really going to bring people together, not bring people apart. It really shows that Suffolk County is this great County that everyone knows about and we're really so proud to live in but, you know, right now that's really being questioned by a lot of people.

Boos and Applause From Audience

P.O. LINDSAY:

Pete Ferisma (sic).

MR. FRISINA:

Good evening, good afternoon. My name is Pete Frisina.

P.O. LINDSAY:

Sorry about that.

MR. FRISINA:

It's okay. I'm not a lawyer, not a civil liberties advocate here to give a history lesson of slavery and from that day on forward, I'm a local resident, I'm a Farmingville resident and I'm also the President of the East Farmingville Civic Association. I'm here representing dozens of families in my area that couldn't be present because of family obligations and work schedules, but not for a minute because of the lack of people here think that we're not behind this bill 110%.

Applause

I first want to start by thanking County Executive Steve Levy for an outstanding job he has done in office and for renewing my faith in government. And I especially want to thank Legislators Caracappa and Eddington, thank you for cosponsoring this anti-loitering bill, it's long overdue.

Applause

Myself and many members of our civic association have witnessed on many occasions close accidents along these County roads as these presumably illegal day laborers dart into roadways attempting to get hired. These roads are heavily traveled and the loitering and soliciting along them has gotten experientially worse in the past few years and nothing has been done. Unfortunately, safety concerns for loiterers and motorists are not the only issues that concern us, there's a huge quality of life issue for my town and many towns within Suffolk County. There is a significant amount of litter strewn about in these congregation areas and the landscape has literally been ruined. Many of us have also witnessed public urination along these same County roadways, it's disgusting. Acts like these are blatantly illegal and somewhere along the lines the work illegal seems to get lost in these arguments.

We don't see this resolution as a racist act against one particular group, as some community activists would like you to believe. We see this proposal as a long overdue law that protects

law-abiding taxpayers, citizens and their quality of life. This resolution is what a vast majority of Suffolk County residents do want and so please, we urge all Suffolk County Legislators, support IR 1022 and help save my town and many other Suffolk County towns that are in crisis. Thank you and God bless America. Thank you.

Applause

P.O. LINDSAY:

Amado Ortiz.

MR. ORTIZ:

I would like to thank the Legislators for giving me the opportunity to speak. My name is Amado Ortiz and I represent the Organization Latino Americana of Eastern Long Island. I would like to read from a prepared statement.

What a breath of fresh air it was to read in yesterday's New York Times the headline, "New Haven Welcomes Immigrants, Legal or Not". As I continue to read about other cities that are working to pass immigrant friendly legislation, I thought about the stark and disdain contrast between the humane and respectful approach that other communities across the country are adapting to deal with this latest wave of immigration in our country's history and the anti-immigrant xenophobic stance of our County government. Almost four years ago Congressman Tim Bishop stated in no uncertain terms at a public meeting, "I believe that undocumented people in this country should be embraced." Being a good Democrat and being a good American, he has continued to support the cause of immigrants in this country by cosponsoring the Dream Act that would help the undocumented immigrant community participate more fully in the American way of life.

"Regardless of their documentation status, as long as immigrants are responsible, law-abiding and taxpaying citizens," that's my editing, stated Mr. Bishop, "I would support measures that would keep families together and allow people to live productive lives." What is going on in this County and specifically with this legislation, is that proposals such as have been put forward serve really only to destroy families and undermine the goal of integrating the recent immigrant population more fully into the American mainstream. We urge supporting and putting forth a reasonable and practical solution to the situation of day laborers standing along roadside waiting for work.

The undocumented immigrant community is being used as a scapegoat by the Legislators who support these initiatives. Instead of introducing legislation that would acknowledge the contributions of Suffolk County's immigrants, that Suffolk County's immigrants make to our economy and culture, this Legislature seemed determine to tear the rich fabric of our community apart by pandering to an anti-immigrant contingent whose message of hate the County government seems to have accepted as their own. Instead of putting forth the idea of formal hiring sites for day laborers, for example, this Legislature is considering passing a proposal that flies in the face of decency, respect for other human beings and the US Constitution.

While North haven and other forward-thinking, progressive cities and towns make national news by doing something positive for their people, including the undocumented immigrants in their communities, Suffolk County continues to make national news by making villains of its immigrants, although they are some of the country's most peaceful and hard working members. So we urge Mr. Levy and the members of this Legislature to consider that the current wave of immigration is not going to end any time soon.

Throughout the course of American History, not a single ethnic group has ever packed up and left. Your way of handling it only feeds into anti-immigrant sentiments which are rooted in fear and hatred rather than fostering acceptance and respect for fellow human beings. So we're calling on all members of this Legislature, particularly the Democrats and especially the Latino members of the

Legislature, to vote against this proposal and to continue to fight the just fight for civil rights and respect for all.

I just would like to add a note here. You know, as a Suffolk County resident and an American citizen, I just wrote down three little tips to myself, just to bear in mind when I walk out of here. Number one, avoid County roads; number two, don't wear work clothes like the kind I would wear as I was raking my own yard; and maybe carry my passport on a chain and put it on my chest. Thank you.

Boos and Applause From Audience

P.O. LINDSAY:

Okay. John Vicker (sic)? John Vicker.

MR. FICKES:

Close enough.

P.O. LINDSAY:

Did I mispronounce your name? I'm sorry.

MR. FICKES:

That's okay, Fickes.

P.O. LINDSAY:

Fickes, okay.

MR. FICKES:

Good afternoon. My name is John Fickes. I had a thing that I -- a prepared thing, I'm just going to talk off the cuff. I'm listening to everybody here today and again, this bill -- I don't know where immigration came into it, but it's become a bill about immigration again. I support this bill.

Applause

Newsday had published an article -- I have copies, whoever wants to look at them -- with regard to this bill. I wrote a letter to the Editor of Newsday that I'd like to read, and I have copies of that also, it's in support of the anti-loitering bill. I wrote in here, "I applaud Legislator Jack Eddington and Legislator Joseph Caracappa for taking a bold step to halt the congregating of immigrant" -- well, they put immigrant, they changed it, I wrote illegal alien -- "day laborers on the roadsides and sidewalks. It is not just a problem in their districts but a huge one in North Brentwood on Fifth Avenue and Wicks Road. Countless day laborers create a hazardous situation not only for themselves but also for the vehicle traffic. If you try and turn into the side streets, they literally overrun you car thinking that you're going to pick them up for work. The public hearings that will ensue are standard protocol and opponents of this bill will argue that this is discriminatory against Hispanics; opponents will play the race card which they consider their most viable argument, and that is because they have no other argument. I hope that the Suffolk County Legislators will support this bill and not cave in to special interest groups. This bill is good for the quality of life of the neighborhoods and the safety of all."

Again, I support this bill and I hope that you all will consider it and pass it. I also wanted to make a comment to -- let me see, where are you here? One second.

LEG. CARACAPPA:

Take your time.

P.O. LINDSAY:

Are you looking for --

MR. FICKES:

Oh, Legislator Romaine. I'm sorry, you're all the way over in the corner there. I also support what you're doing with the Bank of America and the Suffolk County tax dollars.

Applause

It's good that we have Legislators that stand up for the people of Suffolk County and they're listening to our concerns and I appreciate that.

UNKNOWN AUDIENCE MEMBER:

Here, here.

MR. FICKES:

That's all I have to say.

P.O. LINDSAY:

Thank you, John.

MR. FICKES:

I have copies here if anybody wants.

Applause

P.O. LINDSAY:

Regina Corby? No, I thought it was Regina Graham. Regina Corby? Well, I see omit on it, so maybe she left or something. Last call, Regina Corby. Okay, Michael O'Neill?

MR. O'NEILL:

Hello. My name is Michael O'Neill, I'm a member of the Southampton Coalition for Workplace Center, a group of citizens that are trying to find a solution to people congregating for work in Southampton by building a work center.

I had a prepared -- well, Mr. Kennedy seemed to state that because the members of this body are second and third generation immigrants, they could not be considered anti-immigrant or they are sensitive to the charge of anti-immigrant. Setting aside the fact that the people who are so despised and hated, your Irish and Italian and Chinese and French Fore bearers were themselves second and third generation, children of immigrants. He then moved from that statement that he is only against illegal immigrants, not legal immigrants, and urged all to understand this important distinction.

I would like to remind the Legislature that almost all trespassers against immigration law are not considered -- are not criminal but they are civil, that is the distinction that you should look at carefully and consider. It makes the assumption that immigration status is a fixed -- is a fixed condition; it is not. It is a process that has a very long period of adjustment. Going over 55 miles an hour on the LIE is also an offense against the New York State Code, that does not make migrants who might go over that limit illegal. So to continuously refer to immigrants with -- with unregularized immigration status as illegal plays up the broad understanding of the late public that they are criminal, that is not at all factual. But it does perpetuate the general disdain of those who despise immigrants. We hear it continually with people spitting out illegal as an epithet, as vitreal that is intended to be demeaning. Immigrants are not illegal and that is why the Congress tried to pass a law in the last Congress that would change that and make immigrants -- and make immigrants who are here without regularized immigration status criminal; that failed by a large margin by both sides in Congress.

Now, let me tell you that as a young man, I went and made the shape-up many times at the New York Times and at the Westside Highway hustling truckers to hire us to load or unload. Shape-ups are a long tradition in American labor, it is still done all over the country under many different circumstances. Other municipalities and towns and cities, as several other people have noted, have passed resolutions and laws in support of immigrant workers, documented or undocumented, because they recognize the indisputable contribution to the economy they make and recognize the damage to their community should they tarnish. I do not understand how this body wishes to persecute and continue to harass immigrants after the enormous contribution they make to our economy.

The middle class benefits from immigrants economic contribution as workers, entrepreneurs, taxpayers and consumers. Our economy is dynamic and the process of immigrants -- and the presence of immigrants' contribution to its growth and the creation of new jobs that wouldn't exist if they were not here, it's not a zero sum game. Immigrants, including undocumented immigrants, pay taxes; the average immigrant pays \$1,800 more in taxes than he or she receives in government benefits, a lifetime contribution of \$80,000, that she and her immediate descendents would receive or not. Undocumented immigrants alone are estimated to have contributed nearly 50 billion in Federal taxes between '96 and 2002, immigrant tax contributions financed by the middle class goods like public schools and Social security. Immigrants are crucial to the long-term viability of our --

P.O. LINDSAY:

Please wrap up, Mr. O'Neill.

MR. O'NEILL:

-- of our Social Security System.

P.O. LINDSAY:

Please wrap up, Mr. O'Neill.

MR. O'NEILL:

I would like to say that I know that most of you believe this is a shameful and probably an unconstitutional law and I hope you vote against it. But for those who do vote for it, I would like to invite you to join us in a march we will have on the 31st of this month to a County road to stand there and loiter and be vagrant and invite arrest. Thank you.

Applause

P.O. LINDSAY:

Before you leave the podium, Mr. O'Neill. First of all, Legislator Kennedy has a question for you.

MR. O'NEILL:

Yes.

LEG. KENNEDY:

Thank you, Mr. O'Neill. And thank you, Mr. Chair. I guess I just want to point out, you identified that I made some comments earlier about the differentiation between illegal immigrants and immigrant; I do not recall making any distinction today about that but have sat here and listened to the speakers as they've come forward.

MR. O'NEILL:

Then I identified the wrong speaker and I apologize. I'm not -- maybe you can correct me and tell me who was that speaker, that Legislator?

LEG. KENNEDY:

No, I can't tell you that but I can tell you, as a matter of fact, I think all of us, as we sit around here,

are doing our best to go ahead and try and hear the issues. I'm a grandson of immigrants from the northern coast of Spain, bass country, my mother's maiden name is Sanchez. So I don't take this lightly, I sit here and I listen, as all the rest of us are. And I don't aspire any particular motives to any Legislator that sits here, nor do I think any one of us would go ahead and engage in what's at this point obstructive or illegal behavior, that doesn't advance anything. And as a matter of fact, my colleague Mr. Barraga, over two hours ago, talked about a need to go ahead and address these issues through inclusion and solution, not necessarily through opposition.

MR. O'NEILL:

Well, Legislator, we heard from a previous -- two previous speakers that this bill is not about -- this legislation is not about immigration, as if their eyes are up to the heavens batting their eyelids and they just don't see what is plain to everybody else; of course it's about immigration. But it was called illegal immigration by you before and you did make that distinction, and if you go back to the record I think you will see that so. But thank you.

P.O. LINDSAY:

Thank you. Eleanor Oakley.

MS. OAKLEY:

Good afternoon. I thank you for still being awake, this has been a very long afternoon and I think I may be the last to speak.

P.O. LINDSAY:

No, no.

MS. OAKLEY:

Okay, okay, sorry about that. I'm here representing myself, okay? I am not here to speak for a group, but I think I speak for a lot of people in Suffolk County. I come from Shelter Island and we also know about immigrants, legal and undocumented.

I'm tired of turning on the news or reading the newspaper and hearing one more outrageous thing that Mr. -- I can't even think, I am so nervous -- that Mr. Levy is proclaiming in the name of Suffolk County as it pertains to immigrants. I came because I need to understand why some members of this Legislative body feel the need to further tarnish the reputation of Suffolk County by their inhumane practices of targeting non-documented immigrants who are identified by their physical appearance.

I acknowledge that there are some very real problems and challenges associated when a community is faced with a large immigration, and that could be of people from any particular country; they're not prepared for it, obviously Suffolk County has not been prepared for it. However, these problems stem primarily from the lack of a just and compassionate national immigration policy, and I would suggest that that's where your efforts would be better served by trying to work on a national policy while still being compassionate and understanding to the way in which the problems impact on every one here.

They also result, these problems, as a result of our trade policies, and I'm speaking now of NAFTA. NAFTA, which in the 1990's when it was presented, was sold on a false premise; we all know what false premises can do. It stated that it would create millions of jobs, raise wages and discourage migration to the United States. Well, we know it -- it represented a loss of employment for people in the United States, it gave false promises to Mexicans and it has resulted in most of them coming here because they cannot earn a living in their own country.

Many of the -- one-quarter of the population in Mexico, for example, are foreigners who cannot feed their families. And I'd like to ask you, if you could not feed your family, if you saw one of your children's hair turning red from malnutrition, would you cross the border? I want to ask you, if you could not send your child to school because you could not buy a book or a pencil, would you come

north and chance coming across the border? Because people are still coming and they will continue to come as long ago as their families suffer.

The last point I would like to make is that I'm making the assumption that each of you in some way is connected to a faith tradition, and that in that tradition you may go off to church on Sunday and listen to the Gospel, or if you are Jewish you may go to the temple on Friday and also hear the same things that we hear in the gospels, okay? I'd like you to consider honoring these tradition and that would call for welcoming the stranger, loving your neighbor and caring for the neediest around you. Thank you.

Applause

MR. ROMAINE:

One question.

P.O. LINDSAY:

Oh, wait a minute, Eleanor, Legislator Romaine has a question for you.

MS. OAKLEY:

Oh, yes, yes.

MR. ROMAINE:

First of all, I want to thank you for coming all the way from Shelter Island, that was very nice. Secondly, I absolutely agree, as someone that used to support NAFTA, that NAFTA is absolutely not working, it's an abysmal failure. And third of all, while certainly you have a point with the Gospel, one of the things, unfortunately, we don't get to deal with here on a local level is what do we do with our borders? Are we to open our borders to all because people are hungry all over the world? You feel for hunger and Americans are very generous, but what do we do with our border policies, how do we conduct immigration, do our immigration laws have any value? Should we even have immigration laws, should we have open borders? And I think when you get to that debate you've got a balance, and that's why I'm listening particularly carefully to all of what everyone has to say on both sides of the issue. But I want to thank you because I don't think people realize how far it is, Shelter Island, to Hauppauge. Thank you.

MS. OAKLEY:

Well, I did not walk over so I did not have to pay the double fair that is now in effect.

MR. ROMAINE:

Okay.

MS. OAKLEY:

But let me make -- I would like to respond to that, okay? Yes, of course we need immigration policies; I don't think those policies should be made in Suffolk County, they should be made on a national level.

Applause

And we should be speaking up, okay? That is clearly the case. The people here should not be the scapegoats. Thank you.

P.O. LINDSAY:

Thank you.

Applause

Pat Seubert? Pat Seubert followed by Vanessa Crilly. Pat, did I mispronounce your last name?

MS. SEUBERT:

No, not too bad; Seubert.

P.O. LINDSAY:

Okay, thank you.

MS. SEUBERT:

I tell you, it's very enlightening, I don't know how you people stay on task with all of the different types of information you're given every day.

P.O. LINDSAY:

Some of them don't, that's why their chairs are empty.

MS. SEUBERT:

Members of the County Legislature, the Medford Taxpayers and Civic Association vigorously supports Legislator Caracappa and Jack Eddington's bill to prohibit the obstruction of County roadways. This legislation will be a substantial factor in taking back our community to protect the health, safety, security and welfare of our residents. Medford is crisscrossed by County roads which have become a haven for job solicitation that jeopardize safety and the ability to reasonably enjoy one's privacy, back and front yards.

The number one factor impacting the desirability and the fabric of the Medford community is legal or illegal labor camps and congregating of great numbers of solicitors on our streets. The dangerous menacing nature of approaching numbers of workers to a vehicle scares the driver and often results in a motorist erratic, irrational maneuver to escape; it's a threat to all.

