

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**FIFTH DAY
MARCH 20, 2007**

MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER

IN THE MAXINE POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE, RIVERHEAD, NEW YORK

MINUTES TAKEN BY:

Alison Mahoney & Lucia Braaten - Court Stenographers

MINUTES TRANSCRIBED BY:

Alison Mahoney - Court Stenographer

Kimberly Castiglione - Legislative Secretary

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

*(*The meeting was called to order at 4:02 PM*)*

P.O. LINDSAY:

Mr. Clerk, are you ready to call the roll?

MR. LAUBE:

Yes, sir. Are you ready?

P.O. LINDSAY:

Please call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. CARACAPPA:

(Not present).

D.P.O. VILORIA-FISHER:

Present.

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

P.O. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:
(Absent).

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

MR. LAUBE:
Twelve (Not Present: Legislators Browning, Caracappa, Losquadro, Kennedy & Cooper - Absent: Legislator Horsley).

P.O. LINDSAY:
I would like to welcome everybody to another fun-filled night in Riverhead. Would everybody rise for a salute to the flag, please, led by Legislator Romaine.

Salutation

Thank you. If everybody could be seated, we're going to delay the opening prayer because our Clergy is not here yet.

D.P.O. VILORIA-FISHER:
He's lost in Flanders.

P.O. LINDSAY:
He's lost in Flanders. We have a number of procedural issues before we get in to the heart of the meeting, and I'd like to call on Legislator Romaine for the purpose of a proclamation, several proclamations.

LEG. ALDEN:
Yeah, this is his dance floor out here.

P.O. LINDSAY:
He takes full advantage of being out here.

LEG. ROMAINE:
Thank you very much, Mr. Presiding Officer. As we can remember, Hurricane Katrina not only destroyed large parts of New Orleans, but much of the Gulf Coast, and included in that Gulf Coast was Bay St. Louis, Mississippi, and the Bayside Volunteer Fire Department, like most volunteer fire departments along that bay coast, was wiped out.

The gentlemen standing behind me represent the Eastport Fire Department; they reached out to Bayside, Mississippi, across, oh, a dozen or so states, in their time of need and took an old pumper truck that was donated by the Flanders Fire Department, restored it to just absolute pristine condition, worked hard, coordinated efforts and then went ahead and found transportation to get a truck down so that the Bayside Mississippi's Volunteer Fire Department could rebuild.

They have also done a whole host of other things to work with their brother firefighters in Mississippi. And for that, I want to thank them, as every member of this Legislature has, by signing

this proclamation and acknowledging their efforts and I'd like to call Tom to come up and say a few words.

Applause

CHIEF COLLINS:

I've got a whole speech here.

LEG. ROMAINE:

There you go.

CHIEF COLLINS:

If I can read it. Well, on behalf of the Eastport Fire Department, the Ladies Auxiliary and the Junior Firemen, we want to thank Legislator Ed Romaine and the whole Suffolk County Legislature for this proclamation.

On October 10th of 2005, a meeting of the fire department, a motion was made, seconded and passed to adopt a volunteer fire department that was devastated by Hurricane Katrina. Then Fire Chief Ed {Schnier}, who is behind me, researched and reviewed numerous fire departments in the Gulf Coast area and it was decided that we adopt the Bayside Volunteer Fire Department which is located in Bay St. Louis, Mississippi.

While many Suffolk County fire departments and ambulance companies have donated surplus equipment and funds, we believe that we are the only department that officially adopted a department in the Gulf Coast Region. I'm going to give you a little background on the Bayside Fire Department. They were a small department providing fire protection and first responder medical service to their community. Prior to the hurricane, they had 15 members; immediately after the storm they had two members; the Chief and Assistant Chief. We are proud to say now they have over 18 dedicated members.

In the beginning it was very hard to communicate with them; there was no phone service and they slept in a donated truck at the firehouse and listened to a hand-held two-way radio to receive calls for their assistance. And being fourteen hundred miles away, they had no idea who we were and I think at first they were hesitant to express their needs to us. In January of 2006, a group of us made a road trip to Mississippi, along with a trailer loaded with surplus fire-fighting and medical equipment. This meeting broke the ice with our brother fire fighters and they realized that we were sincere in our efforts to help them. We were there for three days, we talked about each of our departments, our goals, we witnessed firsthand the devastation that was in the area, and we even helped them fight a brush fire one day. We came back feeling that we had done the right thing.

As Ed said, we did numerous fund-raising efforts and within a couple of months we raised almost \$10,000. We began purchasing some items they requested, jackets, clothes for the Chiefs, boots, and we got them two cell phones with two years of service and got them down -- shipped down to them. Prior to Christmas of 2005, we opened a bank account in a local bank in Bay St. Louis so their members that were there could enjoy a joyous holiday season. To date, we have raised over \$30,000 to help our brother fire fighters. They got a new Chief and in July of 2006, three of our members went to Mississippi and met with them and got a wish list of some of the items they desperately needed.

Since then, we have supplied them with an automatic external defibrillator, medical supplies, nozzles, T-shirts, and the main reason why we're here today is the transportation of the water tank truck that was graciously donated by the Flanders Fire District. While it took the combined efforts of many people, we were able to have this truck transported to Mississippi at no cost, saving us between 35 and \$5,000 to do this.