The communities like Medford, Farmingville and Holtsville are at a critical crossroads. Everyone who spoke earlier today doesn't live in my community, is not faced with what we have been faced with the hundreds of people on North Ocean Avenue, on Horseblock Road. Granted, if a bill like this is passed, they'll go to 112, but it's a step in the right direction. In -- I'm sorry. It is disingenuous to say legislation is directed to any one group. Code and safety violators of all stripes -- white, black, Hispanic, Turkish, Middle Eastern, Oriental, Irish, German -- are equal opportunity offenders. This law is a safety issue, maybe it needs to be tweaked. I understand about all of the concerns about all people congregating for whatever the reason, but the solicitation groups on the road have to be stopped.

I also want to say that, yes, this is only the tip of a much bigger issue that needs to be taken care of. And I truly want to say, too, if such job centers or whatever should be set up by this County, please don't put them in our communities, we've been doing it all along. And any one of you who does that needs to be sure you'll take one in your own community. Thank you.

Applause

P.O. LINDSAY:

Thank you, Pat. Vanessa Crilly?

MS. CRILLY:

Good afternoon. I'm very glad that Legislator Caracappa is back in the room, as we have been talking about this piece of legislation for the past couple of hours now. I am the new Director of Jobs for Justice Long Island and we're a coalition of unions, faith groups, other community organizations that do not protect immigrant workers rights, we protect workers rights.

And that said, I have thought mostly about this legislation on a personal level. Having grown up in Smithtown, as the last speaker just mentioned, I have never had to deal with the loitering issue as it's been presented here today. Having a sister that has moved to Farmingville and then living in Huntington Station myself, I saw this issue up close and personal. I am the college-educated daughter of a man who owns a landscaping business here on Long Island who has had to deal with

both moral and legal issues in terms of who he hires, and when his college-educated daughter was going to the 7-Eleven in Huntington Station, it wasn't the day laborers that I was worried about, it was finding the money to pay for my coffee. So when other people here spoke today about other problems facing Long Islanders, I would appreciate finding some new ways to help young people like myself stay here because it wasn't a problem with the day laborers that ultimately had me leave Huntington Station.

I agree with many of the speakers here also today, including Lisa Tyson and Roger Clayman, in asking that we keep this issue at a Federal level at this point in time, considering that legislation such as this can be skewed by Police and others who have already turned Suffolk County into a place that I growing up was once proud of and now have started to reconsider being able to live here long-term. So I thank everyone here today and I hope that this piece of legislation does not pass. Thank you.

Applause

P.O. LINDSAY:

Thank you, Vanessa. Brian Russell, and behind Brian is Paul Forthmuller.

MR. RUSSELL:

Good afternoon. I'm going to try to keep this brief because I know everybody has been gathering and everybody would like to go home. I'm a commercial truck driver, I've been driving Suffolk County roadways for 25 years and all of these sites that I approach I slow way down now because I thought one landscaping truck slows down, they all rush out into the street. So this is the law that should definitely be passed, that's number one.

Number two, Martin Luther King -- one of the speakers just inspired me to talk about this -- we just celebrated Black History Month; he stood up for civil rights in this country back in the 60's. If they're having a problem making money in their own country, they should stand up and fight for their rights in their own country to make money and better benefits, not come here and looking for work on the sides of our streets. We have a place in the State, I would like to remind everybody, it's called the Unemployment Office; there's no reason to stand out in the street in the freezing cold weather trying to get employment. Go to the Unemployment Office and register and get your benefits and it will pay you to not work. Thank you.

Applause

P.O. LINDSAY:

Thank you, Brian. Paul Forthmuller?

MR. FORTHMULLER:

Good afternoon, Legislative body. I have heard a couple of things done here before, somebody speaking about spiritual things. Also, there are some people here who have religious titles that have come up and spoken. Now, in First Corinthians, Chapter 14 and Verse 40, it says, "Let all things be done decently and in order." I feel that this bill is doing something that will put things decently and in order.

I have been living in Suffolk County for 58 years and I am Spanish, I am Hispanic and I am Latino and my group supports this bill. I think that it's the right thing to do to keep things in an orderly way. I'm also a disabled veteran. Now, when I go -- I live in Southampton, when I go to a beach in Southold, I will be arrested for going to that beach. Why? Because I am not a resident. Now, I can watch illegal aliens go and swim in these American waters, but I can't because I am not a resident of that town. Now, here is something that's irksome and bothersome that should be looked into rather than something of this nature, questioning whether or not this is a good bill; it is a good bill. I find this bothersome, but I have to live and abide by that law, but it does bother me that I can actually see illegal aliens go onto a beach that I cannot go to. And so I just wanted to let you know that I fully support this bill and thank you for your time.

P.O. LINDSAY:

Thank you.

MR. FORTHMULLER:

Thank you.

Applause

P.O. LINDSAY:

That concludes all the cards I have on this issue.

Applause

Is there anyone else that would like to speak? Please come forward.

MR. STRAUSS:

Yes, my name is Alex Strauss, I live on Radio Avenue in Miller Place. After listening to quite a bit of this lovely soliloquy that we had today, I have a few things that I would like to bring up.

Normally when people shape up a job, they go to the job or the contractor or the person that's doing the employment, that's where they go, they don't stand out in the middle of a street waving down cars or if you pull over and slow up have ten people run to your car; they don't do that. That's number one.

The gentleman before me mentioned about going to unemployment. Go to unemployment, you can register there, if they have jobs available for a landscaper, etcetera, you sign up, people can call you and get you a job that way. The reason why these people stop at the middle of the street and pick up these poor guys that are looking for work is because they don't have to pay any taxes on them, they don't have to pay New York State Disability on them, they don't have to do any of this stuff. And you know what? If they don't pay the guy and they disappear, he gets screwed then, too.

The whole thing is that they should go to a place where it's accountability. If they went to the Unemployment Office, they know who the person is that's hiring them because they're registered.

UNKNOWN AUDIENCE MEMBER:

Here, here.

MR. STRAUSS:

If they go in the middle of the street and have somebody pick them up and give them employment, there's no guarantee anywhere. And some of these people really get the hell beat out of them and it's not right, but you can't just do this. And it's not a Latino thing, it's not anything thing, it's the reason that those are the people that are standing there in the middle of the street, that's what it's for. Thank you.

P.O. LINDSAY:

Thank you, Alex. Okay, is there anybody else that wants to say anything on this matter? I don't know anything that we haven't heard, but -- okay.

LEG. CARACAPPA:

Motion to close.

P.O. LINDSAY:

Legislator Eddington, what would you like to do with this bill?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I think everybody voted to close this because they don't want to hear any more about it; whether they're for it or not is another thing.

LEG. CARACAPPA:

Thank you, everyone, for coming out.

LEG. ALDEN:

Back to committee.

P.O. LINDSAY:

No, we're not done with Public Hearings yet.

LEG. ALDEN:

No, no, no, this goes back to committee.

P.O. LINDSAY:

Yes, yes, it goes to committee now.

LEG. HORSLEY:

What committee is it in?

P.O. LINDSAY:

It's in Safety, Public Safety.

Public Hearing on IR No. 1051-07 - A Local Law to permit polygraph examinations of civilian applicants to the Suffolk County Police Department, Sheriff's Department and District Attorney's Office (Losquadro). I don't have any cards on this issue. Is there anyone in the audience that would like to speak on this issue? Seeing none --

LEG. LOSQUADRO:

Motion to close, Mr. Chairman.

P.O. LINDSAY:

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

LEG. ALDEN:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR No. 1056-07 - A Local Law to enact a Suffolk County Homeowners Protection Act (Alden). I don't have any cards on this issue. Is there anyone in the audience that would like to speak on 1056? Seeing none, what is your pleasure, Legislator Alden?

LEG. ALDEN:

My Legislative Aide provided the Clerk's Office with a typed testimony and I believe that those folks wanted an opportunity to come down, so I'm going to make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

LEG. ALDEN:

That goes into the record, right?

MR. ORTIZ:

Yes.

P.O. LINDSAY:

Public Hearing on IR No. 1057-07 - A Charter Law to reform the Suffolk County Legislative Grant process (County Executive). I don't have anybody here. Does anybody here want to speak on 1057? Seeing none, I'm going to make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR No. 1079-07 - A Local Law to amend the County policy for sewer connections to promote affordable housing (Schneiderman). Legislator -- I don't have any cards on 1079. Anybody in the audience want to speak about this? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. ROMAINE:

Second.

LEG. ALDEN:

Romaine said second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, *Public Hearing on IR No. 1143-07 - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers (Viloria-Fisher)*. And we have one card, Paul McDonald; is Mr. Paul McDonald in the room?

LEG. CARACAPPA:

He got smoked out.

LEG. MYSTAL:

He got tired, he left.

P.O. LINDSAY:

Last -- one more call, Paul McDonald?

LEG. LOSQUADRO:

Tim, I'm still here, I'm just letting you know.

P.O. LINDSAY:

Did somebody say he was still here?

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

No? Okay.

D.P.O. VILORIA-FISHER:

Motion to recess.

P.O. LINDSAY:

Okay, Mr. McDonald isn't in the room. Legislator Fisher, Viloria-Fisher has made a motion to recess, I'll second that. All in favor? Opposed? Abstentions? Mr. McDonald will have another chance to come back and comment.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, *Public Hearing on IR No. 1144-07 --*

D.P.O. VILORIA-FISHER:

We have two cards.

P.O. LINDSAY:

-- A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species (Viloria-Fisher), and we have two cards. Alpa -- oh, we have three cards, okay. Alpa Pandya.

MS. PANDYA

Good afternoon.

LEG. ALDEN:

Good evening.

MS. PANDYA:

All right, I've got to rethink, what am I doing here today? My name is Alpa Pandya, I'm with The Nature Conservancy. I'm also here as a member of the Suffolk County Invasive Species Task Force to support passage of IR 1144, to prohibit the sale, introduction and propagation of invasive species.

The Suffolk County Invasive Species Task force met in 2006 and through many long, intensive discussions, produced a multi-strategy proactive approach to invasive species -- management, sorry, in its report. I thank Legislator Viloría-Fisher for chairing the task force as well as for following up on its recommendations by introducing this legislation.

One of the County task force's priority action recommendations was stopping the sale of some invasive species and working with the County agencies from planting a broader list of invasive species. {Escaped}, ornamental invasive species are a significant source of spread of invasive species; invasive spread on to County lands and waters from nearby communities. As they spread and take over natural areas, they impede residents' swimming, boating or enjoying our natural waters and lands, sorry. Preventing new invasions are a necessary component of an invasive species management plan. Prevention is also far more cost effective and likely to succeed than after an invasive species has become established.

The list in this legislation is based on best available science and modified by industry concerns. The biggest selling invasive species, except Purple Leu Strife are not on the do not sell list. IR 1144 gives a phase-out period for the nurseries to sell off their current stock. In addition, non-invasive alternatives are already available to be sold in their place.

I have for you a brochure distributed in Delaware which suggests recommendations for non-invasive alternatives for some of the biggest sellers of invasive species which are being sold right now. Beautiful pictures, if anyone wants to go through them, and please keep them in mind when you're planting in your gardens. I urge you all to pass IR 1144, as the County task force recommends, and slow the spread of invasives into Suffolk's lands and waters.

I want to close by thanking, of course, besides Legislator Browning and many others of you that I've spoken with on this issue who told me your stories of pulling weeds from your backyards. I want to thank Legislator Kate Browning for her support of this initiative. I think it was like the week after you got started, I showed up at your door and said, "There's this task force, you've got to help us," and she's been incredible -- incredibly helpful with it. She's also on the front lines of receiving complaints from residents, in her district is Yaphank Lake which has had a many years long process -- problem with {Fanwart} and the residents have not had -- had years of unfortunately diminished years of swimming, boating and fishing. And I know you are as eager as the rest of us to see progress on the task force recommendations. Thank you very much.

P.O. LINDSAY:

Wait a minute, Alpa, I think Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Alpa, as you know, although I chaired the task force, I was not the sponsor of the bill, it actually came out of the district that is now represented by Legislator Browning.

MS. PANDYA:

Oh, sorry.

D.P.O. VILORIA-FISHER:

And there was some testimony this morning by some people who are in the industry.

MS. PANDYA:

Okay.

D.P.O. VILORIA-FISHER:

And I was surprised by some of it which came from people from Cornell Cooperative, but not our local Cornell Cooperative unit; you know, I guess they were from other parts of the state and they were here for the conference today, I think.

MS. PANDYA:

Yes.

D.P.O. VILORIA-FISHER:

And they said that they were not in line with the science that was used here and we've heard that complaint before. So, you know, I would like to continue this conversation. I'm going to be recessing this today to give the people in the industry an opportunity to come in two weeks, but I want to have some intermittent conversation, some conversation in the meantime with people from our local Cornell Cooperative Extension to see where -- because we did have a representative on the task force, if I'm correct.

MS. PANDYA:

Yes, we did. Yes, we did, and I believe, you know, we did not have great participation from that member, unfortunately. Cornell Cooperative Extension, as well as some industry members, were in a series of meetings, which you were at some of them, a series of meetings with us and with other agency people, academic scientists, local scientists who have been working on invasives for years. I'm not sure what science they felt was lacking because they've never really told us which species they have a real problem with on the list and, you know, there is a certain amount of -- besides the invasive species issue, you know, as a person who has been doing this for a long time, when you're not winning on the issue you just argue process and it kind of sounds like they're just kind of saying, "We need more science; we're not sure what science, but we need more of it." So I'm not sure. I look forward to --

D.P.O. VILORIA-FISHER:

Well, we'll look at it further in two weeks when we have the subsequent public hearing.

MS. PANDYA:

Yes.

D.P.O. VILORIA-FISHER:

I just wanted to give you a heads up that --

MS. PANDYA:

Sure. And actually my coworker, who's coming up next I think, will be talking a lot more about the science, she is an Ecologist and has a lot more information than I could possibly tell you about how the list was developed.

D.P.O. VILORIA-FISHER:

Thank you, Alpa.

P.O. LINDSAY:

Alpa, before you leave, though, Legislator Romaine I believe has a question.

LEG. ROMAINE:

Yes, a quick question. First of all, thank you for coming to my office to discuss this proposal. As I'm sure you know, there's some people in the farming and horticultural industry that still have some

questions or concerns and I'm obviously going to be reaching out to them to -- and then when I do, I will reach out to you.

My question is the State of Massachusetts has a program for invasive species; how is that program -- and I'm sure you're familiar with it.

MS. PANDYA:

Yes.

MR. ROMAINE:

And that's why I'm asking the question. How does that differ from your proposal; how is it complimented, how does it differ? If you could answer that.

MS. PANDYA:

It actually, in many ways, mimics it. We -- because they have been -- they were one of the first states nearby to do it and we wanted to kind of take their lessons learned in many ways. They started the process much slower than we did, they took a few more years to develop their list, etcetera, and do assessments, go through the process of reaching out to stakeholders. But their final list is very close to our final list, which it shouldn't be a surprise there; their invasive species are pretty much our invasive species and vice versa. We're pretty much all in the same growing zone so, you know, the lists are very complementary. And in fact, we amended what was originally -- what we had originally had for our list, the original list only had species which are sold commercially and didn't have species which are not sold commercially because it didn't really make sense to us.

All these other states we found out, for example, garlic mustard is not sold commercially, but they all put garlic mustard on their list because garlic mustard is very, very bad. And we know most people in the public are going to look at the list and say, "The Do Not Sell list are the really bad plants. The management lists are the ones which aren't quite so bad." So, you know, if they're going and visiting their uncle someplace and say, "Wow, this pretty garlic mustard plant, I'd love to take it back with me," they may actually remember, "Oh, you know what? I think I remember seeing garlic mustard on a list." So it's kind of an educational tool as much as anything else. And like I said --

LEG. ROMAINE:

Right, and I guess it's a definitional tool because, for example, Norway Maple, is it an invasive species or is it a pervasive species? There's a difference between invasive and pervasive.

MS. PANDYA:

There is. It is an invasive species, it's been defined and found to be invasive by quite a few scientific organizations, including Massachusetts and their program which defined it as invasive as well as banning it eventually on their list. It is also somewhat pervasive, mostly in Nassau County actually because it used to be a very popular street tree. It was not -- didn't come out here quite so much, but that is a -- pervasiveness is a different issue from invasiveness, and Norway Maple is defined as invasive by many reputable scientists, yes.

LEG. ROMAINE:

Thank you so much. I'm sure that the sponsor, Legislator Vilorio-Fisher, will reach out to the horticultural and farming industry before the bill is eventually voted on for any anticipated changes, amendments or improvements. Thank you.

MS. PANDYA:

Thank you. By the way, someone left some materials here.

LEG. MYSTAL:

Give it to the Clerk.

MS. PANDYA:

Okay.

P.O. LINDSAY:

Legislator Horsley, did you have a question?

LEG. HORSLEY:

I'll make this real quick. Alpa --

P.O. LINDSAY:

Thank you.

LEG. HORSLEY:

-- just my concern -- thank you again for coming to my office as well. I know that Mr. Romaine just mentioned the Norway Maple, which I hate, but beside that being the point, the gentleman this morning, one of the landscapers said, "Well, there's 15 types, which one is invasive?"

MS. PANDYA:

Right.

LEG. HORSLEY:

Your thing just signaled one Norway Maple.

MS. PANDYA:

Right.

LEG. HORSLEY:

I mean, are you going through these so that we're doing the right thing?

MS. PANDYA:

We are. All of these species, the ones that supposedly have good cultivars as they're called, is on the management list, it's not on the do not sell list. There is a national level discussion happening, very high level scientists, arboreta, you know, all these people on a very high level -- much higher level than me who understand this at a much higher level than me -- who are kind of going through the cultivar issue because it's happening in so many states. There are bad species like Norway Maple, the basic -- the thing is the basic species is bad. The industries try to create good cultivars because they like some of the characteristics, the way it looks, you know, its heartiness, whatever, and then they create kind of subversions of it. Now, the problem is the subversions, some of them are less invasive, some of them are not, but the basic default option for this species is invasiveness. So there is a problem with that.

LEG. HORSLEY:

Okay, I just don't want us -- I just want to make -- that we're making blanket statements about it and then --

MS. PANDYA:

No, no, no, we're not. And all of those are not -- none of those are -- any of the things that they said were good cultivars, they're also big sellers.

LEG. HORSLEY:

And we just ruled out all fourteen of them.

MS. PANDYA:

None of them are on the do not sell list, none of them.

LEG. HORSLEY:

Okay. I don't want to get into it.

MS. PANDYA:

Yes, absolutely.

LEG. HORSLEY:

I just wanted to make sure you know what you're doing before we vote on this thing.

MS. PANDYA:

Oh, yes, we know, we know.

D.P.O. VILORIA-FISHER:

Mr. Chair, if I could just clarify that. I had a very long meeting with Alpa and people from the industry in my office and we discussed at length for a couple of hours the issue of cultivars and, you know, the shared characteristics and what lists they would be put on, and so we have really talked a great deal about that.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

A small question. I'm just trying to understand. The use of the term bad species, you know, that's like something that was in nature and that's a plant that nature, or if you believe in a higher power, made a bad plant?

MS. PANDYA:

Did I use the word bad plant?

LEG. MYSTAL:

That's what you said.

*(*The following was transcribed
By Court Stenographer - Alison Mahoney*)*

MS. PANDYA:

I meant to say invasive plant. Invasive plant, plants that act invasively. I don't --

LEG. MYSTAL:

In other words, they take over.

MS. PANDYA:

Right, that take over and create --

LEG. MYSTAL:

Like human beings did to the Earth, we took over.

MS. PANDYA:

That is subject for a different public hearing which I do not want to be at. But no, these are plants which act invasively. We're not talking like dandelions, we're way beyond dandelions as far as invasiveness is concerned. We're talking about species which will take over landscapes.

Go visit Yaphank Lake, please; it looks like a lawn, it barely looks like water anymore. These are plants which behave very invasively. You almost got me on that one.

Oh, and just one last note. Of the about 40 species on the Do Not Sell List, only about 12 are sold

commercially at this point, and of those, only one, Purple Leu Strife, is a big seller. And even the Farm Bureau is willing to say a Purple Leu Strife is invasive, so I think we're okay with that. Anything else?

P.O. LINDSAY:

No, no, no.

MS. PANDYA:

Thank you.

P.O. LINDSAY:

Kathy Schwager.

MS. SCHWAGER:

Hello. My name is Kathy Schwager and I am an Ecologist also with The Nature Conservancy and I, too, am here in support of IR 1144.

I have been working on the invasive species issues on Long Island for over seven years. I have been surveying and mapping invasives in Suffolk County parks for the last four years and during this time I have witnessed the spread of invasives into County parks and waterways, many of which have high value, both ecologically and for recreation. There isn't one park in Suffolk County that is not in some way effected by invasive species. They are spreading into parks and preserves from the roads, they hitchhike on people and wildlife and they've actually been planted around some County buildings.

And I must admit that I feel particularly deeply about the issue because it was I that was contacted by the then Legislator Pete O'Leary's office and I was asked to talk to concerned constituents about a plant that was taking over Yaphank Lake. I identified the species as {Carolina Fanwort} and I saw how it was basically turning the lake into a swamp; it didn't look like water, it was just full of a swampy mess. And, you know, it was even visible in December which is, you know, not typical for plants. And during this experience, I got to hear firsthand the frustration and concern that the local residents had because this plant had basically cost them the use and enjoyment of their lake.

So because of these -- this experience and others like it, I would like to express my support for this legislation and for the list itself. It has a solid basis in science, but also reflects the concerns of the industry. This is evident in the fact that a number of the big selling species, like Norway Maple, are not on the Do Not Sell List, they were moved to the management list pending further scientific review of their cultivars. There's appropriate and scientifically defensible that list of invasive species include species considered invasive in adjacent states and regions -- and/or regions? Since that really is the most reliable predictor of a species behavior.

My education, coupled with my on-the-ground experience in Suffolk County parks, is the foundation upon which my evaluation of plant invasiveness is based. I have also worked with many scientists and academics on Long Island to identify, monitor and remove invasives in Suffolk County. I've been watching invasive species spread across Suffolk County and I've seen the negative impacts that they are having. I urge you to pass IR 1144 and help slow the spread of invasives on our lands and in our waters.

I also have a document to hand out to each of you that further -- goes into further detail about how our lists were created, the science behind it and the rationale for the listings. So thank you very much.

P.O. LINDSAY:

Tim, you want to get that from her?

MR. LAUBE:

Sure thing.

P.O. LINDSAY:

Okay, the next card is Michael Bilecki.

MR. BILECKI:

I was initially going to start off my testimony with good morning, then I thought maybe good afternoon, now I guess it's good evening. My name is Michael Bilecki and I'm the Chief of Resources Management at Fire Island National Seashore. My testimony, by the way, I have copies of; if you guys want to have them, maybe I could give them to somebody to hand out.

On behalf of the National Park Service, I thank you for the opportunity to speak here this evening. I'm here to speak on the technical and policy issues related to invasive species problems facing our park and the National Park Service Region and in general. Fire Island National Seashore is a unit of the National Park Service. Fire Island National Seashore is approximately 20,000 acres in size and consists of 26 miles of the Fire Island Barrier Island including bay and ocean waters. There are 17 communities within the boundary of the park. Smith Point County Park is also within the boundary of Fire Island National Seashore. The 615 acre historic William Floyd Estate in Mastic Beach is a unit of Fire Island National Seashore.

The seashore includes some of the most notable areas in Suffolk County. The {Otis Pike} High Dune Wilderness, the only Federally-designated wilderness in the State of New York, the Sunken Forest, Watch Hill, the William Floyd Estate, Fire Island Lighthouse are all part of Fire Island National Seashore. The National Park Service recognizes exotic invasive plant species as a pervasive threat to natural habitats including, of course, our national parks and other parks all over the world and all over the country. Invasive plants also interfere with our visitors' ability to observe natural functioning ecosystems.

The National Park Service has a national policy that requires parks, and I'll quote, "In addition to maintaining all native plant and animal species and their habitats inside parks, the National Park Service will work with other land managers to encourage the conservation of the populations and habitats of these species, outside parks whenever possible. To meet its commitments for maintaining native species in parks, the National Park Service will cooperate with states, tribal governments, the US Fish & Wildlife Service, National Fishery Service and other countries as appropriate to participate in local and regional scientific and planning efforts, identify ranges of populations of native plants and animals and develop cooperative strategies for maintaining or restoring these populations of native plants in their areas."

Further on in our policies it states, "Prevent the introduction of exotic species into units of the National Park System and remove, when possible, or otherwise contain individuals of populations of these species that have already become established in our parks." We know that in many national parks across the nation, invasive exotic species have had extremely detrimental effects on ecosystem health; examples include Purple Leu Strife which has devastated the wetlands of Acadia National Park, and {Tamarask} or a salt-seeder which is wiping out {Ryparian} areas in many of our desert parks like {Mojave} National Preserve.

At Fire Island National Seashore, the exotic invasive species fragmites is having huge impacts on some of the most pristine sparteine salt marshes along our wilderness boundary in the wilderness area. There are over 15 species of exotic invasives within the 615 acre William Floyd Estate and we have bamboo escaping from the communities that are in Fire Island into the natural areas of the seashore.

In the past couple of years and for the next three to five years, Fire Island National Seashore has spent and is poised to spend upwards of \$100,000 in identifying, mapping and trying to control the spread of exotic invasive species within our boundaries; money that could well be spent on other things, by the way. The staff at Fire Island National Seashore has been working closely and will

continue to work closely with the Long Island Invasive Species Management Area Task Force to assist in whatever way we can to help control the spread of exotic invasive plants on Long Island.

The Long Island Invasive Species Management Area Task Force has developed two lists of invasive plant species. Some of those species on these two lists contain plants that have been identified within the boundaries of Fire Island National Seashore and are plants that need to be managed, monitored and removed. Protecting natural ecosystems is one of the primary goals of the National Park Service. Ensuring protection of our natural and cultural history for future generations is what we do; we want to work with the County, The Nature Conservancy and all the members of the Task Force towards these goals.

I'd like to take this opportunity to show our support for the Long Island Invasive Species Management Area Task Force and to emphasize that we are willing to work with the State, County and local municipalities toward controlling the spread of invasive exotic species on Long Island. Thank you for the opportunity to speak here today to all of you.

P.O. LINDSAY:

Thank you, Mr. Bilecki. Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Thank you for spending the day here.

MR. BILECKI:

That's okay.

D.P.O. VILORIA-FISHER:

And since you were here this morning and you heard the testimony --

MR. BILECKI:

Actually I didn't hear any testimony this morning.

D.P.O. VILORIA-FISHER:

Oh, you didn't hear --

MR. BILECKI:

No, I'm sorry, I didn't.

D.P.O. VILORIA-FISHER:

-- Joe Gergela and Charlie Shear. Okay, they referred back to the issue of cultivars, they also spoke to the issue of the ability to raise certain specimens here to sell outside of the area; that was one of the comments that were made and -- was made. And the other is that we did use comparisons to -- with lists from Delaware and Massachusetts, other areas, and they said that we don't share enough characteristics with those areas to have such similar lists. Can you just comment on that a little bit? I know you weren't here for the -- I thought you were here for the full testimony.

MR. BILECKI:

All I can say is that when it comes to invasive, exotic plant species, we know what's natural in the systems of Fire Island and within the areas of William Floyd Estate, we know what species are supposed to be there naturally. We also know that at the William Floyd Estate, for example, there's cultural landscapes, species that were planted by the Floyd Family that were not native but are part of the history of that site. We will manage that site based on the history of plants that have been there and that were planted by the Floyd Family.

D.P.O. VILORIA-FISHER:

Are any of those on our list?

MR. BILECKI :

There are plants that were planted by the Floyd Estate that are on the list that we will have to --

D.P.O. VILORIA-FISHER:

On the Do Not Sell or the Management?

MR. BILECKI :

Both. There are plants on the Barrier Island itself and at the William Floyd Estate that are on both lists. On the Barrier Island, we will deal with all exotic species, whether they're cultivars or not, we will take them all out because they all have the potential to destroy the natural functioning ecosystem out there.

D.P.O. VILORIA-FISHER:

Okay, so you're familiar with both lists --

MR. BILECKI :

Yes, ma'am.

D.P.O. VILORIA-FISHER:

-- and you feel they're consistent with the science as you know it.

MR. BILECKI :

Yes, ma'am.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Mr. Bilecki.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Wait a minute, Mr. Bilecki. Legislator Romaine has a question.

MR. BILECKI :

Oh, that's right, you guys got this electronic thing. I can't see hands that go up.

D.P.O. VILORIA-FISHER:

No.

LEG. ROMAINE:

Quick question. The question is that you mentioned that at the Floyd Estate, and even in the National Seashore, there are plants that are on this list as either Do Not Sell or the Management list.

MR. BILECKI :

That's correct.

LEG. ROMAINE:

Some of them you may uproot as a way of getting rid of invasive species and some you may not.

MR. BILECKI :

That's correct.

LEG. ROMAINE:

How do you make that determination?

MR. BILECKI :

We will have to research back in the historic record of the Floyd Family to see which plants they planted. The plants that the Floyd Family planted will then become part of the cultural landscape and we will have to make a decision as to whether or not we're going to take those plants out or not, depending upon their invasive potential.

LEG. ROMAINE:

And what about the National Seashore?

MR. BILECKI:

Within the natural areas of the Barrier Island --

LEG. ROMAINE:

Because no one planted those, right.

MR. BILECKI:

-- we will take out all invasive plant species. Because there's no cultural landscape associated with any of the areas, except maybe the Lighthouse area but we don't have any planting records out there, so we're not worried about that.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:

I think you're done, Mr. Bilecki. Thank you.

MR. BILECKI:

Thank you all.

P.O. LINDSAY:

I don't have any other cards on 1144. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Viloría-Fisher, what would you like to do.

D.P.O. VILORIA-FISHER:

Well, I had agreed to recess it because there's a meeting, a conference of the --

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

I know, we want to get on. I'll make a motion to recess.

P.O. LINDSAY:

I already did that.

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa????? CHECK THAT

P.O. LINDSAY:

Public Hearing Regarding IR No. 1148-07 - A Local Law to prohibit text messaging while driving (Schneiderman). 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 Schneiderman, what would you like to do with this?

LEG. SCHNEIDERMAN:

I'll make a motion to close. I'll E-mail you the message.
Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. MYSTAL:

Second.

LEG. COOPER:

I'll second.

LEG. MYSTAL:

Second, second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present:

P.O. LINDSAY:

Public Hearing Regarding IR No. 1149-07 - A Local Law to regulate the use of outdoor furnaces in Suffolk County (Eddington). I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Eddington. Is there a second?

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present:

P.O. LINDSAY:

That concludes the public hearings for today. I would like to set the date for the following public hearings for Tuesday, March 20th, 2007, at 6:30 PM in the Maxine Postal Auditorium in Riverhead. A night meeting in Riverhead; IR 1170, a Local Law to prohibit the sale of DxM to minors within the County of Suffolk; IR 1171, a Local Law to establish the Gabreski Airport Conservation and Assessment Committee; IR 1188, a Local Law amending the Suffolk County Empire Zoning Boundaries to include Blue & White Food, LLC; IR 1189, a Local Law amending the Suffolk County Empire Zoning Boundaries to include C&N Packaging Inc.; IR 1190, a Local Law amending the Suffolk County Empire Zoning boundaries to include Air Techniques Inc.; 1191, a Local law amending the Suffolk County Empire Zoning Boundaries to include Custom Woodwork, Ltd; and IR

1243, a Local Law to prohibit the operation of a motor vehicle within Suffolk County with an accumulation of snow or ice on the vehicle?

LEG. ROMAINE:

Clean the ice off the windshield.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer?

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, I would like to make a motion to reconsider the discharge motion for 2442.

LEG. ROMAINE:

Second.

MR. LAUBE:

Legislator Lindsay, I need you to call the vote on setting the date.

P.O. LINDSAY:

Oh, I'm sorry. I need a motion and a second to set the dates on those Public Hearings.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? I'm sorry, Mr. Clerk.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

We have a motion before us --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

-- to reconsider 2442.

LEG. ROMAINE:

Second.

LEG. SCHNEIDERMAN:

Reconsider the discharge motion on 2442.

P.O. LINDSAY:

Okay, so the motion is to reconsider the discharge.

LEG. MYSTAL:

Is that the Sawicki bill?

MR. NOLAN:

Yeah.

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Right. And do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second. So it's two votes, right?

MR. NOLAN:

Yes.

P.O. LINDSAY:

So the first is to reconsider the motion, so we have a motion and a second.

MR. LAUBE:

Who's the second? I'm sorry, I didn't get it.

P.O. LINDSAY:

Alden.

MR. LAUBE:

Thank you, sir.

P.O. LINDSAY:

Legislator Alden. All in favor? Opposed?

LEG. MYSTAL:

Roll call.

P.O. LINDSAY:

Roll call. This is to reconsider, it isn't to vote.

LEG. MYSTAL:

Roll call it.

P.O. LINDSAY:

Okay, roll call.

LEG. HORSLEY:

Reconsider.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes to reconsider.

LEG. EDDINGTON:

Pass.

LEG. MONTANO:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

MR. LAUBE:

Twelve (Opposed: Legislators Browning, Horsley, Mystal, Stern, D'Amaro & Cooper).

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

So I'd like to make a motion to discharge 2442.

P.O. LINDSAY:

And to let it age an hour?

LEG. SCHNEIDERMAN:

And let it age an hour.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay, and there's a second by Legislator Losquadro. On the question.

LEG. MYSTAL:

On the question?

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

Why are we doing this?

P.O. LINDSAY:

It's a motion to discharge 2442.

LEG. SCHNEIDERMAN:

So we can debate the bill an hour from now.

LEG. MYSTAL:

Well, I mean, it was stuck in committee, is that what it is?

P.O. LINDSAY:

Right; it's a discharge motion. Under our rules, you have a right to discharge it on the floor. Does that answer your question, Legislator Mystal?

LEG. MYSTAL:

Now I understand what we're doing, before I couldn't understand what was going on.

LEG. SCHNEIDERMAN:

We can debate the merits when the bill is before us.

P.O. LINDSAY:

Okay, we have a motion and a second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Eleven (Opposed: Legislators Browning, Eddington, Horsley, Mystal, Stern, D'Amaro & Cooper).