While our adopted brothers have come a long way since Katrina, they still have a rough road ahead

of them. Their estimate said it would take 10 to 15 years to fully recover from the storm. Recovery has been very slow down there, as if you've noticed on the small news that comes out of there once in a while after the fact. Houses are not being rebuilt due to whatever, insurance problems, and just imagine a family of four living in a 200 square foot trailer where maybe they had had a twelve hundred or fourteen hundred foot house; this causes problems. And approximately two weeks ago, there was a murder/suicide involving two people that could not cope with the aftermath of the storm.

Our plans are to have a long, lasting relation with the Bayside Volunteer Fire Department. And again, I would like to thank Legislator Ed Romaine and everybody, all the Legislators in the County. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Ed, can I just offer congratulations? I have friends who live in Mississippi who have said that the people in Mississippi since Katrina have felt very put aside, that most of the attention is paid to -- the media attention is paid to Louisiana. So I'm very proud as a Suffolk County Legislator that we have people such as you who are remembering the people in Mississippi. Thank you for your good work. Thank you, Ed, for bringing them here.

LEG. ROMAINE:

Thank you. And I just would say for Eastport, I have never been prouder of a fire department in my life. They epitomize all that is best in America. When a tragedy happened thousands of miles away from their home, they reached out and helped their brother fire fighters, rebuild the fire fighting apparatus and equipment that is needed for Bayside, Mississippi; they epitomize all that is good in America. Gentlemen, thank you for your efforts.

CHIEF COLLINS:

Thank you.

Applause

LEG. ROMAINE:

Our next proclamation goes to a gentleman that was born and raised in Riverhead, who joined the United States Marine Corps in November of 2002, and for the first three years of his service served in DC assisting with Presidential support and security for government trips until he was deployed to Iraq in support of the global war on terrorism.

He served as a Dismount Leader and {Mark 19 Gunner} in the 3rd Battalion 5th Marine First Maritime Division, Weapons Co. 81st Platoon. On May 6th of last year, of 2006, he was very badly injured in a roadside bomb while patrolling the streets of Iraq in search of hidden explosives and suspected terrorists. He subsequently was awarded the Purple Heart, and hopefully he's out there somewhere, and was recognized for his efforts with numerous awards and metals and is a proud son of the Town of Riverhead. And since we were meeting here this day, I thought it would be appropriate that we honor his service to our nation. This is Cedric Brown. Thank you for your service.

Applause & Standing Ovation

MR. BROWN:

I appreciate being acknowledged. Just a reminder, we still have troops in Iraq that need our prayers and our thoughts and just keep your mind and your prayers on who's still there and thank you.

LEG. ROMAINE:

Thank you for your service to this country.

Applause

For the next proclamation, I'm going to ask Legislator Stern to join me and I'll turn the microphone over to time, and we both have a few comments to say.

LEG. STERN:

Thank you, Legislator Romaine. It's a pleasure to join my colleague from the east end in making this next presentation to a very special group of young people, the East Moriches National Junior Honor Society. We're here to thank them for participating in what has really been an Island-wide effort, in conjunction with the Jacob's Life Foundation, in collecting batteries and other items for our troops overseas. We've literally collected over the last couple of months, after a call went out from this Legislature and from my office, thousands and thousands and thousands of items that have been shipped over to our troops. It's been a great way for our young people to participate and show that we care so much about our troops, support our troops and thank them for their service, for their commitment and their sacrifice.

And with this group of young people in particular, I'm sure everybody would agree that with all of the bad that we see on TV with this and so many other issues of the day, it's great to see in them what is so very good in our community. So congratulations and most importantly, thank you.

Applause

LEG. ROMAINE:

While they're coming up, I will simply remind everyone that East Moriches is a very small school district that's a K-8 school district, but I want you to take a look at all the members of their National Junior Honor Society from this small school district.

Applause

And I just want to join -- Legislator Stern has certificates for all of you, he's going to give it to your teacher which is -- who is going to say a few words on behalf of the students.

MS. VOLBI:

I'm really proud of this group, but I'm really especially proud that they took the initiative to get these batteries. We kind of like read about it in the newspaper and to get it to Huntington, we collected over about 5,000 batteries to send to the troops and now we're in the process of sending cookies to the troops in Iraq, Girl Scout cookies, and we're also doing Pennies for Patients for the Leukemia/Lymphoma Society. So as Mr. Romaine said, you know, you always hear the bad things about the kids and these kids are great, so I want to thank them, too.

LEG. ROMAINE:

I'm going to ask you to get in the middle, we're going to take a quick photo with yourself and Legislator Stern. This is all from a very small school district. Every student here is a member of the Junior National Honor Society, it says something about East Moriches.

Applause

Thank you. Guys, have a safe trip back.

LEG. ROMAINE:

Last year -- today is March 20th and about three days ago we celebrated a great Feast Day, the Feast of St. Patrick. And for one day I think all of America turned green and we were all aware that in all of us there's a little Irish.