P.O. LINDSAY:

Okay, it's been discharged from committee, it's got to age an hour. Going back to the agenda.

On the big sheet, if you go to page nine, **Introductory Resolutions under Budget & Finance:**

1030-07 - Amending the 2007 Operating Budget and transferring funds for Moriches Community Center, Inc. (Romaine). Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. Any questions? This is just a technical correction, Legislator Romaine?

LEG. ROMAINE:

That's correct.

LEG. ALDEN:

And this is -- through the Chair? Is this money that was Omnibus money or is this part of the regular operating budget?

MS. VIZZINI:

No, this was Omnibus money, it simply changes the department doing the administrative oversight.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1047-07 - Amending the 2007 Operating Budget on transferring funds for Sustainable Long Island (Eddington). Do I have a motion? Legislator Eddington, it's your bill.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. And again, this is a technical correction?

LEG. EDDINGTON:

Yeah.

P.O. LINDSAY:

Okay. Seconded by Legislator Browning.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Is it Omnibus money?

MS. VIZZINI:

Yes, it was.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1054-07 - Amending the 2007 Operating Budget and transferring community support initiative funds from miscellaneous to the Legislature to promote accountability and efficiencies for community based quality-of-life programs (Presiding Officer Lindsay). I'll make the motion.

LEG. LOSQUADRO:

Second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. Is there any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1055-07 - Amending the 2007 Operating Budget and transferring funds for the Retreat, Inc. (Losquadro).

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Is that included in the --

P.O. LINDSAY:

Motion by Legislator Losquadro. Is there a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Question, Legislator Losquadro; was this included in the budget?

LEG. LOSQUADRO:

I believe it -- yes, it was. This corrects the agency and organizational number, is that correct?

MS. VIZZINI:

Yes, it's a total of \$10,000. We put it in increments of 5,000 in two different departments, this consolidates it in one place.

P.O. LINDSAY:

So it's a technical correction, okay. Question by Legislator Alden.

LEG. ALDEN:

Omnibus?

MS. VIZZINI:

Yes.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1065-07 - Amending the 2007 Operating Budget and transferring funds for Constantino Brumidi Lodge 2211 - Order Sons of Italy in America (Stern). Legislator Stern?

LEG. STERN:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve. Is there a second?

LEG. MONTANO:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Okay. And could I ask, Legislator Stern, is this --

LEG. STERN:

This is just a correction, we've moving it from one line to the next.

P.O. LINDSAY:

Okay, thank you very much. Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

At six o'clock, can we have a five minute recess?

P.O. LINDSAY:

Sure.

LEG. MYSTAL:

Thank you.

P.O. LINDSAY:

IR 1068-07 - Amending the 2007 Operating Budget and the 2006-2007 Suffolk County Community College Operating Budget in connection with transferring funds for the Welfare-to-Work Mentoring Education Program (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher and I'll --

LEG. MYSTAL:

Second.

P.O. LINDSAY:

-- second the motion. And this was, again, I believe a technical correction because I think this was originally put in the Labor Department budget; is that correct?

MS. VIZZINI:

That's correct.

P.O. LINDSAY:

And it should be in the community college. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1120-07 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-Free Vaccines (County Executive). Legislator Stern?

LEG. STERN:

I'm going to make a motion to table.

P.O. LINDSAY:

Motion to table.

D.P.O. VILORIA-FISHER:

I'll second that.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Can I ask, I guess, through the sponsor, I read the resolution. This is on additional funding for the vaccines, for the Mercury-Free Vaccines?

LEG. STERN:

That's right, I think we're just waiting for a more in-depth analysis as to where the numbers are coming from. So hopefully the next cycle, in two weeks we'll

LEG. MONTANO:

I can't hear.

D.P.O. VILORIA-FISHER:

You need to use your mike, Steve.

P.O. LINDSAY:

Talk into the mike; you've got to use the mike.

LEG. STERN:

We are hoping for just a more in-depth analysis of the numbers, so we'll be able to come back next cycle, in the next two weeks and have a better idea on where those numbers are coming from.

LEG. KENNEDY:

Is this impacting the department's ability to go ahead and administer vaccine now or is this --

LEG. STERN:

Well, if you recall, there's already \$300,000 that already put into the program, this is now for an additional amount.

LEG. KENNEDY:

Yes, 461. Okay, thank you.

P.O. LINDSAY:

Legislator Alden?

LEG. ALDEN:

Through Legislator Stern, I don't mean to put words in your mouth; there is no impact, we're not putting anybody's lives in jeopardy or anything of that nature by delaying this for a couple of weeks?

LEG. STERN:

That's not my understanding. In fact, when we were at committee there was testimony to say that yes, the program has begun. And again, there already was \$300,000 that was put into the program.

LEG. ALDEN:

Good.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

To table, right?

MR. LAUBE:

To table.

P.O. LINDSAY:

And that was to table it.

D.P.O. VILORIA-FISHER:

Right, that was to table.

P.O. LINDSAY:

Okay, *1129-07 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (County Executive)*. I'll make a motion. Motion by --

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1143-07 - Transferring funding --

LEG. MONTANO:

Thirty-four.

P.O. LINDSAY:

Oh, 34, *1134-07 - Transferring funding for the Division of Insurance & Risk Management back from* -- there is -- I think that this should be tabled because there's a CN in the packet on the same subject.

D.P.O. VILORIA-FISHER:

Right.

LEG. MONTANO:

Is it the same number?

MR. NOLAN:

Yeah, it is.

P.O. LINDSAY:

It's the same number.

LEG. MONTANO:

Same number?

P.O. LINDSAY:

Same number, so we'll --

MR. NOLAN:

Skip it.

P.O. LINDSAY:

-- skip over it. Okay.

1135-07 - Amending the 2007 Operating Budget and transferring funds in connection with contract agencies in the Department of Social Services (Presiding Officer Lindsay). Gail, why don't you give everybody an explanation on this one.

MS. VIZZINI:

At the request of Social Services, this resolution realigns certain contract agency funding with the proper division of Social Services that will best administer the contract and, in one or two cases, the money is going to a different department.

D.P.O. VILORIA-FISHER:

Question for Gail.

P.O. LINDSAY:

Yeah, I didn't make a motion yet. Let me make a motion. Is there a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second.

D.P.O. VILORIA-FISHER:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Gail, as you know, there have been many payments that have been delayed in the Department of Social Services; what will this particular action do with regards to expediting payments to contract agencies?

MS. VIZZINI:

Well, it's a very necessary first step to put it under the right section of the department. I mean, it's in the right department, but at their request, they want to have the monies go through the particular

divisions.

D.P.O. VILORIA-FISHER:

The divisions.

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

I see. And you think that that will help it move a little faster?

MS. VIZZINI:

Oh, yes, definitely. I would not recommend delaying it because that would certainly -- inherent in that is a delay.

D.P.O. VILORIA-FISHER:

Thank you, Gail.

P.O. LINDSAY:

Legislator Kennedy, did you want to ask something?

LEG. KENNEDY:

No.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1136-07 - Amending the 2007 Operating Budget and transferring funding for the contracted agency William Floyd Community Summit (Browning). Legislator Browning?

D.P.O. VILORIA-FISHER:

Oh, sorry; I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion, seconded by Legislator Montano. And I'll ask the same thing, is this a technical correction, was this included in the Operating Budget?

MS. VIZZINI:

This is Omnibus money, it's tantamount to a technical correction, it's going from Economic Development to Youth.

P.O. LINDSAY:

Okay, thank you very much. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Discharged by Petition:

IR 1070-07 - Amending the 2007 Operating Budget and transferring funds for Health and Human Service agencies, Public Safety agencies, Cultural Activities and for senior and Youth Programs (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any discussion?

LEG. MONTANO:

Yeah, is this 10 or 12 votes?

LEG. EDDINGTON:

Ten.

LEG. MONTANO:

Ten, okay.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1102-07 - Amending the 2007 Operating Budget and transferring funds for the contracted agency Boy Scouts of America (Presiding Officer Lindsay). I'll make a motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Again, this is already in the budget, it's a technical correction. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consumer Protection:

2596-07 - Adopting Local Law No. 2007, A Local Law to increase fines for violations of the Suffolk County Consumer Protection Law (County Executive). I'll make a motion.

D.P.O. VILORIA-FISHER:

I'll second it, that's what he talked about this morning.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2597-07 - Adopting Local Law No. 2007, A Local Law to strengthen and improve enforcement of Occupational License Laws (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, I'll --

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

1025-07 - To amend Adopted Resolution 522-2006, to extend the deadline for the "School District Expenses and Efficiency Commission" (D'Amaro). Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chairman, to Legislator D'Amaro; when do they think they're going to have it done? Rough idea.

LEG. D'AMARO:

Well, the bill that we're voting on now would give us until September, I believe, but we're hoping -- you know, we are now working on the first draft, so I'm hoping to finish it sooner than what the extension permits, but I can't give you an exact date.

LEG. ALDEN:

Okay, but just to mention, I think school districts are going through their budget process right now.

LEG. D'AMARO:

Yes, school districts are going through their budget process right now. In fact, that's one of the reasons for the delay as well as the fact that it's a complicated subject and a complex subject and we've had a round of public hearings and we've also had a round of work sessions, several of each. And we're now drafting and coupled with the fact that the schools are going through their budget

process now, we do have delay for all of those reasons but I'm hoping to get it out before the six month extension, the deadline under the extension itself.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1052-07 - Establishing a Tuition Assistance Program in the Suffolk County Community College for children and spouses of fallen soldiers (Schneiderman).

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Viloría-Fisher.

LEG. HORSLEY:

Cosponsor.

P.O. LINDSAY:

Is there any questions about this?

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. EDDINGTON:

Cosponsor.

LEG. SCHNEIDERMAN:

Just on the motion. It had been amended from the original so that it's a \$25,000 fund that's used and it takes place, it begins in September, so it's not for this September but it would begin --

P.O. LINDSAY:

Is this included in the budget?

LEG. SCHNEIDERMAN:

It would have to be in the Suffolk County Community College budget and they are making -- as they submit their budget, they are putting in the \$25,000 for this bill.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

And I would like to thank, of course, the college for working with me on this.

P.O. LINDSAY:

Any other question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1088-06 - Accepting and appropriating a grant award amendment from the State University of New York for a Community College Workforce Development Training Grants Program for State Bank of Long Island, 92% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1090-07 - Authorizing amending to the sub-lease for hangar space located at Francis S. Gabreski Airport, Westhampton Beach, New York, for use by the Police Department Aviation Division (County Executive). Motion by Legislator Horsley. 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:

1115-07 - Appropriating funds in connection with improvements to college entrances (CP 2192) (County Executive). Do I have a motion?

LEG. COOPER:

Motion to approve.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Stern. All in favor? Opposed? Abstentions? We have a Bond.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1115A, same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1116-07 - Appropriating funds in connection with the improvements/replacements to roofs at various buildings - College-wide (CP 2137)(County Executive). Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley. Second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. On 1116A, the Bonding Resolution, same motion, same second; roll call.

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

LEG. HORSLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1117-07 - Appropriating funds in connection with the site-paving college-wide (CP 2134) (County Executive). Do I have a motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Do I have a second

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second; roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That was to approve the Bond.

MR. LAUBE:

Yes.

P.O. LINDSAY:

IR 1118-07 - Appropriating funds in connection with fire sprinkler systems and water distribution infrastructure improvements - Ammerman Campus (CP 2129) (County Executive). Do I have a motion?

D.P.O. VILORIA-FISHER:

Sure.

LEG. LOSQUADRO:

Motion.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by -- who made the motion?

LEG. LOSQUADRO:

Take your pick.

D.P.O. VILORIA-FISHER:

Anybody you want.

P.O. LINDSAY:

Okay. Losquadro, second by Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the bond; roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, I'm going to take a short recess right now. We'll come back in five minutes.

D.P.O. VILORIA-FISHER:

A real five minutes.

*(*Brief Recess Taken: 6:00 - 6:15 PM*)*

P.O. LINDSAY:

Could please call the roll, let's go.

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:
(Not Present).

LEG. CARACAPPA:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present).

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
(Not Present).

LEG. STERN:
Yes.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen.

LEG. MYSTAL:
I'm here.

LEG. MONTANO:
Tim.

MR. LAUBE:

Eighteen, all are here.

P.O. LINDSAY:

Okay, the first order of business, I'm going to take out of order 1249 which is really a Procedural Motion. About three weeks ago, one of our Deputy Clerks resigned, Rich Baker, and the candidate for the office is Seth Squicciarino, and I believe you have the resolution and Seth's resume in front of you. Seth is here. 1249.

LEG. D'AMARO:

What page is that?

P.O. LINDSAY:

It's a separate piece of paper. Seth, why don't you come out here to the table in case anybody has any questions of you. Okay. I need a motion to take it out of order. I'll make the motion to take it out of order; do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's out -- it's before us now. I will make the same motion to approve.

LEG. MYSTAL:

On the motion.

P.O. LINDSAY:

Okay, let me get a second first. I need a second.

D.P.O. VILORIA-FISHER:

Jon, are you seconding?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the motion.

LEG. MYSTAL:

This is a new resolution, it hasn't gone to committee?

P.O. LINDSAY:

No, it's a Procedural Motion, it doesn't have to go to committee.

It's just like the first Organizational Meeting, you vote on the Clerks positions.

LEG. MYSTAL:

Okay, I have some question about this. And I don't want -- I didn't want to do this in public, I was hoping to do it in caucus or in committee or some other forum, but I have to express my concern with the procedure of this action.

I don't know Seth and I don't have anything against Seth, and I've never met Seth and I don't have anything against him, all I'm going to talk is about the procedure. The procedure was set where three people from the Legislature -- from the Presiding Officer's group, the Presiding Officer -- I really am uncomfortable talking about this in public, Mr. Presiding Officer. Really, I hoped that this would go to committee, and I don't want to --

P.O. LINDSAY:

The appointment of the Clerk and the Deputy Clerks is never something that goes through the committee process.

LEG. MYSTAL:

Well, I was hoping at least it would go through the caucus.

P.O. LINDSAY:

Well, we had a caucus meeting yesterday, why didn't you bring it up?

LEG. MYSTAL:

Because in a --

P.O. LINDSAY:

Or table it, then, make a motion to table it.

LEG. MYSTAL:

Sir, you were missing and so was Legislator Eddington and so was Legislator Horsley, that's why it wasn't brought up, because we didn't have a full compliment of the caucus and that's why it wasn't brought up. You know, I didn't want to -- I really didn't want to discuss this in public.

P.O. LINDSAY:

Make a motion to table, then.

LEG. MYSTAL:

Okay, I'll make a motion to table. Can I get a second to table?

P.O. LINDSAY:

Is there a second to table the motion?

LEG. BROWNING:

I'll make -- I'll second that table.

P.O. LINDSAY:

Second by Legislator Browning. On the tabling motion, anybody? Legislator Fisher, Vilorina-Fisher?

LEG. BROWNING:

Okay, I'm going to pull back that motion to table. And if I have a minute, I -- you know, I know we spoke about it and I know that there was a candidate who's more qualified, I believe. So I don't have anything personal against Seth, however I cannot support Seth for this position.

P.O. LINDSAY:

Did you pull back your tabling motion?

LEG. BROWNING:

Yes, I did.

LEG. MONTANO:

I'll second it for the purposes of discussion.

P.O. LINDSAY:

Second by Legislator Montano. Any discussion on the tabling motion?

LEG. MONTANO:

Could we have another recess?

LEG. ALDEN:

I have a suggestion; maybe we take this up at the complete end of the session tonight?

LEG. MONTANO:

All right, yeah, why don't we do that?

LEG. SCHNEIDERMAN:

And make the poor kid wait here all day?

LEG. ALDEN:

Why wouldn't you want to take it up at the end while I'm on my way home?

LEG. NOWICK:

No.

LEG. ALDEN:

Then you can stay here all night.

D.P.O. VILORIA-FISHER:

We'll just skip over it until the end of the meeting.

LEG. MONTANO:

Skip over it, yeah.

LEG. ALDEN:

Good idea.

P.O. LINDSAY:

Back to the agenda, Page 10.

Environment, Planning & Agriculture:

2297-07 - Authorizing planning steps of acquisition under Suffolk County Multifaceted Land Preservation Program (Robbins Property), Town of Brookhaven (Presiding Officer Lindsay). I'll make a motion to approve.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

MR. LAUBE:

Wait, did we take 2297 out of order at the beginning of the meeting?

LEG. CARACAPPA:

Yes, we did that.

LEG. VILORIA-FISHER:

Yes, it got approved.

P.O. LINDSAY:

Oh, it did? Oh, okay, I'm sorry.

1028-07 - Appointing member to the Suffolk County Water Authority (Michael J. Deering) (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator D'Amaro. On the question, anybody? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1077-07 - Authorizing planning steps for acquisition under the Suffolk County Multi-faceted Land Preservation Program (Carl's River Headwaters Property) Town of Babylon, SCTM No. 0100-017.00-02.00-009.000 and 010.000) (Horsley).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley. Do I have a second.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1078-07 - Authorizing planning steps for acquisition under the Suffolk County Multi-faceted Land Preservation Program (Watson Avenue Wetlands Property) Town of Babylon, SCTM No. 0100-211.00-04.00-015.000) (Horsley). Legislator Horsley?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator Stern -- Legislator D'Amaro, excuse me. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1098-07 - To appoint a member of County Planning Commission (Tom McAdam) (County Executive). Do I have a motion?