Last year I spent St. Patrick's Day, the eve of St. Patrick's Day the way I spent it this year, I went to the Riverhead Lion's Club St. Patrick's Day Dinner Dance, and I saw a young man dance there and I

was very impressed. And I looked into his background and the gentleman that's standing next to me is Sean Sanders from Wading River. He is one of the greatest Irish Step Dancers, I guess you would say, in the United States. And in fact, he competed this past year, in February, in the All-Ireland Championship for Irish Step Dancing in {Calarney}. And at that time, throughout the world he placed fourth in that competition from Wading River.

Applause

And he will be representing us in Scotland and that will be the World Championship; and when is that scheduled for again?

MR. SANDERS:

April 2nd.

LEG. ROMAINE:

April 2nd of this year, so we have great things. So you don't have to live in Ireland to know step dancing, you can live as close as Wading River. And we have this young gentleman representing a little bit of the Irish in all of us as he takes his troop, I won't ask him to perform because we have a busy schedule, but as we take our troop on the road. And I'd like him to step forward and accept this proclamation from the Legislature for his efforts in representing Long Island and Wading River and the Irish in all of us.

Applause

Sean, do you want to introduce some of the people with you.

MR. SANDERS:

Sure, why not. This is my Dad right here, Terry, and this is my Mom, Pat.

Applause

LEG. ROMAINE:

It's nice to meet you. How many years have you been Step Dancing?

MR. SANDERS:

About five years.

LEG. ROMAINE:

About five years Step Dancing and he's already competing worldwide. Good luck in Scotland. God bless.

MR. SANDERS:

Thank you.

LEG. ROMAINE:

One of four quadruplets; I can only imagine the diaper service.
Thank you. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Okay, Legislator. All right, we're going to revert back to the beginning of the meeting and I'm going to introduce Legislator Vivian Viloría-Fisher for the purpose of introducing our visiting Clergy.

D.P.O VILORIA-FISHER:

Thank you, Mr. Chair. I have the pleasure of introducing to you the Reverend Matt {Woodley} from the Three Village Church in Setauket. Pastor {Woodward} (sic) has been the Senior Pastor at Three

Village Church since 2001. He and his wife Julie and their four children spent most of their lives in Minnesota -- yeah, you betcha. Although Matt still roots for the Vikings and Twins and he refuses to use the word soda, in his family they use pop, he loves Long Island life and what's not to love. His house is surrounded by tall trees, he can walk to West Meadow Beach, take the train to the Metropolitan Museum of Art and drive to Montauk. He loves the people at Three Village Church. Welcome, Pastor Woodley.

PASTOR WOODLEY:

Thank you very much. Thanks for the privilege of having me here. Let's bow for prayer. And I want to read, actually, a short prayer from. The Ancient Prayer Book of both Jews and Christians for thousands of years has been the Book of Psalms, and I find so much wisdom and comfort from this book. Especially in the job that you have here, sometimes we don't always know what to do or what the right thing is and so we cry out and ask for wisdom, and so this is a prayer asking God for wisdom.

Do not remember the sins of my youth, oh Lord, nor my transgressions. According to your mercy, remember me, for your goodness sake, oh Lord. Good and upright is the Lord, therefore the Lord teaches sinners in the way. The humble God guides in justice and the humble God teaches his way. All the past of the Lord are mercy and truth, to such is keeper's covenant and is testimonies. For your name's sake, oh Lord, pardon our inequity for what is great. Who is the man or woman that fears the Lord? He or she the Lord will guide in the way that the Lord chooses. Let's pray together.

So God, this afternoon we cry out to you, we ask for wisdom. Sometimes, oh Lord, there are so many good things that are competing together, sometimes the choice is between good and evil and so give these men and women wisdom to know what is good and to know what is evil and to have the courage and the persistence to pursue the way of good and justice and integrity and honesty. Sometimes, oh God, it's not that clear and sometimes it's a choice between a greater good and a lesser good. And even in the midst of these circumstances, give these women and men wisdom, and again, courage to pursue the past of what -- the path of what is right and just and true. So guide us, oh God, and guide these leaders here before us and we pray in your name, amen.

D.P.O. VILORIA-FISHER:

Amen.

P.O. LINDSAY:

Thank you, Pastor. Everybody have a seat, make yourself comfortable. Before we start the business of the evening, I remind all of my fellow Legislators as well as the audience this evening that there's no cell phones allowed in the auditorium; if you have a cell phone on you, please at this time shut it off.

I would like to make a motion to take 1255 out of order, it's the confirmation of the appointment to the Commissioner of Health Services, Dr. Chaudhry; Dr. Chaudhry is with us tonight. And we have a number of cards for public portion and I would rather do this now rather than the Doctor hang around all night because we've been waiting for a health Commissioner for a long time and I don't want to give him an excuse to back out. So Dr. Chaudhry is at the microphone. I have a motion. Do I have a second to take the motion out of order?

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. We have a motion to take 1255 out of order, we have a second to that motion. All in favor? Opposed? Abstentions? 1255 is in front of us.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

1255-07 - Confirming the appointment of Commissioner of Health Services (Humayun J. Chaudhry, DO, MS, SM, FACP, FACOI)(County Executive).

Dr. Chaudhry is before us. Do any of the Legislators have any questions of Dr. Chaudhry? He did appear before our Health Committee and gave an extensive presentation, but I did ask him to come back today because it is a very important position. And if anybody -- Legislator Alden, you have a question of Dr. Chaudhry.

LEG. ALDEN:

I had a very nice visit with him and I'm going to wish him good luck because he's going to need it. If some of the things he said can actually happen, I'm going to be a very happy guy. And I think the rest of us, we're going to put our trust -- I hope we can put our trust in you today and I'm sure that you won't let us down. So I had a great meeting with him and I'm looking forward to seeing some great things come out of the Health Department, because unfortunately we've been letting the people down. And as the Presiding Officer mentioned, we don't have a Commissioner at this point in time, so it's real important to, you know, get you on the job and get you hitting the ground running.

DR. CHAUDHRY:

Thank you very much, Legislator Alden. If I could just say a couple of things. I did have some opening remarks to make, but in the interest of time I'll dispense with them.

Presiding Officer Lindsay, Deputy Presiding Officer Vilorio-Fisher and members of the Legislature, I appeared last week before the Health & Human Services Committee and I'm pleased to appear before you today. I appreciate the comments Legislator Alden just made. I understand how important this department is, it's one of the largest departments in Suffolk County. And what I will say is this; I take the job of Commissioner of Health Services for this County very seriously. I've been a resident of this County for 16 years, so I've been on the other end, the receiving end if you will, and looking forward to getting started as quickly as possible. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Not being a member of that committee, I didn't have a chance to address you and I look forward to meeting with you in the near future to discuss some of the concerns that I see as pressing and I'm sure have been brought to your attention.

Many parts of the Health Department at times are the only part of government that the average person will have a dealing with. Government operates, people don't necessarily see how it operates and the one time in their life when they need something to work, when they need a permit to do an extension on their house, when government fails them at that point, everything else in government can work flawlessly and it perpetuates people's belief that government is broken and it does not serve the public; we've failed in many aspects of this. And I know for myself and many of my colleagues, we have received far too many complaints to count and this reflects badly on all of government. So you have a rather heavy lift, shall I say, ahead of you in correcting some of the shortcomings of this department, but you have an excellent staff to work with, I truly believe that and I think that if the right system and the right structure is put in place we can do wonderful things over there. So I look forward to working with you. Thank you.

DR. CHAUDHRY:

Thank you, Legislator Losquadro. I couldn't agree with you more. In the last couple of weeks I have been meeting with not only some of you, and I intend to meet with each and every one of you at some point, but I've also been visiting some of our health care sites in Wyandanch, Amityville, Hauppauge, etcetera, and I'm struck by how deeply committed are the people who are working

there, both the employees at the rank and file level, but also the managers and nurses and physicians, etcetera.

And so we have a fine Department of Health Services, but I agree, there are some concerns and I'm learning more about them and I look forward to working with each and every one of you to learn more about the concerns so we can try to address them. I agree with you, the fact that we have that is out to the public is very important and there should be no issue, big or small, that we should not be able to address.

One of the things I will mention for the benefit of the entire Legislature is something I said last week and that is that my vision for the department is a very simple one; we should be the best County Department of Health in the country, there is absolutely no reason we cannot be, with a department this size, with a department with a budget as large as we have. I'm sure there's room for improvement, I'm sure there's room for efficiencies. We're working with the County Executive's Office, just as they seek a smart County, we seek a smart department and I look forward to working with the Legislature to accomplish that. Thank you.

P.O. LINDSAY:

Anyone else; no? Seeing none --

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Alden.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy - Absent: Legislator Horsley).

P.O. LINDSAY:

Congratulations, Doctor.

DR. CHAUDHRY:

Thank you very much.

P.O. LINDSAY:

It's too late to escape.

Applause

Okay, we're going to go into the public portion. I will read the speaker and the person on deck, if you could please get out of your chair to save time, we have a tremendous amount of speakers this evening. The first speaker is Bill Pearson and on deck is Wendy Reilly. You have three minutes, Mr. Pearson.

MR. PEARSON:

Good evening. I'm here in support of -- I'm here to support that bill that's out there for loitering.

LEG. ALDEN:

Is that on?

MR. PEARSON:

I don't know if the microphone is on or not.

P.O. LINDSAY:

You have to talk right into it, Mr. Pearson, right up -- there you go.

MR. PEARSON:

All right. I'm here to express my thoughts on the loitering bill. I believe in it, I believe that you guys should support it, I don't believe some special interests should be an influence on how the Legislature votes on it tonight. It's important to the public that are out there that are home at the moment working, depending on you Legislators to vote the right way. Because they're home working doesn't mean that the special interest of their -- you know, their needs aren't as special as the special interests that are here tonight to express their opinion on it.

I believe that it's a detriment to the communities that these people are lining up on the streets looking for jobs, we don't know who these people are; they're hanging out on people's lawns. This is not the way the America that I grew up in should be. And I believe that the start of something is right now where we put this law into effect. Whether it's good or not, let's get started. We're at a -- we're drowning in this country right now, this is the bottom of it, right, if we don't start picking ourselves up, we're going to end up becoming a third world country. We have people meandering on our streets, I don't know who these people are. And if they were able to come to this country legally, then they should have stopped in at the border, we don't know. And I believe that the Legislature should take it upon -- you know, take the initiative and pass that bill. Every one of you with a good conscience should know that the public out there needs you, not the special interest groups, the public. That's all I have to say. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Pearson. Wendy Reilly, and on deck is Ron Lewandowski. Wendy Reilly. Wendy Reilly? Going once, going twice; Wendy Riley. No Wendy Reill, okay, Ron Lewandowski? And on deck is James Claffey.