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second?

LEG. NOWICK:

I'll second it.

P.O. LINDSAY:

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

LEG. ROMAINE:

On the motion, Mr. Chairman? On the motion, Mr. Chairman?

P.O. LINDSAY:

I'm sorry, don't call the vote yet. Yes, on the motion.

LEG. ROMAINE:

Yes, on the motion, I just want to say -- first of all, I want to commend the County Executive, up-to-date all of the appointments he's made to the Planning Commission have been highly qualified and it's been my pleasure to support them. And I had fully intended to support Mr. McAdams, who I know, and is in that category of competent appointees.

However, as all of you got handed, the Supervisor of Southold sent a memo over by fax to members of the Legislature, and very briefly it says, "The Southold Board discussed the appointment of the representatives of the Suffolk County Planning Commission at its work session on Tuesday, February 27th. As a board, we have not developed a consensus for a candidate at this time. However, we strongly voice our opposition to the appointment of any individual without the input of Southold elected representatives."

I just want to say, I think the County Executive made a good choice, but obviously the Southold Town Board felt at least they should have been consulted before someone was appointed to represent their town on the Planning Commission. I understand with the new law it's purely at the discretion of the Executive, but I certainly would encourage the Executive with all future appointments just to give a courtesy call to the Town Board because it would make it easier. And on this resolution, while I fully expect it will pass, in deference to the Southold Town Board I will probably have to abstain.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Based on the information that Legislator Romaine just brought to my attention, I will withdraw my motion. However, I do that, and I made the motion because I had the opportunity to work with Mr.

McAdams for several years when he was the Director of the Capital Budget in the Budget Office and I know him to be an extremely competent and very knowledgeable and dedicated individual. Nevertheless, I have absolutely no desire whatsoever to insert myself into decision making that clearly belongs at a town level through recommendation.

And having done that, or seen this from Southold Town, I'll withdraw my motion, unfortunately.

LEG. SCHNEIDERMAN:

I'll make a motion to table.

P.O. LINDSAY:

Okay. We had a motion and then we lost the motion, we lost the second. Before -- do I have another second to the motion?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. A motion to table by Legislator Schneiderman and there's a second by Legislator Romaine.

LEG. ROMAINE:

I'll second that only because I would hope in the next two weeks the County Executive will discuss with the Town Board of Southold -- which, by the way, has a Democratic majority -- the appointment, and that way I could vote for Mr. McAdams. Because I agree with Mr. Kennedy's assessment, like all the other appointments the Executive has made, Mr. McAdams is a competent choice.

P.O. LINDSAY:

Okay, I'm going to -- Mr. Sabatino, do you want to add something to this discussion?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

If you wouldn't mind, I just want to set straight for the record that unlike previous administrations, when we did the reform bill last year with respect to the Planning Commission, A, there's no statutory involvement for the towns to make recommendations; B, the reason we did the reform a year ago was to make it independent people, separate and apart from the towns. You don't want the towns making the selections because all of those conflicts that were in existence resulted from the town sending you people who sat on their Land Use Board, you know, committees who then sat in the County and voted on the things that they were voting on in the town. So it's not an issue of consulting with the town.

I respect what Legislator Romaine is saying in terms of his own personal situation with respect to the town, but understand that under the Statute there's no role for the town, you know; B, we're not going to be consulting with them because we've been consistent with respect to how the new Planning Commission appointments are being made, so.

LEG. ROMAINE:

You know, at this point, then, I would recommend that we withdraw the tabling motion, we just cast the vote and I regretfully will have to abstain in deference --

P.O. LINDSAY:

Could I just ask something? Mr. McAdam I don't know at all; is he involved on the town Planning Board?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, he is not.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

No, no. He's a retired Deputy Budget Director for the County.

P.O. LINDSAY:

Why wouldn't we call the Town board and just give them input of who we're putting from their town?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I think there's a little bit of confusion. There's another statute which deals with the Parks Trustees, those are actually recommendations that must come from each of the ten towns, from the towns. The Planning Commission never, even in the old days with the prior statute, never had town involvement, but unfortunately previous administrations took the recommendations from the towns as being the gospel, as being the statute.

One of the things we wanted to break out of when we came on board a year ago, it was actually three years ago but we got effectuated last year, was to break out of that mentality of the towns making the choices, largely because we had six or seven members that were sitting on the Suffolk County Planning Commission who were simultaneously sitting on either a town or a village Land Use Planning Board. It created a --

D.P.O. VILORIA-FISHER:

Paul, can you yield a minute? Because I think the question wasn't whether statutorily we needed to do it or whether it was a requirement, but rather if -- I don't want to put words in your mouth, Bill, but just as a courtesy to reach out to the town members and let them know that there was a choice from their town. I think that's -- you know, just a communication issue; was that basically the question?

P.O. LINDSAY:

Yeah.

LEG. VILORIA-FISHER:

Just as a courtesy, why not reach out to the town?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I hear that comment and I'm being respectful about it. It's just that we haven't done it, you know, since we put the reforms in place last year we haven't been doing. I mean, if we do it now, it's going to be in response to this letter, we haven't done it in the other seven or eight appointments that we've made. So I mean no disrespect when I say that, it's just that it's going to change the process or the protocol that we've been engaged in for over a year.

LEG. ROMAINE:

Mr. Chairman?

P.O. LINDSAY:

I think Legislator Kennedy wanted to make a comment and then I'll recognize you, Legislator Romaine.

LEG. KENNEDY:

The only thing that I would add to this, Mr. Chair, having jumped in to originally make the motion and then having the opportunity to read this. Notwithstanding the statutory language, I saw that only at the beginning of the week Michael White started and was appointed as our new Director of

the Long Island Regional --

P.O. LINDSAY:

That's regional, regional; this isn't regional.

LEG. KENNEDY:

No, I understand, Mr. Chair. However, one of the first things he identified was a desire to go ahead and convene a council of governments for the purposes of going ahead and focusing on the issues that transcend from the village to the town to the County levels.

So why on one hand would I -- I find difficult oftentimes, Mr. Chair, that we seem to lack consistency. On one hand we're articulating a desire to promote interaction, and here with a simple appointment we're speaking about the fact that the town input is not relevant; that's what compelled me to withdraw, notwithstanding the statute.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. No, I think there's just a little confusion on that. When he called for more cooperation and communication with the towns, I don't think he meant to use the County Planning Commission as the vehicle to accomplish that. And I think the purpose of what we did earlier in the year and with past appointments and in our reform of the Planning Commission was to make this an independent layer of review, which is something that was sorely lacking in the past. All right?

So while we all agree we need cooperation with our towns, I think we were trying get away from having this as the vehicle of doing it because we needed our own independent layer of review, especially when it comes to big box stores and other things like that.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

I'm sorry, Romaine; forgive me, Legislator Romaine and then I'll go --

LEG. ROMAINE:

No, I'll yield. Let me yield.

P.O. LINDSAY:

You'll yield to Legislator Losquadro?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Thank you. I mean, I can recall for the past three years, every time we've brought this up to the administration we've asked, just as a courtesy, even if it's just to tell them, "This is our pick," and, you know, that's what it is. Just for communication -- should I wait until you're done, Mr. Zwirn?

MR. ZWIRN:

Well, I'd love to respond if I get the opportunity.

LEG. LOSQUADRO:

I didn't think it was something that really warranted a response.

MR. ZWIRN:

You blocked all the Supervisor's recommendations on your own when you were Chairman of Environment.

LEG. LOSQUADRO:

I wasn't aware I was consulting you, Mr. Zwirn, but thank you for your commentary. All we have asked in the past, as I said, even if it was just from an informative standpoint, just so we don't get something like just from a town that says, "We never heard about it." Just from an informational standpoint for the administration to reach out to the particular town to say, "This is our pick."

And I think we've said over and over again, for quite some time, that this would avert some of this, even if it's perceived controversy. And you know, the reason I was compelled to say something was your statement was, "Well, we haven't done it in the past and we're not going to start now," basically. We're saying despite all our requests, you're not going to even give those towns the courtesy of a phone call to say, "This is our pick," in advance of us voting on it. And I just think, again, it would go a long way towards averting these types of situations where we have to sit around and discuss this. That's my only comment.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I hear what you're saying, I understand what you're saying. But I really have to be firm on this because it's just a difference in terms of the philosophy of how we're going to address the County-wide Planning Commission. And with respect to the first two years of this administration when this law was not in place, there was a carry over --

LEG. LOSQUADRO:

Mr. Sabatino, I hate to interrupt you, but I'm not saying you should consult them at all on your pick. Just once you make a decision, give them a call just for the courtesy of letting them know what your pick is, just some measure of communication with those towns. Not to consult them. We very well understand, you've made your point very clear, you're not going to consult with the towns in terms of making that pick. But once you make that decision, just place a phone call to the Supervisor, to the Clerk informationally to let them know this is who it is, this is what's going to be coming before the Legislature. This way we're not presented with this saying, "We didn't even know this was happening until we saw the resolution laid on the table." That's all -- I'm very clear on the fact that you're not going to consult them on the pick, I'm just saying, please, to avoid things like this in the future, show some courtesy to the town, just let them know who your pick is in advance of us voting on it. Thank you.

P.O. LINDSAY:

Okay. Who else wanted to talk? Legislator Romaine.

LEG. ROMAINE:

I'm sorry to open -- I've opened a can of worms. I have voted for every one of Mr. Levy's appointments. I believe that every appointment that he has suggested and brought forth is qualified, as I do believe Mr. McAdams is qualified; I know Tom McAdams from having worked in the '80's with him. But Mr. Losquadro's point is a good point.

I strongly support the reforms. I strongly support the fact that the County Planning Commission should be independent and doesn't need town input. But I would draw the line at once the appointment is made and a resolution is forthcoming, a courtesy call or a courtesy letter to the Town Supervisor and the board members would be helpful. The town did not even know about this, I

called the town. And from what I read I guess in my local paper, the two most vociferous complainers on this in the local newspapers was Councilman Edwards and Councilman {Crupsky}, both Democrats, both upset. So it's not a partisan thing, it's just a matter of courtesy and -- because I want to vote for this appointee, but if I do, I'm sure the Town Board is going to feel that I didn't speak for their interests which was just give us a head's up.

So my only recommendation in the future is don't consult, but once a decision is made and you've drafted a resolution, send a copy, "By the way, this is the Exec's choice, we're going to put it in front of the Legislature, we just thought we'd let you know," and I think that would solve a lot of problems. Only a suggestion, thank you.

P.O. LINDSAY:

Okay. Anybody else? Legislator Schneiderman, you want to say something?

LEG. SCHNEIDERMAN:

Well, there was multiple elements to the reforms that we passed. You know, one of them was certainly to professionalize the Planning Board by bringing in various professionals with different backgrounds, business backgrounds.

There was a second part, we kept this regional element that each area, each town would have a representative. They wouldn't come from -- they'd have to live in the town, but the County Executive would find somebody who fit the professional description who lived within that town; it's kind of a complicated way of doing it. And because we still kind of left that regional component into it, it does make some good sense at least to have a discussion with the town.

Two weeks is not a long time here to wait. I do think we've moved a long way. And the original -- some of the appointments that were discussed before, there was a time when it seemed like every appointment was somebody with an active interest in real estate, real estate broker after real estate broker. I like the direction we're going in now with these other attributes, professional attributes, so I think we've come a long way. And I know there's no statutory requirement to consult a town, but to table this for two weeks to allow some discussion, whether the County Executive wants to have the discussion or not is up to the County Executive, but --

P.O. LINDSAY:

I don't have a tabling motion.

LEG. SCHNEIDERMAN:

I made a tabling motion.

P.O. LINDSAY:

Do we have a tabling motion before us; we do?

LEG. SCHNEIDERMAN:

I made a tabling motion before.

MR. LAUBE:

Yes, and Legislator Romaine said he would --

P.O. LINDSAY:

Second it.

MR. LAUBE:

Well, then he was going to withdraw it, but I don't know if he committed to it.

LEG. SCHNEIDERMAN:

I think he withdrew it.

P.O. LINDSAY:

Did you -- do we have a second to the tabling motion?

LEG. KENNEDY:

Yeah, I'll second it.

P.O. LINDSAY:

Second by Legislator Kennedy. Okay. Any other discussion? On the tabling motion, all in favor? Opposed? I'm opposed.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes to table.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No. Okay, we have a motion to approve and a second.

LEG. ALDEN:

On the motion?

MR. LAUBE:

Eight.

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

What was the count on that?

MR. LAUBE:

Eight.

LEG. ALDEN:

Is there a requirement for this board to meet to have this person nominated at this point in time?

LEG. SCHNEIDERMAN:

No.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'm sorry, is there a requirement to what?

LEG. ALDEN:

If we don't appoint this person at this meeting, if they get appointed at the next meeting, will they cease to exist -- cease to function or --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The board will continue to function. It's just that Legislator Romaine I thought had made a good point several months ago, that it's difficult getting the requisite number of people to show up, you know, even when you have the full compliment; this would get us closer to that goal of completing the fulfillment. We'll be left with only two vacancies after this appointment is made which means that, you know, with 11 people, you've got nine, you've got a better chance of getting a quorum. So will the world end today? No, but we're moving forward and making progress, it would just help to

have these monthly meetings more well attended.

LEG. ALDEN:

And Paul, on the record, I think that more openness and as far as that goes, cooperation. And I know that this is supposed to be an independent review, but we do have a whole bunch of other issues that we would like to see the towns cooperate with us. And I just got done reading the report on affordable housing and we're going to look to these towns and the town boards and their town planning and their town zoning to help us out to reach some very, very -- I think they're going to be lofty goals. So whatever we can do to build this, you know, camaraderie or cooperation between the towns and in an open dialogue, I think that even in this case, I know it's not binding but, you know, I would have appreciated it; if I was in their position, I would appreciate at least a head's up that, you know, maybe I missed the fact that the County Executive filed this, maybe I just missed it and I didn't know about it and I would feel a little bit, you know, like maybe the County doesn't want to work with us on issues.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Let me say this, just two quick points and I'll let it go. One point is that I will certainly consider in the future doing the formal notification that you're talking about, but as a practical matter in this particular instance, let's just think it through. The Town Board now knows, whether they found out through a less formal process, they now know; they've expressed their position. If we notify them in writing tomorrow, you know, they're not going to change their position and it's not going to have any impact on it. So I would just ask that we can move this one forward, get this person on board, get us up to nine out of the eleven, going forward we'll address the issue of some informal notification.

LEG. ALDEN:

Actually, though, I didn't read the full memo, but it sounded like they just -- they didn't have a consensus at this time and I think they left it at that point, that they would have like to have had a dialogue, you know, or a little bit more extensive dialogue among the town board members. And I think if the proper notice was provided to them, just like any resolution that affects anybody, it's nice to get the information out there.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I hear what you're saying. I tend to be a little bit hard on the line only because I saw the towns and the villages take advantage of the County for a long time, but I'm willing to consider the possibility of doing the notification.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

Abstentions?

LEG. ROMAINE:

Abstain.

LEG. KENNEDY:

I'll abstain.

P.O. LINDSAY:

You got the abstentions, Mr. Clerk?

MR. LAUBE:

Just the two?

P.O. LINDSAY:

No, one, two --

MR. LAUBE:

Oh, Legislator Barraga.

P.O. LINDSAY:

-- three, four.

MR. LAUBE:

Who's the fourth one?

P.O. LINDSAY:

I think Legislator Romaine, you abstained?

LEG. ROMAINE:

Yes, I did.

P.O. LINDSAY:

Alden, Kennedy and Barraga.

MR. LAUBE:

Fourteen (Abstentions: Legislators Romaine, Alden, Kennedy & Barraga).

P.O. LINDSAY:

Okay, *1106-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Estate of Weisz Property - Amsterdam Beach Addition II (Town of East Hampton) (SCTM No. 0300 -- 032.00-06.00-010.000 and 011.000) (County Executive)*. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. SCHNEIDERMAN:

On the motion, though.

P.O. LINDSAY:

All in favor?

LEG. SCHNEIDERMAN:

Wait, on the motion.

P.O. LINDSAY:

Opposed?

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

Is somebody from Real Estate here or the County Attorney?

P.O. LINDSAY:

I don't see anybody.

LEG. SCHNEIDERMAN:

Maybe I could ask the Chief Deputy County Executive, Mr. Sabatino, to step forward.

LEG. NOWICK:

I don't think he heard you.

P.O. LINDSAY:

Mr. Sabatino? There's a question, Mr. Sabatino. Maybe you could answer a question of Legislator Schneiderman; what's the question?

LEG. SCHNEIDERMAN:

Paul, I know I've shown you a copy of a letter that I received, I know it was sent to you as well, by a gentleman who's claiming to have ownership of this property, other than the owner that we've been dealing with. And he refers to a list pence on the property and his willingness to sell the property at a price other than the price that we're paying. Have you had an opportunity to look at this; are you satisfied that we can move forward on this?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, I am. Just by way of background, there was actually another letter that was sent by a woman several weeks ago on the same property. After doing the research over night per your request, it turns out that the woman who wrote the letter three weeks ago and the gentleman who wrote the letter to you and me yesterday are ex-spouses who are fighting over whatever their respective estates should be. The issue has been litigated with respect to who's got title to what and our contract was based on a title search, title report showing ownership in the estate, not in these two individuals who are -- these two ex-spouses who are fighting. So the contract you're voting on today, the resolution you're voting on today accurately reflects who the actual owner is.