MR. LEWANDOWSKI:

Good afternoon, Ladies and Gentlemen. My name is Ron Lewandowski, I'm the Suffolk Director of the Minuteman Civil Defense Corps.

I can't tell you how much I support this law that should be without argument voted into law without any more discussion that is needed as of this afternoon. I would just like to make clear a couple of facts. The Minuteman Civil Defense Corps is about 10,000 strong as a national group. In our national group, we have Asians, Latinos, Arabs, people of all walks of life and of all jobs about as varied as their national backgrounds and origins. The fact remains and the difference is these people who are United States Citizens and are legal immigrants; that seems to be a key word that a lot of people have forgotten about lately.

I would like very much for this bill to be enforced. And if it is not enforced, a mostly illegal workforce will obstruct, harass and penalize our communities. For residents of our towns or villages of Suffolk County, the safety issue speaks for itself. I have been on the front lines, as you might say, witnessed many, many incidents of just simply trash being left around up to your ankles in places where day laborers congregate on our County roads and village and town roads. This law, if brought into effect, will bring back the safety and piece that our residents of this County deserve.

The Minuteman Civil Defense Corps have in evidence, video tape, the many reasons we should have this law passed without argument. I have seen firsthand the problems that these people bring in to

our neighborhoods and I'm, once again -- I don't basically -- I don't care if you're pink, purple with white polka dots; if you're here in this country illegally, you must go home, you must be deported. If you did the right thing, obeyed our laws, I'll be the first one to shake your hand and say, "Welcome to America."

We have people out there standing in our neighborhoods, we have no idea who they are. They will not come forward, in my opinion, join our society, as I've witnessed just outside early this afternoon. They call it their land; I'm sorry, they're in for a rude awakening. This is America, we're American citizens and legalized immigrants.

P.O. LINDSAY:

Mr. Lewandowski, could you please wrap up? Your time is up.

MR. LEWANDOWSKI:

Okay. I have evidence here from the Working Coalition, {OLA}, and Sister Smythe's Riverhead Spanish Apostle, clearly stating the misuse of Federal funds for an outreach program from the Federal Labor Board. You don't have to be legal, that's what it says in Spanish; that's against all the rules. And the program, a few of our members were told is a closed meeting which is also against every unit that uses Federal funds. There are --

P.O. LINDSAY:

Mr. Lewandowski, did you hear me? Your time is up.

MR. LEWANDOWSKI:

Pardon?

P.O. LINDSAY:

Your time is up.

MR. LEWANDOWSKI:

Thank you.

P.O. LINDSAY:

You're welcome. James Claffey followed by Susan McKeon-Steinmann.

MR. CLAFFEY:

Good afternoon. James Claffey, Long Island Community Foundation. We're a public charity that supports many initiatives of non-profits across Long Island, many, many in Suffolk County as a matter of fact.

Look, I speak in opposition to 1022. This is a very contentious, emotional issue and I personally accuse no one up here of racism for sure, but I do accuse this particular bill of being very bad policy. I think it's going to end up being a shell game which just moves -- moves the thing around without resolving the issue. The special interest that brings me here today is to try to resolve this issue finally.

At the committee meeting last week, Legislator Caracappa challenged us to be consistent, so I will be utterly consistent and repeat what we have been saying for the last couple of years. The first thing would be -- and I'd like to propose a couple of positive things that the Legislature could actually do, because I believe this bill is negative, it's just going to move things around from County roads to town roads, for more open commercial areas, probably to residential areas, we'll see how people like it. If the men are lined up on residential streets instead of on the County roads, it's not going to resolve the issue whatsoever.

There are two things the Legislature could do in a positive way; one is to pass a resolution in favor of comprehensive immigration reform at the Federal level which is the only level where this can

really be resolved and to use that resolution to lobby very firmly and strongly the entire New York Congressional Delegation to do something about it.

Applause

And the second thing we can do, as we've said for the last eight years, is to put together a worker center which gets the problem off the street into a separate area, it brings a little bit of order into the chaos that exists now, it allows us -- it allows us to work to find out who the men are, why they're here and to work with them to begin to take positive steps to resolve the problem. Nothing has happened in the last eight years to resolve this issue, because the Legislature then, as I fear now, will not have the political courage to work towards the center.

Governor Spitzer, when he was Attorney General, assured this Legislature there is nothing illegal about a worker center; they don't work perfectly, they're not the ultimate panacea, but they do take a huge bite out of the problem and allow us to bring some order where chaos currently exists. As a representative of some philanthropic dollars, I stand ready to work with public officials willing to work on this issue. If we can forge a public and a private partnership, this would be one serious alternative to addressing the problem. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Claffey. Susan McKeon-Steinmann and James Henry is on deck.

MS. McKEON-STEINMANN:

First of all, I would request that -- I'm here to speak out against this anti-loitering bill as it's called, and I would request that the people that are heckling over here be asked to stop the heckling because I haven't heard anyone on the other side heckling.