P.O. LINDSAY:

Does that answer your question, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I believe so. Can I -- Paul, if we pass this, which I suspect that we will, this is the authorization. Now, there's still several steps before the actual sale will occur that will further clarify these matters, right? There's a full --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Nobody should be concerned. We are not going to expend one penny --

LEG. SCHNEIDERMAN:

There's full title insurance?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- on an acquisition if we don't have clear title from the people selling the property. We're paying money for the title insurance.

I think everybody has probably gone through the experience, you know how it works, if the last minute somebody else pops up it's got to be clarified, cleaned up, whatever the case might be, before we actually make the purchase. But I spoke to our people this morning just to verify, the information is accurate as of this morning. Somebody can pop up between now and the day of the closing, but that happens, you know, in the ordinary course of business. They still have to make a valid claim; based on the information we've got, they won't be able to do that. There's a court order out there dealing with the two spouses, so they're out of the picture.

*(*The following was taken and transcribed
By Court Stenographer - Alison Mahoney*)*

LEG. SCHNEIDERMAN:

Okay. What would happen if in the -- in trying to procure title insurance, there was a cloud on the title of this; would it -- it would come back here to the Legislature, or no?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, what would happen is -- the important things in the resolution when you -- this is important to know. The important things in the resolution when you vote are to make sure that the acreage is accurate, that we're buying, you know, twenty acres -- it's really twenty acres, not a thousand or ten. The second thing is the purchase price, you want to be sure that we're not going to spend one penny more than what's being authorized. The third important thing is that you've got the acquisition lined up in the right program, so if you're using Quarter Percent money it's got to be eligible for Quarter Percent money. Then mechanical issues of who's got proper title, who's going to pay off judgments, who's going to satisfy the mortgage, those are all things that are handled by the lawyers and the Real Estate Division. There's no need to come back to the Legislature on those issues, those are the mechanical, logistical things that actually close the deal.

LEG. SCHNEIDERMAN:

And in this case, this is a 50% partnership with the Town of East Hampton; correct? In this case of the Weiss acquisition, it's a 50% partnership with the Town of East Hampton; it's 50/50, is that correct?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, my understanding is it's the estate.

LEG. SCHNEIDERMAN:

No, I understand that, but the County is footing half the bill for the acquisition.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I don't have the resolution in front of me. Whatever is in the resolution is -- it's the dollar amount and it's the reflective interest, too.

LEG. SCHNEIDERMAN:

Yeah, it's four and a half million each.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay.

LEG. SCHNEIDERMAN:

Nine million dollar purchase.

P.O. LINDSAY:

Okay. Thank you, Paul, for answering that. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1106-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the Estate of Weisz Property, Amsterdam Beach --

LEG. SCHNEIDERMAN:

That's what we just did.

LEG. ROMAINE:

We just did that, it's 107.

P.O. LINDSAY:

Oh, we just did that; I'm sorry, forgive me.

1107-07 - Authorizing the acquisition of land under the New Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Open Space Component - for the Dutchman Mooring LLC Property, Greens Creek Addition (Town of Islip) (SCTM No. 0500-407.00-05.00-025.008 & 025.013 p/o) (County Executive).

I'll make the motion. 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:

1108-07 - Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Open Space Component - for the Grausso Property, Seatuck Creek Watershed (Town of Southampton) (SCTM No. 0900-300.00-02.00-006.000) (County Executive). Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. A second? I'm looking for a second, folks.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1109-07 - Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Patterson Property, Saw Mill Creek (Town of Riverhead) (SCTM No. 0600-106.00-04.00-001.001 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1110-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the McLaughlin Property, Mastic/Shirley Conservation Area II (Town of Brookhaven) (SCTM No. 0200-983.40-05.00-059.000) (County Executive).

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. BROWNING:

And cosponsor, please.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1111-07 - Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Burr Property, Emerald Estate (Town of Huntington) (SCTM No. 0400-168.00-02.00-086.000) (County Executive).

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Stern. Do I have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

LEG. STERN:

Tim, cosponsor.

P.O. LINDSAY:

Eighteen.

P.O. LINDSAY:

1112-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Fuld, the Brookdale Hospital Medical Center and Buzen Property, Pine Barrens Core (Town of Southampton) (SCTM No. 0900-171.00-01.00-021.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. All in favor?

LEG. ALDEN:

Just on the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

This isn't improved property, right? It's just owned by the hospital, correct?

LEG. SCHNEIDERMAN:

Yeah, it's unimproved, undeveloped.

LEG. ALDEN:

Unimproved. Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir. Eighteen.

P.O. LINDSAY:

1113-07 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland Component - for the Manor Lane Vineyard LLC Property (Town of Riverhead) (SCTM No. 0600-048.00-03.00-009.005) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir. Eighteen.

P.O. LINDSAY:

1132-07 - Accepting a donation of real property for open space purposes - a SCDHS Board of Review Transfer of Development Rights (File No. S02-03-0128) (County Executive).

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1157-07 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land preservation Program (Marine Inc. Property) (Town of Babylon) (Horsley).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Discharged by Petition:

1076-07 - Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund (South Seas Holding Corp. Property) (Town of Islip) (SCTM No. 0500-357.00-03.00-p/o 023.000) (Presiding Officer Lindsay). I'll make the motion.

LEG. LOSQUADRO:

Second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Mr. Chair, I'd like a five minute recess.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The Deputy Presiding Officer would like a recess.

LEG. CARACAPPA:

Can it be five this time?

P.O. LINDSAY:

Five.

D.P.O. VILORIA-FISHER:

Well, we were pretty good with the last one. And I'd like the Clerk to join us, please.

(*Meeting Recessed: 6:51 PM - 7:07 PM*)

P.O. LINDSAY:

Madam Clerk, would you call the roll, please.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Yes, here.

LEG. CARACAPPA:

I'm here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

He.

LEG. HORSLEY:

(Not Present).

LEG. MYSTAL:

(Not Present).

LEG. STERN:

(Not Present).

LEG. D'AMARO:

(Not Present).

LEG. COOPER:

(Not Present).

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Here.

MR. ORTIZ:

Eleven (Not Present: Legislators Montano, Horsley, Mystal, Stern, D'Amaro, Cooper & Viloría-Fisher).

P.O. LINDSAY:

Health & Human Services:

Okay, *IR 1017-07 - Authorizing the second public hearing on Health Care Delivery System in Suffolk County by the Department of Health Services (Romaine)*. Legislator Romaine?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do we have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Twelve (Not Present: Legislators Montano, Horsley, Mystal, Stern, D'Amaro, Cooper).

P.O. LINDSAY:

1085-07 - Approving the reappointment of Edward J. Ahearn to the Suffolk County Disabilities Advisory Board - Group D (County Executive). I'll make a motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Montano, Mystal, Stern, D'Amaro & Cooper).

P.O. LINDSAY:

1086-07 - Approving the reappointment of Roy Probeyahn to the Suffolk County Disabilities Advisory Board - Group D (County Executive). I'll make the motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Mr. Clerk, could you please list me as a cosponsor to that particular resolution?

MR. LAUBE:

Yes, sir. Sixteen (Not Present: Legislators Mystal & Stern).

P.O. LINDSAY:

1087-07 - Approving the reappointment of Mitchel Shapiro to the Suffolk County Disabilities Advisory Board - Group D (County Executive).

LEG. KENNEDY:

I'll make the motion on that, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Montano, Mystal & Stern).

P.O. LINDSAY:

1124-07 - Appropriating funds in connection with the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109) (County Executive). I'll make the motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Montano, Mystal & Stern).

P.O. LINDSAY:

Same motion, same second on the pending bond; roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

I'm sorry, yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

(Not present).

LEG. STERN:

Pass.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

MR. LAUBE:

Sixteen. Viloría-Fisher, I'm sorry; where is she? She's not here, fifteen (Not Present: Legislators Viloría-Fisher, Montano & Mystal).

P.O. LINDSAY:

1146-07 - Declaring the month of October as "Embracing Our Differences Month" (Presiding Officer Lindsay). I'll make the motion.

LEG. CARACAPPA:

Motion; me and Jack.

P.O. LINDSAY:

Okay, I'll give it to Legislator Caracappa and to Legislator Eddington, a motion and a second. And actually, I think this is the one that's incorrect, I think Legislator Stern, that you wound up sponsoring this, right?

LEG. STERN:

That's right.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Viloría-Fisher).

P.O. LINDSAY:

Please indicate that Legislator Stern is the sponsor and I'm the cosponsor, all right?

1147-07 - Declaring the second week of March as "Traumatic Brain Injury Awareness Week" (Cooper). Motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Viloría-Fisher).

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

1033-07 - Amending the Suffolk County Classification & Salary Plan in connection with a new position title (Assistant Economist) in the Legislature Budget Review Office (Presiding Officer Lindsay). I'll make the motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Viloría-Fisher).

P.O. LINDSAY:

1080-07 - Authorizing planning steps for the implementation of the Suffolk County Workforce Housing Program (SCTM No. 0500-356.00-02.00 p/o 009.000) (Presiding Officer Lindsay).

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1099-07 - Employee Incentive for donating blood (Caracappa). Motion. Is there a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second.

LEG. ALDEN:

Paul wants to sign up.

P.O. LINDSAY:

What is the -- what is this one about?

LEG. CARACAPPA:

Basically what this does is gives an incentive to all exempt-employees of Suffolk County government in the upcoming year that if they do go and give blood four times within that year and can document that, they would get an additional day off.

P.O. LINDSAY:

Did you want to say something about this, Mr. Sabatino?

LEG. CARACAPPA:

Again, just exempt employees.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Mr. Chairman, I'm sorry to come at the last minute on this, but I only found out late yesterday afternoon from Jeff Tempera, Director of Labor Relations, that the last time there was a comparable provision in a County Collective Bargaining Agreement was 1978; there has not been a provision for Collective Bargaining Agreements since 1978.

Normally on the extension of benefits to exempt employees, it usually happens after you've got something in an agreement where you're trying to make everybody comparable. The only concern that had been raised by the Director of Labor Relations is two-fold. One, if you do this first for the exempts, then it kind of undercuts his position with respect to the negotiations because, again, it has not been a provision since 1978. And then the potential impact, depending on the number of people who participate, can become somewhat substantial. I mean, some of the numbers he ran, if you've got as many as 200 people, you're going to be talking as much as 350 to \$500,000.

So I would just ask if the bill could be tabled, maybe we could have some additional dialogue. And I apologize for only bringing it up today, but I honestly didn't know until yesterday afternoon that there was this old contract issue, so I felt obligated to at least give you the information before you voted.

P.O. LINDSAY:

Legislator Losquadro, did you want to say something?

LEG. LOSQUADRO:

Yes, please. Many of you know that I've been a very strong advocate for blood donation, I asked many of you to take part in the programs throughout your office. That being said, donating, the criteria here would be four times, and I have to tell you, very few people donate blood to begin with, and four times; the most I've ever donated in a year is five times and that's really pushing it. To donate four times in a year is quite a bit, because you can only donate every 56 days I believe it is. So I don't -- you know, as much as they have their concern, I think for those that would make the type of commitment to donate four times in a year, I think this is a pretty high standard for this type of incentive and it's something I would support.

P.O. LINDSAY:

You wanted to say something, Legislator Caracappa?

LEG. CARACAPPA:

I appreciate where Paul's coming from and, you know, over the years that's exactly how we have done it, by way of -- excuse me, Legislator Romaine. Exactly how we have done it by way of negotiations; exempts would follow the negotiated bargaining units, but in this case it's different because we don't have the ability to do the negotiation during that bargaining scenario. We don't have the power to force this provision into a bargaining negotiation either. So it's kind of different. I understand where you're coming from by way of the dollars, potentially if everyone got it, but what kind of price do you put on saving a life? There's a critical, critical blood shortage in not only Suffolk County but in the tri-state region.

Usually, unfortunately it takes a tragedy such as 9/11 to have people run to give blood in the proper doses by way of our supply. And believe it or not, in this case, even though it could save their own life, a life of a loved one, family member or friend, you have -- we're at the point where we have to give some sort of incentive to get our blood supply up to a safe level so that in case, God forbid, there was a tragedy, that there is that blood supply on hand.

So after talking to people from the Blood Services and seeing that we're in critical mode right now by way of blood supply, it became clear to me to try to create some sort of incentive. And seeing that this is basically all we can do from our point of view, I felt it appropriate.

P.O. LINDSAY:

I'm going to make a motion to table and give them some chance to talk to you about it. Do I have a second?

LEG. D'AMARO:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. CARACAPPA:

On the motion.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

I know we come back in two weeks, but those concerns aren't going to go away, what Mr. Sabatino stated. The fact of the matter is, yes, we'll always have the problem with another bargaining unit wanting to do this, maybe if we do it to exempts; there will always be the prospect of a dollar amount associated with this program. So this is nothing that's going to change in two weeks, nothing is going to change in two months. The opposition that Mr. Sabatino and the Executive's Office has put forward, and I respect their position, will always be there, there is something that isn't going to change. So obviously it's going to be tabled, I wish it wouldn't be, but I would ask you to approve it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, on the tabling motion; I guess this is for the sponsor. When an exempt employee goes -- the act of actually giving -- Joe, this question may be for you. When the exempt employee is actually giving the blood, do they do that during work hours and does that count as a work hour or they have to take that time off? Because that might also be something that should be in this bill so that they can give the blood during their work time.

LEG. CARACAPPA:

No, I don't think it states any time. The main goal right now is to get the blood donation.

LEG. SCHNEIDERMAN:

Okay. Because we really should -- I don't think -- maybe that's a separate bill, but we shouldn't dock the employees while they're giving blood if they do it during work hours.

LEG. CARACAPPA:

That's why we're giving them a day off if they give four times.

P.O. LINDSAY:

So you're going to have them give blood on the clock and then give them a day off?

LEG. CARACAPPA:

To save a life? Why not.

LEG. SCHNEIDERMAN:

Yeah, I don't think that's so bad.

P.O. LINDSAY:

I mean, I'm not against giving blood, Legislator Caracappa, I give blood a couple of times a year myself.

LEG. MYSTAL:

Presiding Officer?

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Paul, you know, your question was we usually do things from the bargaining unit down to the exempt. Are there many instances where we have done things on the exempt side hoping to get concession from the bargaining units such as increasing the employee work time, that we work -- you know, when the unions have not increased their work time but you've asked to increase the time for the employees, the exempt employees that they work, and also the cap on time off, paid sick leave? Haven't we done that without having the bargaining unit complying?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But those were restrictions, not extensions or expansions of benefits, but let me just close out with an answer to Legislator Caracappa's question. If the bill were to be tabled, I would commit to having at least one meeting with the sponsor of the bill and the Director of Labor Relations; again, only because I heard the information late yesterday afternoon for the first time.

Maybe there's something else that we can craft. I'm not saying that I definitely know that we can, but I was kind of startled to hear that this was something that was in a contract in 1978 and it's never been in a contract again. It does have implications with respect to negotiating and again, it's a little bit different than the normal process. Maybe in two weeks you'll say you still want to go forward with it, but we would at least like to have the opportunity, if the bill is tabled, to at least

have that one meeting with the Director of Labor Relations and the sponsor, if he's willing to have the meeting with us.

P.O. LINDSAY:

Okay. We have a motion and a second to table and we have a motion and a second to approve; the tabling motion comes first. All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

P.O. LINDSAY:

All right, let's get them all.

LEG. SCHNEIDERMAN:

Roll call.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call.

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

P.O. LINDSAY:

Yes on the tabling.

LEG. STERN:

Yes.

LEG. ROMAINE:

No to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No to table.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No to table.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No to table.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

You didn't call me; did you call me?

MR. LAUBE:

Yes, I called you first.

LEG. MYSTAL:

He called you first, it was your motion.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

There is a motion to approve.

LEG. SCHNEIDERMAN:

Second.

LEG. MYSTAL:

Wait --

LEG. STERN:

It's the motion to table.

P.O. LINDSAY:

The motion to table failed.

LEG. MYSTAL:

No, it passed.

LEG. CARACAPPA:

No it didn't.

LEG. LOSQUADRO:

No it didn't.

P.O. LINDSAY:

No it didn't, he called -- said nine.

LEG. MYSTAL:

Oh, he said nine. I'm sorry.

MR. LAUBE:

Nine. Legislator Kennedy, you were a no?

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

I was a no on the motion to table, right?

P.O. LINDSAY:

Well, that's the only vote we've taken so far on this.

LEG. MONTANO:

Can I switch my vote; is it too late?

MR. LAUBE:

That's up to you guys.

LEG. D'AMARO:

Motion to reconsider the tabling.

MR. LAUBE:

I have nine, unless someone changes the vote.

P.O. LINDSAY:

Okay. So the motion fails. Rick, you could make a motion to reconsider.

LEG. MONTANO:

I'll make a motion to reconsider.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Okay, could we just do this? All in favor? This is on reconsideration.

MR. LAUBE:

This is just on reconsidering 1099.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

LEG. ALDEN:

Opposed.

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

Okay. Is it fair to say eight in opposition? Okay. How did I guess that number? All right, would you call the vote on reconsideration?

MR. LAUBE:

Ten (Opposed: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga, Kennedy & Nowick).