P.O. LINDSAY:

Ms. Steinmann, continue with your statement, I will keep order in this room.

MS. McKEON-STEINMANN:

Yes. Okay, thank you, Mr. Lindsay. I just heard some things exchanged that really shouldn't have been said.

Okay, I wanted to explain why I think this is a very bad and poorly written bill. Once a law is passed, no one has control over how it is enforced except the officer on the beat who's expected to make sense out of it. By the description of this bill, people that are vigiling, having a religious vigil on a corner could be considered to be loitering. People that are standing in front of a work site with the giant rat to protest non-union labor, if it's not part of a strike, could be considered loitering. People that are standing on a corner giving their opinion on abortion, they could be considered to be loitering. People that are vigiling on a corner for peace could be considered to be loitering. Our children in the summer time who are standing on the corner, meeting and greeting, talking with each other, could be considered by an individual officer on the beat to be loitering. I think this bill is opening a can of worms in regards to the rights of Americas.

First of all, it seems to me that there already laws on the books to deal with traffic problems. You cannot pass a law that is earmarked for one particular group of people, because then the law is considered discriminatory and unconstitutional. So a person may vote for this bill feeling that they are dealing with a day laborer situation, whatever side of the issue they're on, but a year down the road this bill could be used in all kinds of ways. I don't feel that we want to turn our society into a kind of state where people cannot feel free on the corner.

Now, people can say who are for this bill, "Oh, it's okay, it will only be used against day laborers," but they've said that in other countries too. And very often what happens is a deprivation of rights to

one group of people, spreads out and becomes a denial of rights to all groups of people.

The last thing I wanted to say is I come from a union family, my parents were some of the people in the difficult old days --

P.O. LINDSAY:

Please wrap up, Ms. Steinmann.

MS. McKEON-STEINMANN:

I'm wrapping -- who were beaten, abused, and the laws very often used were loitering laws. It can be used any way anybody wants to use it, it is a very poorly written law.

Applause

P.O. LINDSAY:

Thank you, Ms. Steinmann. James Henry. And I'm told that Wendy Reilly was in the ladies room and is back, so you'll be on deck.

MR. HENRY:

My name is James Henry, I'm an attorney in Sag Harbor and I'm here representing the Suffolk County New York Civil Liberty's Union. We have testified before on this measure on March 6th and I just want to reiterate our strong view that the statute, as drafted, is clearly unconstitutional and would be challenged as such the day it went into effect 120 days from now, if you decide to pass it. But I'm not going to emphasize that point, we also emphasize the notion of the law being unnecessary. There are already statutes on the books that can penalize people who get in the way of cars and interfere with pedestrian traffic, more than enough such statutes and they should be enforced.

The main point I want to add to this debate is just the notion that this is a problem that cannot be solved at this level, at a local level. It is a national problem, it is an economic problem. It has its roots in the fact that, for example, since the passage of NAFTA in 1993, Mexico's economy has lost five million jobs, contrary to the predictions that were made for the effect of that bill. You have a U.S. Farm Lobby that gets subsidies to the tune of \$10 billion a year for the production of low cost corn, and they have exported that under NAFTA to Mexico and wiped out millions of jobs, millions of {compasinos} who have had no choice, if they're going to support their families, but to come north. So this problem just didn't occur out of the blue, it's occurred for good, solid economic reasons and it will not be fixed by this kind of statute.

So I'd appeal to you to follow the approach suggested by the previous speaker. We need strong lobbying on the part of this group, in Washington on this issue, to come up with a solution that addresses these economic aspects of the problem. Secondly, it would be helpful to have a work center to organize, to deal with the problem that we're facing here every day. And this Legislature has an opportunity to behave as a roll model for this country on this issue and to stop the demagoguery.

Applause

P.O. LINDSAY:

Thank you, Mr. Henry. Ms. Reilly, if you would come forward, and on deck is Mark Zaneski (sic).

MS. REILLY:

Good evening. My name is Wendy Reilly, I live along North Ocean Avenue in Medford. Let me start by saying I'm not here against immigration, but I'm here against the unlawful assembly along North Ocean Avenue.

These day laborers are assembling on my property, on my neighbor's property. They're not just

standing there, they're there for hours, they're urinating and defecating on our properties, in our woods and along our roadways. I've taken photos of this, I've called the police. Unfortunately, the police can't come every morning on a public call, by the time they get there the act is complete and the person is back in the group of people and I can't identify them, nor am I going to approach a group of people at that hour of the morning.

The traffic hazards along North Ocean Avenue, when a contractor pulls up, you have a large group of men darting across North Ocean Avenue, not at an intersection but directly across the middle of the road to get to that contractor; whoever gets there first gets the job, so they're running fast and they're not looking for the cars. There's horns blowing outside my bedroom window from 6 AM to 10 AM, people beeping either at the day laborers or at the contractors who are stopping. I'm very fortunate that I've had "No Stopping Any Time" signs put up along North Ocean Avenue covering the portion of road where I live. I also have a Suffolk County Police Officer that comes in the morning and he sits by the railroad tracks on North Ocean Avenue, unfortunately that precinct ends right at the railroad tracks so the other side of the tracks isn't covered. My corner is cleared, but 50 feet away the problem continues. There is also a lot of woods there, so there's a lot of congregation in the woods there. There's also extreme amounts of garbage that collect, every day I need to go home and clean up this garbage.