P.O. LINDSAY:

The vote to table is back before us.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

Regardless of a vote to reconsider a tabling motion, once a tabling motion has failed, you cannot reconsider that same tabling motion to the same date; right, Counsel? You have to pick a different -- you have to pick a different date because it was the motion -- I guess to table to the last meeting. You can't make a motion to take -- even on the reconsideration, I don't think you can -- it failed, you can't make a motion to table to the same date.

MR. NOLAN:

Well, you're reconsidering the same motion, though.

LEG. CARACAPPA:

Yeah, but even if it fails one time, from what I understand from our rules, one date fails you cannot go back there, regardless of a reconsideration; You can reconsider a motion to table but change the date.

LEG. ALDEN:

The rules are there are no rules.

LEG. CARACAPPA:

I could be wrong, but that's how I remember it through the years.

MR. NOLAN:

I've actually discussed this with my co-counsel, I disagree with him. I believe we're reconsidering the same motion to table it for two weeks from today, so that's what's before us is to table it for two weeks from today.

LEG. MYSTAL:

Paul Sabatino.

MR. NOLAN:

We've actually discussed this issue, my ruling is two weeks from today, you can reconsider it.

LEG. ALDEN:

Let's challenge it, it's a night fight.

P.O. LINDSAY:

Okay. Where the hell are we? The reconsidering passed.

LEG. MYSTAL:

Ready to go home, that's where we are.

P.O. LINDSAY:

All right.

LEG. MYSTAL:

We are reconsidering because the Puerto Rican messed up.

P.O. LINDSAY:

We didn't take the table motion yet, right? It's back before us to be reconsidered, I make a motion to table. I need a second to the tabling.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. SCHNEIDERMAN:

Roll call.

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

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

No to table.

LEG. SCHNEIDERMAN:

Still no.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No to table.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No; change my vote to a yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Ten (Opposed: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga, Kennedy & Nowick).

P.O. LINDSAY:

Okay, it's tabled.

Parks & Recreation:

1029-07 - Designating April 29th as Craig Ludin Day in Suffolk County (Stern). Legislator Stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1049-07 - Authorizing use of Makamah Preserve in Northport by Northport Road Runners Club (Cooper). Legislator Cooper, what is your pleasure?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second? Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1122-07, 1122A - Appropriating funds in connection with improvements to historic sites and buildings - Timber Point Golf Course Clubhouse (CP 7510)(County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond, 1122A, same motion, same second; roll call.
*(*Roll Called by Mr. Laube - Clerk*)*

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1123-07, 1123A - Appropriating funds in connection with the removal of toxic materials in County Parks (CP 7185) (County Executive). I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The accompanying Bond, 1123A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1137-07, 1137A - Appropriating funds in the 2007 Capital Budget and Program in connection with renovations to the historic gatehouse in Brookside County Park in Sayville (CP 7510) (Presiding Officer Lindsay). I'll make the motion. Do I have a second?

LEG. STERN:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1137A, the accompanying Bond Resolution, same motion, same second;
Roll call.

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

P.O. LINDSAY:
Yes.

LEG. STERN:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1140-07, 1140A - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the reconstruction of spillways at Brookside County Park, Town of Islip (CP 7099) (Presiding Officer Lindsay). I'll make the motion. 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:

1140A, the accompanying Bond Resolution, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Safety:

1094-07 - Accepting a donation of vehicles to the Suffolk County Police Department (County Executive). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1096-07 - Accepting the donation of an all-terrain vehicle to the Suffolk County Sheriff's Office (County Executive). I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1101-07 - Establishing a public education campaign to encourage residents to register for AMBER Alerts (Nowick). Legislator Nowick, what's your pleasure?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Mystal.

LEG. NOWICK:

A quick comment on this?

P.O. LINDSAY:

Yes, I recognize Legislator Nowick.

LEG. NOWICK:

Just a quick comment on this. Just interestingly enough that March 1st last week was 75 years that the Lindbergh child or Lindbergh baby was kidnapped out of his New Jersey home and subsequently

murdered, so this kind of comes at a good time. So I would love to encourage the -- I would like to encourage the Legislators to get on the website www.wirelessamberalerts.org and sign up your cell phones; I did it and I've gotten several AMBER Alerts on my phone.

LEG. MYSTAL:

I'll do it from Hawaii.

P.O. LINDSAY:

Okay. IR 11 -- we didn't call the vote. Motion and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1105-07 - Approving the reappointment of Marshal Schwartz to the Suffolk County Citizens Corps Council (County Executive). I'll make the motion. Is there a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1125-07, 1125A - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135) (County Executive). Legislator Eddington, you want to make the motion on this?

LEG. EDDINGTON:

Motion to approve.

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, 1125A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1126-07, 1126A - Appropriating funds in connection with the purchase of replacement hardware Fingerprint Identification System (CP 3508) (County Executive). Motion to approve by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed?

Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The accompanying Bond Resolution, 1126A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1127-07, 1127A - Appropriating funds in connection with the purchase of digital photography equipment (CP 3504) (County Executive).

LEG. EDDINGTON:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, second by Losquadro.

All in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

The accompanying Bond Resolution, 1127A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Works & Transportation:

2139-06 - To dedicate corner of Pulaski Road and New York avenue in Huntington as the "Carmen Ramos Calixto-Laas Corner" (Cooper). Legislator Cooper, what's your pleasure? Just don't make me repeat it.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2171-06 - Adopting Local Law No. 2006, a Local Law to establish a Safe and Sustainable Procurement Policy (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay, we have a motion and a second.

LEG. ROMAINE:

On the motion, quickly.

P.O. LINDSAY:

On the motion, go ahead.

LEG. ROMAINE:

I would like to thank Legislator Stern for cosponsoring this with me. I'd like to thank the County Executive for working with me. I would like to particularly thank Karen Joy Miller from the Huntington Breast Coalition, Breast Cancer Coalition and all the other groups, Neighborhood Network, Babylon Breast Cancer Coalition, Sara Anker, etcetera, that worked on this. That's it. And most importantly, our Legislative Assistant Counsel there, Ian Barry, who did a yeoman's job on this, much appreciated.

P.O. LINDSAY:

That's very wonderful that you thanked everybody. How about, you know, just for the hell of it, tell me what it is.

LEG. ROMAINE:

That's when I turn it over to Legislator Stern, so he gets some face time too.

LEG. STERN:

On the motion. Yes, thanks to everybody already mentioned and also to Bill Faulk who also did an outstanding job in the many months of hard work. But this is important legislation promoting a Safe and Sustainable Procurement Policy, it is the policy of Suffolk County when it purchases the goods that it uses to ensure that they are the safest products available to put us on the right course of green, renewables and to stay away from those chemicals that have been linked to, you know, cancer-type of ailments in the future. So great policy, great legislation and a good job for everybody.

LEG. ROMAINE:

It hopefully will stimulate interest in the private sector, but most importantly it will protect our employees who work for the County.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Will this dovetail, or hopefully not in any way supercede the Green Clean Program --

LEG. ROMAINE:

No.

LEG. LOSQUADRO:

-- that Legislator, former Legislator Carpenter, now Treasurer Carpenter, had done.

LEG. ROMAINE:

No, it's a procurement policy that we're putting in. We're going to identify those substances and alternatives and we'll develop a list. And I'll let Mr. Sabatino talk, so everyone has face time, from the Executive's Office.

LEG. MYSTAL:

Oh, come on.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It will not contradict or undermine Legislator Carpenter's Green Clean legislation; in fact, it's supplemental. We made sure to carve it out and keep it separate.

LEG. LOSQUADRO:

It will dovetail with it. Very good, thank you.

LEG. ALDEN:

This always happens at the awards, everybody wants to say thank you.

P.O. LINDSAY:

Thank you. Yeah, I'm sorry I asked the question.

LEG. MYSTAL:

(Inaudible).

P.O. LINDSAY:

Come on, through the floor, through the floor, through the chair.

Okay, we have a motion and a second on 2171. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1023-07 - Reappointing a member to the Suffolk County Traffic Safety Board (William A. DeVore) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1034-07, 1034A - Appropriating funds in connection with construction of noise abatement structure on CR 83, North Ocean Avenue (CP 5556) (Caracappa).

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa, second by Legislator --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

-- Eddington. Okay. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. D'AMARO:

I abstain.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

Seventeen (Abstention: Legislator D'Amaro).

P.O. LINDSAY:

IR 1034A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Abstain.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Abstention: Legislator D'Amaro).

P.O. LINDSAY:

IR 1082-07, 1082A - Amending the 2007 Capital Budget and Program and appropriating funds in connection with improvements at Raynor Beach County Park (CP 7175) (Kennedy).

LEG. KENNEDY:

Hallelujah; motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Alden.

LEG. COOPER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cooper.

LEG. COOPER:

I think I'm a little confused. I thought that you were -- aside from the issue that the County doesn't own the sidewalk, it's a town sidewalk, I thought that you were going to go back to the town and ask them for --

LEG. CARACAPPA:

We did.

LEG. LOSQUADRO:

We did, you just weren't here.

LEG. COOPER:

Ask them for a commitment to ante up an equal amount in dollars as to what the County is putting forth. But my understanding now is that we'll be putting forth \$50,000, but they're making an in-kind contribution, it's not cash?

LEG. KENNEDY:

No; as a matter of fact, that's not correct at all, but thank you for bringing it up. As a matter of fact, we've got a resolution and the Director of Brookhaven Community Development, at around ten o'clock this morning, spoke and indicated that the town has approved 50,000 through its Community Development Program; and I attached a letter, which I know the Clerk circulated, as backup to this which does indicate that there is 50,000 in hard money that's being put forward by the town. And as I had been asked by my colleague for the better part of last year to seek and obtain equal funding for this project, I did go ahead and get that and secure it, and notwithstanding the fact that it's a town road, it's a County park. So I apologize if there's any confusion in the way I presented it or in the way that we had our representative from Community Development, but I delivered on what I was asked to do.

LEG. COOPER:

I haven't seen any letter, I don't know if anyone else has.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. ALDEN:

It's backup to the resolutions, it was faxed to all our offices, they sent a hard copy to the office.

LEG. KENNEDY:

I'd be happy to go ahead and send another copy over to you, but yes, I submitted it to the Clerk's Office and it was circulated --

MR. LAUBE:

It was put in all the Legislator's mailboxes.

LEG. KENNEDY:

Yes.

MR. LAUBE:

Today.

MS. PASTORE:

Not today.

MR. LAUBE:

Not today; what day? Last week.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Just to take it a step further, even in committee I and Legislator Stern, we had our concerns about the real commitment from the Town of Brookhaven. And once again, we put a mandate on the Legislator to, you know, basically get the town here or get a letter, and on top of everything else we asked him to do, he even did that. So, you know, what else more can we ask from him?

LEG. KENNEDY:

I could thank a few folks if you'd like.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

The accompanying Bond Resolution, 1082,A same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

A lot of hard work.

P.O. LINDSAY:

1119-07, 1119A - Appropriating funds in connection with improvements to County Correctional Facility C - 141, Riverhead (CP 3014) (County Executive). Motion to approve by Legislator Eddington. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1083 was done already, if that's what you're asking. The accompanying Bond Resolution, 1119A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 1121A, the accompanying Bond Resolution, same motion, same second; roll call. Oh, that's what we just did, we just did that.

11 --

MR. LAUBE:

Hold on, hold on; you did 19, we're on 21.

P.O. LINDSAY:

Oh, we're on 21. *1121-07, 1121A - Amending the 2007 Capital Budget and Program and appropriating funds in connection with interchange improvements for CR 111, Port Jefferson-Westhampton Road at the LIE Service Roads, Town of Brookhaven (CP 5123)(County Executive).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Same motion and second to the accompanying Bond Resolution; roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1128-07 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for a Safety and Security Improvements Program for sanitary facilities in Suffolk County Sewer Districts (CP 8103) (County Executive).

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal. Is there a second?

LEG. HORSLEY:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We did 1138A and 1138, 1139 and 1139A.

1151-07 - Authorizing transfer of ten (10) surplus County computers to the Town of Brookhaven St. Michael's Recreation Center (Browning). Legislator Browning?

LEG. BROWNING:

Motion.

P.O. LINDSAY,

Motion. Do I have a second?

LEG. MYSTAL:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1159-07, 1159A - Amending the 2007 Capital Budget and Program and appropriating funds in connection with traffic signal improvements on various County roads (CP 5054)(County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Counsel reminds me, we need 14 votes on this. I'll second the motion.

MR. LAUBE:

Who was the motion to approve? I'm sorry.

P.O. LINDSAY:

Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The accompanying Bond Resolution, 1155A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Veterans & Seniors:

Procedural Motion No. 2-2007 - Designating veterans organizations to receive funding for Memorial Day Observances for 2007 (Stern).

Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways & Means:

2238-06 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, John D. Lightsey (SCTM No. 0200-973.90-03.00-017.000). I need a motion.

LEG. BROWNING:

I'd like to make a motion to table. I had a --

LEG. KENNEDY:

I'll second that motion.

P.O. LINDSAY:

Motion to table by Legislator Browning and a second by Legislator Kennedy.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

That's -- there's no motion to approve, just to table. Go ahead, Legislator Kennedy.

LEG. KENNEDY:

I made the request in order to go ahead and table this just for one cycle, after having had the opportunity to have conversation with the Director of Community Development this morning from Brookhaven as well as Commissioner Morgo. There may be some interest from the town in possibly exploring the use of this lot in inclusion for development. So I ask for a tabling just for one cycle.

LEG. D'AMARO:

Bill?

LEG. MYSTAL:

Excuse me.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
Through Counsel, is this a Local Law 13?

MR. NOLAN:
It's through adjacent owner, it's not as-of-right.

P.O. LINDSAY:
Legislator D'Amaro, you have a question?

LEG. D'AMARO:
Yeah, thank you, just to follow-up on what Legislator Kennedy had just informed us. The committee took a look at this bill, we had Real Estate at the last committee hearing and we went through, once again, the process of asking the ten questions that we had been doing all last year and were again reassured that it had been vetted through the Workforce Housing component and Economic Development and all the other areas. And I'm just wondering if you are saying that something has changed since that committee meeting, if you know.

LEG. KENNEDY:
Similar to what we heard with the Chief Deputy, I guess, about an earlier matter which he became aware of yesterday afternoon. This morning I only became aware -- well, no, actually it was yesterday afternoon in a conversation with the Director from Brookhaven of Community Development about a couple of these parcels, which I had an opportunity to fax to her. And this morning she did indicate, she really had no detailed knowledge of the layout of these three parcels.

I also had the opportunity to speak with an abstract or a title searcher who did indicate to me, there is no title issue associated with this as far as single and separate goes. And then I also had the opportunity to take a look at the tax map itself and see that within a 200 foot perimeter there are three other lots that are equally configured.

So again, without trying to impose our rule at this level on to the town, and certainly being sensitive as to what the particular constraints are, the quick and dirty that I took a look at it is it seems like it could be a single and separate and the town would have some interest.

LEG. D'AMARO:
Okay, just through the Chair, one more time. I hear what you're saying, but I thought that the response we had gotten or received from the -- during the hearing was that the town had looked at this -- in fact, more than once -- and had indicated that they would not be interested in it. And I had also spoken to Commissioner Morgo about that and he told me that the town had looked at it and was not interested; so something is changing, perhaps?

LEG. KENNEDY:
It may very well be, Legislator D'Amaro. And as a matter of fact, the conversation that I had with him this morning was I think he did say that there may have been an opportunity to try and have contact with the town previously. But his comment to me was that if the town came forward and expressed interest, he would be happy to support having the parcel go to the town and go through the 72-h.

LEG. D'AMARO:
All right.

LEG. KENNEDY:
So I guess what I'm asking is just for, again a 14 day cycle to resolve whatever may be any kind of

miscommunications or ambiguities between our two levels.

LEG. D'AMARO:

Right.

LEG. KENNEDY:

Either way, I'll be happy to share whatever I find out, and certainly with your office, even before the next General Meeting.

LEG. D'AMARO:

Right. And just for the record, I appreciate that even though you're not on the Ways & Means Committee this year, that you're following up on this. And if there is a way to make this part of a workforce housing component or have the town take another look at it, I would be in favor of that.

LEG. KENNEDY:

Good.

LEG. D'AMARO:

So I would support the tabling motion.

LEG. KENNEDY:

Excellent. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay, I think that's it. I got a call today from the Town of Brookhaven, from {Val Biscardi} just requesting that we hold off so that she can look at them herself. There's actually two others that she wants us to wait on, okay?

LEG. D'AMARO:

Yeah, okay.

P.O. LINDSAY:

Okay. We have a motion to table and a second; that's the only motion before us. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2354-06 - Sale of County-owned real estate pursuant to Local Law 13-1976, Bienvenida Javier (SCTM No. 0200-853.00-04.00-002.000) (County Executive). Do I have a motion.

LEG. BROWNING:

Motion to table this one also.

P.O. LINDSAY:

Motion to table this one.

LEG. CARACAPPA:

Second.

LEG. KENNEDY:

I'll second as well.

P.O. LINDSAY:

Second by Legislator Caracappa. Okay. This -- just a question to the Ways & Means Chairman; these went through and there was no issues raised with them?