You know, if this was a group of women congregating every morning and a car stopped and one woman got in that car, the Police Officer would be there to break this up. And if this was a group of teen-agers congregating every day on our streets, the Police Officers would have the right to break that up. And I don't understand why they're not breaking up this -- these groups of people.

Applause

P.O. LINDSAY:

Thank you, Ms. Reilly. Mark Zaneski (sic).

MR. ZAWESKI:

Zaweski.

P.O. LINDSAY:

I'm sorry I mispronounced your name.

MR. ZAWESKI:

No problem.

LEG. CARACAPPA:

I hope people listened to that.

P.O. LINDSAY:

And Arthur Bridenstine is on deck.

MR. ZAWESKI:

I would like to speak in opposition of resolution 1144, invasive species list. My name is Mark Zaweski, I'm Vice-President of the Long Island Farm Bureau and owner of MKZ Farms in Jamesport. I have a 120 acre nursery and vegetable farm. I am opposed to the invasive species list in its current form. The nursery portion of our farm is by far the sustaining segment that keeps our farm viable. If the "do not sell" or the "do not manage" list are approved in their current form, they will have a direct impact on my operation.

I grow approximately 60 acres of California {privet}, they get sold from Delaware to Massachusetts with a huge market right here in Long Island, mainly in the Hamptons. Some of my plant material does make it in to the municipalities here on the Island. Although California {privet} is now

currently on the "manage-only" list, it has the potential to decrease my sales and possibly find its way some day to the "do not sell" list; if this was to happen, our sales would suffer and I'll be out of business.

This is just my situation with only one item on the list; there are many other plants involved here that could have a devastating affect on the horticulture industry here on Long Island. I'm not disputing the fact that there needs to be a list, but it needs to be derived from facts, input from industry and, most importantly, input from Cornell Cooperative Extension. There are many qualified people who are ready to help to establish a list that would be agreeable to everyone. Please do not adopt these lists as written, let all parties involved sit down together and come up with a list that everyone can live with. Thank you.

P.O. LINDSAY:

Thank you, Mr. Bridenstine. Oh, no, that was Mr. Zaweski. Mr. Bridenstine, and on deck is Lisa Votino-Tarrant.

MR. BRIDENSTINE:

Hello. I'm Art Bridenstine from Riverside. As public officials, you're charged with getting to the heart of a problem or the root of a problem. So I just stand in opposition to this resolution since it's superficial and really doesn't solve the fundamental problems of jobs that go untaken and people that are willing to meet those jobs, but the heart of the problem is the means to bring the right groups together in an orderly and just way.

Taking people off the side of the road and getting them out of our site might make people feel better, but it fundamentally doesn't solve the fundamental problems of placing people at work. So I stand in real opposition to this proposal. The real answer, part of the answer are the proposed work-link centers.

So this proposal, again, doesn't solve any fundamental problems, it simply is vindictive and mean-spirited. As I said, it may make people temporarily feel better that people they see -- will get off their -- people will be out of their neighborhood streets, but as Legislators, you're charged with looking at the long-term picture as to what's better for everyone in the community in the long run. So I hope that you'll all vote against this proposal. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Bridenstine. Ms. Tarrant, and on deck is Scott Clark.

MS. TARRANT:

Hello. My name is Lisa Votino-Tarrant, I am the secretary for the Town of Southampton Anti-Bias Task Force, and it is this organization I come to speak to you on behalf of today. The following is a statement we have prepared.

It has already started, across the nation laws and rhetoric designed to discourage illegal immigrants from coming to America have unintendedly caught within its nets millions of American citizens of Hispanic origin. Some examples; in the Southampton School, a teacher reported that a white child bullied a Latino child and told him to go back to Mexico, both were US citizens.

A prominent Latino citizen stated at a public meeting that he is concerned going to the local 7-Eleven, he feared being mistaken for one of the laborers and the potential consequences that might result from a run-in with the Minutemen who also congregate there. These are some of the millions of Americans who now have more than a modicum of fear and humiliation, added to the usual trials and tribulations of their daily lives, merely because they are Latino, and they are the legal immigrants and citizens. Millions more in our country who entered without any papers live in daily fear.

How could we the people have allowed this to happen? Are Latinos just the latest group in a long line of immigrants that have been discriminated against as they came to America and started the long climb to economic and social success? Why are such fearsome and harassing acts tolerated in a country with 80 million Hispanics? To whom shall we speak out against this discriminatory environment?

America has always provided special rights to people in-country. Our shores have been a magical safe-haven starkly revealed whenever a Cuban refugee sets foot on it; he or she can't be sent back and is given other rights and privileges. By contrast, those caught by the Coast Guard, even a few feet off-shore, are routinely sent back to their home country. The Supreme Court recognized birth right citizenship in America -- American Constitutional law by ruling that children born in the United States are automatically citizens and entitled to all of the same rights as anyone else, even if their parents entered the country illegally. Moreover, the court also decided 25 years ago that children of illegal immigrants should not be left on the streets uneducated and thus are entitled to a US public education. These governmental and judicial opinions reflect a wise and well thought out approach to an intractable problem. We may not encourage the huddled masses yearning to breath free to come, but once here we expect their allegiance to the laws of the land and offer our protections. This is not an approach we should change without great debate on the national level and certainly not on the local level, not with 3,077 counties in the US.