LEG. D'AMARO:

Right. As per our prior dialogue, these not only went through but they had been tabled I think from last year. Because we had asked some questions and went a few rounds in committee to make absolutely sure that the properties were fully vetted through the various departments in the County and that they couldn't fit in to any other program. And we also went back and asked Real Estate to re -- take a look at the appraisals again just to make sure that the numbers were correct, but what I'm hearing from Legislator Browning and from Legislator Kennedy is that there may now, at the eleventh hour, be some interest, and I would not be opposed to waiting two weeks just to find out if that's a real interest.

P.O. LINDSAY:

Motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1058-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, Concepcion Martinez (SCTM No. 0500-163.00-05.00-014.001). (County Executive). Do I have a motion?

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

A motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1059-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, Vincent A. Bongiorno and Derly C. Chiodo as joint tenants with rights of survivorship (SCTM No. 0200-641.00-05.00-001.000). (County Executive).

P.O. LINDSAY:

Do I have a motion?

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

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

LEG. BROWNING:

This was another one that I was requested to hold on, so I'd like to make a motion to table.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Okay, we have --

LEG. D'AMARO:

I'll withdraw my motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

You know, I don't mean to interject because I wasn't at the Ways & Means Committee, but if someone's coming at the eleventh hour with these objections, why aren't they going to the committee meeting?

LEG. BROWNING:

I agree, but, however, I just spoke with them today and they made the request.

P.O. LINDSAY:

Well, why don't you tell them when the next committee meeting is and if they have an objection, let them come and voice it.

LEG. KENNEDY:

I'll have that same suggestion, Mr. Chair. And again, as I explained, this was part of a conversation yesterday to confirm that the Community Development Director would be here to speak on the sidewalk items.

P.O. LINDSAY:

IR 10 -- oh, we didn't take the vote on that, right?

MR. LAUBE:

No, you --

P.O. LINDSAY:

Motion to table and a second. Did we take the vote?

MR. LAUBE:

That's for 1059? You took the vote.

*[The following was taken by Lucia Braaten, Court Stenographer, and
Transcribed by Kim Castiglione, Legislative Secretary]*

P.O. LINDSAY:

Okay.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1060, Sale of County-owned real estate pursuant to Local Law 13-1976 Timothy Scanlon and Lorraine Auer, as joint tenants with rights of survivorship. (SCTM No. 0500-319.00-01.00-005.000).

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

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

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1062, Sale of County-owned real estate pursuant to Local Law 13-1976 Thomas A. Brennan and Diane E. Brennan, his wife (SCTM No. 0103-009.00-04.00-006.000).

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro. 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:

1063, Sale of County-owned real estate pursuant to Local Law 13-1976 Elaine Lombardo and Joseph L. Andia and Susan Andia, his wife, all as joint tenants with right of survivorship. (SCTM No. 0500-322.00-01.00-009.008).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1092, Authorizing an extension of a lease of premises located at 95 Executive Drive, Edgewood, New York, for use by the Department of Social Services.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1142, Authorizing conveyance of parcel to the Town of Huntington (Section 72-h, General Municipal Law).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

By Legislator Cooper.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1145, Restricting the taking of certain lands for non-payment of real property taxes.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Legislator Romaine, you make the motion. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

By Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1160, To expedite acquisition and redevelopment of Liberty Plating property.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

By Legislator D'Amaro. On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chair to Legislator Montano.

LEG. MONTANO:

Sure.

LEG. ALDEN:

This is something I was working on, trying to get the release of lien from the Feds and from the State. One of them I could get but I never could get the other. Are we going to acquire this without a release of lien?

LEG. MONTANO:

No. The intent is not to acquire. The intent is to insure that we have the release of lien so that when we acquire it we acquire it free and clear. We have the back taxes issue but we would acquire free and clear. That's the purpose of the resolution.

LEG. ALDEN:

Okay. We're not going to go ahead and just take hold of this.

LEG. MONTANO:

No, no, no. We don't want to assume a liability on property. We want to get this free and clear. What we want to do is expedite the process but make sure that we get it free and clear.

LEG. ALDEN:

Good.

LEG. MONTANO:

And the same thing with the accompanying resolution on Mackenzie Chemical. And I believe, by the way, that both these properties are already an estate where they're clean or with Mackenzie, near clean. So it's just a question of negotiating the lien, I believe.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1161, To expedite acquisition and redevelopment of Mackenzie Chemical Works property.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR.1, Memorializing resolution in support of insurance coverage of long-term medical care for Lyme Disease and other tick borne related pathogens. Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Tim, co.

P.O. LINDSAY:

MR.2, Memorializing resolution in support of developing and implementing new technologies to enable blind and visually impaired utility customers in reading their meters.

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

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

LEG. KENNEDY:

Yeah, second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

HR. 1, Home Rule Message requesting State of New York to establish the Peconic Bay Regional Transportation Council.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. I was trying to figure out why my name's on it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

LEG. SCHNEIDERMAN:

Myself as well.

LEG. LOSQUADRO:

Mr. Chairman, motion to approve 2442.

P.O. LINDSAY:

Okay. We'll go to 2442. That has been aging.

2442, Adopting Local Law No. 2006, A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Services, Division of Human Resources, to the Department of Audit and Control.

P.O. LINDSAY:

Okay. Legislator Losquadro made the motion, do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second. On the topic, anybody want to talk about it?

MR. LAUBE:

Who was the second?

LEG. SCHNEIDERMAN:

I seconded it.

P.O. LINDSAY:

Just vote. Call the roll.

(Roll called by Mr. Laube - Clerk)

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Abstain.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

Abstain.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Abstain.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Nine. (Opposed: Legislators Browning, Eddington, Horsley, Stern, D'Amaro and Cooper;
Abstentions: Legislators Montano, Mystal and Viloría-Fisher)

P.O. LINDSAY:

It fails. Okay. CN's. Red packet. **1134, Transferring funding for the Division of Insurance**

and Risk Management back from the Department of Audit and Control to the Suffolk County Department of Human Resources, Personnel and Civil Service. Do I have a motion?

LEG. D'AMARO:

I'll make a motion to approve.

P.O. LINDSAY:

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

LEG. COOPER:

I'll make a motion to recommit to committee.

P.O. LINDSAY:

Motion to recommit.

LEG. COOPER:

Or to commit to committee.

P.O. LINDSAY:

To comit.

LEG. MONTANO:

It's a recommit because it came out. It just a C of N. It's a recommit. Am I right on that, Counsel?

MR. NOLAN:

Commit it to committee.

LEG. MONTANO:

But it was in committee.

P.O. LINDSAY:

Okay. I don't have seconds to either the approval or the committing resolution.

LEG. MONTANO:

I'll second the motion to recommit.

P.O. LINDSAY:

Okay.

LEG. STERN:

Second on approve.

P.O. LINDSAY:

And a second on the re-approve.

P.O. LINDSAY:

We have two motions before the body. On the issue, anybody want to talk? Mr. Sabatino, did you want to weigh in on this?

MR. SABATINO:

Just to explain the change real briefly. This Certificate of Necessity makes one change in the resolution which is a significant change. In an effort to reassure Legislators and in the spirit of working out a compromise, that there is no ability on the part of the County Executive to unilaterally privatize any function in the County. By definition, any privatization in the County of Suffolk requires at least one Legislative action and in some cases it requires more than one. For example,

in the Health Department it would take two or three Legislative actions. A case like this with the Insurance and Risk Management, it would take at least one and possibly two actions.

So because there was some concern out there in terms of the proposed transfer of the -- it's not only a transfer, it's reinstating the Insurance Risk Management to where it was on December 31st of 2006, which is in the Civil Service Department, regarding this issue of a possible privatization, language has been inserted in the bill. It's just one additional resolved clause which states in effect that Insurance Risk Management cannot, N-O-T, cannot be privatized without either a duly enacted resolution or a duly enacted local law, depending on which you need of the County of Suffolk. So that just restates what the law is but puts it all in one place so you don't have to go looking at different statutes and different, you know, cases to get to that same outcome.

P.O. LINDSAY:

Okay. We have a motion to approve and a motion to recommit. I believe recommit goes first. Do you think we could do this in a -- do we want a roll call or can we do it just straight up? Motion to approve to recommit this. All in favor? Opposed? (Opposed in unison). Okay. All right. Let me call the roll. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. COOPER:

Yes to recommit.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. MYSTAL:

Yes to recommit.

LEG. STERN:

No.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Six. (Opposed: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Eddington, Alden, Barraga, Kennedy, Nowick, Horsley, Stern and D'Amaro).

LEG. MONTANO:

How many?

P.O. LINDSAY:

Okay. A motion to approve.

LEG. MYSTAL:

Six.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

I didn't get a second on this one.

P.O. LINDSAY:

You didn't get a second on the approval?

MR. LAUBE:

You didn't call a name, so I didn't.

P.O. LINDSAY:

Okay. Legislator D'Amaro made the motion to approve. Did I have a second?

LEG. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Second by Legislator Stern.

MR. NOLAN:

Before you vote on it, Bill.

P.O. LINDSAY:

Before I vote on it the Counsel to weigh in.

MR. NOLAN:

Just on page two of this bill there's a scrivener's error on the line for 3000, supplies, materials and other expenses. The modified number says 32,000. It should be 32,300.

D.P.O. VILORIA-FISHER:

It does say that, doesn't it?

MR. NOLAN:

It's the modified number.

P.O. LINDSAY:

Okay. We have a motion to approve and we have a second. This is a 12 vote resolution. It's a CN. Okay. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Nine. (Opposed: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga, Kennedy, Nowick and Lindsay).

P.O. LINDSAY:

It fails. ***1220, Amending Resolution 1318 -- 2006 (The implementing of taxes for the Year 2006-2007 (discretionary) for the Town of Brookhaven. (Town portion of tax levy only).***

I'll make a motion. It has to do with the tax levy. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1221, Amending resolution 1317-2006 (the levying of unpaid water rents for 2007 (for Brookhaven Town). I'll make a motion. Is there a second?

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We've got resolution ***1222, Authorizing amended tax warrant for Resolution 1320-2006 (for the Town of Brookhaven) to be signed by the Presiding Officer and the Clerk of the County Legislature.*** I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Mr. Sabatino, did you want to weigh in on this or something? No?

MR. SABATINO:

No, we support the changes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1223, Amending Resolution 1319-2006 (the implementing of taxes for the Year 2006-2007 (mandated) for the Town of Brookhaven (town portion of tax levy only).

Motion by Legislator Vilorio-Fisher. I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1251, Deleting certain previously approved maps regarding the acquisition of lands pursuant to the New York State Eminent Domain Procedure Law, in connection with the acquisition of properties for improvements to CR 80, Montauk Highway, between NYS Route 112 and CR 101, Sills Road, Town of Brookhaven, Suffolk County, New York. (CP 5534) Phase I. I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1252, Deleting certain previously approved maps regarding the acquisition of lands -- is this the same one we just did?

MR. NOLAN:

No.

P.O. LINDSAY:

Okay.

MR. SABATINO:

This is phase two. It's a tandem, the two bills together.

P.O. LINDSAY:

Okay. ***Acquisition of lands pursuant to New York State Eminent Domain Procedure Law, in connection with the acquisition of properties for improvements to CR 80, Montauk Highway, vicinity of NYS Rt 112 to vicinity of 101, Sills Road, Phase II, Town of Brookhaven, Suffolk County, New York (CP 5534 Phase II).*** Legislator Eddington, is this something you might want to sponsor?

LEG. EDDINGTON:

Sure. Motion to approve.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1253, Reappropriating \$1.1 million dollars of EPIC reimbursement funding from 2006 Adopted Operating Budget into the 2007 Adopted Operating Budget.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal.

MS. VIZZINI:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Ms. Vizzini.

MS. VIZZINI:

I think we should get an explanation from the Budget Office in terms of what we're doing here for the record.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

With the EPIC you mean?

P.O. LINDSAY:

Mr. Sabatino, can you make the explanation or do you want to turn it over to Budget behind you?

MR. SABATINO:

Well, I can give you the brief overview. I asked the individuals involved that make the presentation at the committee. But the essence of it is that the New York State computer system with respect to the EPIC Program broke down during the period of July 28th through December 31st of 2006. As a result, the County program, which is to provide the reimbursement for the co-pays and the out of pocket expenses with a cap of \$50 couldn't be processed during that entire period of time.

That resulted in, although there's about a million point one dollars worth of claims out there for people who are qualified and eligible, during the period of July 29th to December 31st there was no

ability to process the payments because of the computer glitch. This is an attempt to get the \$1.1 million worth of claims, you know, paid to them. It's an unusual circumstance, but we're trying to address it by adopting this resolution.

P.O. LINDSAY:

The only question I have, and maybe Budget Review can enlighten me on it, is I thought '06 the books were closed on it. How can we go back on '06?

MR. SABATINO:

There have been four or five occasions where with the Community College there's been a reappropriation in a different year because of some kind of a glitch. The only time I've seen it before, quite frankly, has been with the Community College. I don't think I've seen it more than four or five times in total. There's no other way to address the issue and this was an attempt to try to deal with it.

MS. VIZZINI:

I wanted something on the record since it is a departure from, as you say, closing the books. This is moving '06 money into '07 so that the '06 expenditures can be paid with what becomes '07 monies. The County Executive would not have the discretion to do this. You would need to do this by resolution.

P.O. LINDSAY:

Okay. But if we didn't do this, what would -- I mean, would we refuse to recover this money? Or would the money just go to fund balance?

MR. SABATINO:

What's going to happen is the \$1.1 million that people were entitled to would go to fund balance, so it wouldn't be available to make the payments. So the problem is you'd be starting the new year from scratch with all these claims out there that you wouldn't be able to pay.

P.O. LINDSAY:

Okay. This raises some issues. Legislator Alden.

LEG. ALDEN:

Well, I think Paul can put on the record that this really shouldn't reoccur because this did occur because of the glitch in the Federal Government and something that's --

MR. SABATINO:

I have to be honest with you.

P.O. LINDSAY:

State government.

LEG. ALDEN:

State.

MR. SABATINO:

I've never seen this confluence of events take place before where you had the breakdown in the State computer system that we're dependent on. Even though we have voluntary as a county opted to pay people the out of pocket expenses up to 50 and the co-payments, it still hinges on the ability of the State computer system to process the people initially. I'm the first person to acknowledge it's highly unusual, and the event, quite frankly, I can't think of a similar circumstance where a computer glitch resulted in. However, there are four or five occasions when the Community College was able to do a reappropriation.

LEG. ALDEN:

If we don't do this the people that get hurt are the people that are waiting for these reimbursements.

MR. SABATINO:

Absolutely. These are the people that are getting \$50 and \$10 payments.

P.O. LINDSAY:

Legislator Kennedy, you're going to pass? Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

No, what Cameron said.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legislators Browning, Barraga and Horsley)

P.O. LINDSAY:

I.R. 1254, Accepting and appropriating 100% additional Federal and State aid from the New York State Office of Alcoholism and Substance Abuse Services to Suffolk County Department of Health Services for St. Christopher-Ottillie (SCO) Family of Services. Motion to approve by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? I think that's all of them. Is that all of them?

MR. SABATINO:

Yes. Thank you, Mr. Chairman.

MR. LAUBE:

16. (Not Present: Legislators Horsley and Mystal)

P.O. LINDSAY:

Okay. We have late-starters. I'm going to make a motion to waive the rules and lay on the table the following late-starters. I.R. 1245 is assigned to Budget and Finance.

LEG. CARACAPPA:

Second, Mr. Chairman.

P.O. LINDSAY:

And I have to set the public hearing for 3/20, 6:30 p.m. at Riverhead as well. So it is a motion to waive the rules, lay on the table and set the public hearing for 3/20, 6:30 p.m. in Riverhead.

I.R. 1246 is assigned to Ways and Means. 1247 to EPA. 1248 to Health and Human Services. Is there a 1249? 1250 is assigned to Budget and Finance and we also have to set the public hearing for 3/20 at 6:30 in Riverhead. 1255, Health and Human Services. 1256, Economic Development, Education and Energy. 1257, Economic Development, Education and Energy. 1258, Ways and Means. Procedural Motion No. 3, Budget and Finance. Memorializing Resolution No. 3 to Health and Human Services. Is there a --

LEG. ROMAINE:

Motion to adjourn.

P.O. LINDSAY:

We've got to take the on this. We have a motion and a second to waive the rules and to lay these on the table late and set the two public hearings.

LEG. D'AMARO:

Bill, excuse me. I just had a question or maybe a point of order. There is a bill that we skipped over, 1134, and I just wanted to ask Counsel what the status of that bill is.

LEG. LOSQUADRO:

CN.

P.O. LINDSAY:

That was a CN.

LEG. D'AMARO:

Right, I understand that it was a CN.

P.O. LINDSAY:

Could I just -- I'm in the middle of a vote right now and then I will be happy to answer any question you have. Okay. We have a motion and a second to lay these on the table, waive the rules, late-starters, set the public hearings. Something wrong there? I said set the public hearings. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And the question that Legislator D'Amaro brought up is in our agenda was 1134.

MR. NOLAN:

1134 is dead now because it was amended by the CN and that's what we voted on.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Is there any other questions?

LEG. MYSTAL:

Motion to adjourn.

P.O. LINDSAY:

Motion by Legislator Mystal to adjourn. Second by Legislator Horsley. All favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Romaine)

[The meeting was adjourned at 8:19 P.M.]

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