There is a deeper psychological reason for treating all in-country people the same under the law, it reflects a recognition that to exclude some for one reason or another is to run the risk that others, even you or I, will be excluded for some other reason, tomorrow or in the future. The American success story is built on the integration of all kinds of people into our society under one set of laws. If one has the skills to drive, it is usually possible to find work. If you violate the law you are arrested and jailed. Just look at the religious sectarian --

P.O. LINDSAY:

Ms. Tarrant, could you wrap up, please?

MS. TARRANT:

Sure. How can we stop this madness? We have all come today to tell you that we will not be bullied. We insist that our Legislators, elected public servants reject these proposed laws that discriminate against some and are unconstitutional for all. Treat all people in our shores and in our communities equally. We the people provided for that freedom, let us continue to be diligent and protect that freedom by applying it consistently to all those in our land.

Applause

P.O. LINDSAY:

Thank you, Ms. Tarrant. Scott Clark followed by Michael O'Neill.

MR. CLARK:

Good afternoon. How is everybody? My name is Scott Clark and I work with Pinewood Perennial Gardens out on the north fork in Cutchogue and I'm here to discuss my feelings on Resolution 1144 which currently, as written, I am opposed to. And I just want to mention that there are a significant number of nurserymen and other people in other horticultural industries represented out in the hallway that feel the same way that I do.

We certainly all agree that the invasive plant issue is certainly not a subject to be taken very lightly -- it's a very important subject to say the least -- and that everybody that gardens and enjoys the outdoors and nature should certainly be concerned about it. But it has to be approached in a reasonable manner with very definable parameters to evaluate the plants in question. No one wants harm to come to the natural environment or to the business environment. I think that the terrestrial plants certainly need to be evaluated separately from aquatic plants from qualified individuals to be

able to evaluate those two groups of plants from many different points of view, not just one.

During last fall, I was given a call by some folks to come and attend a task force meeting which was put together, as I understand it, by the Suffolk County Legislature to evaluate this issue and they wanted my opinion on this ban list that they put together, the ban list of plants. It was the only time to my knowledge that a nurseryman was asked to become involved in the issue and to evaluate that and it was really at the twenty-third hour of this task force review to evaluate it. And in the report, I have to say, they did a tremendous amount of work and it's a great report in the fact that they looked at many different important issues in that. They talked about developing a permanent invasive advisory board, training existing staff, mapping the location of invasive plants, where are they a problem, which ones are a problem, and it goes on and on for many other things, and especially to promote education with the public. And yet unfortunately, the only thing that really came out of this as far as a resolution was to kind of focus in on this ban of plants. And I think we're really leaving much of the good things that they came up with way behind, unfortunately. And so it would be nice to be able to have something much more comprehensive.

An invasive plant as listed in the resolution is considered to be non-native to the ecosystem under consideration and whose introduction causes or is likely to cause harm, including its cultivars and varieties. Whether or not they may be an issue or not, they have really taken a broad-brush stroke on this.

P.O. LINDSAY:

Mr. Clark, your time is up. Would you relay to your cohorts outside that there's a Public Hearing on this subject; the Public Hearings started at 6:30. I mean, everybody has the right to speak about any subject they want during the public portion, but the comments on that particular bill would probably more appropriate at the Public Hearing.

MR. CLARK:

I certainly will.

LEG. ROMAINE:

Mr. Chairman?

P.O. LINDSAY:

No, I'm not going to take questions.

LEG. ROMAINE:

No, no, not a question, just for the Chair. For the Chair, in the Public Hearing portion at 6:30, Legislators will have a right to ask questions of the speakers but not at the public portion.

P.O. LINDSAY:

That's correct. That's correct.

LEG. ROMAINE:

So I can ask you questions about your bill, or this bill.

MR. CLARK:

Right, okay.

P.O. LINDSAY:

Thank you very much.

MR. CLARK:

Thank you.

P.O. LINDSAY:

Michael O'Neill and on deck is Reverend Yvette Schock.

MR. O'NEILL:

My name is Michael O'Neill, I'm from Sag Harbor. I first of all would like to thank my Legislator, Jay Schneiderman, who recognizes this as a very troublesome bill. He stated, and I agree with him, that it is troublesome not only on a constitutional basis, but it's most troublesome as a bill that will be unenforceable and a bill that will not at all deal -- at all stop any problem of traffic.

LEG. SCHNEIDERMAN:

That's not quite what I said.

MR. O'NEILL:

And I believe that each of you also know that this bill would most likely be thrown out of court, but even more, you know that this bill will be very ineffective.

You know, a hundred and sixty years ago the Know-Nothing Party that began in 1848 became a very powerful force against what they considered immigrants in the United States as a dangerous group. They were dangerous because they were papists; that is they were Catholic. Papists, of course, were people who were not to be trusted, papists were people who had no loyalty to democracy but to Pontiff and Rome, and not only were the Know-Nothings a powerful party that took -- in the elections, took over the Legislature, State Legislature of Massachusetts and Pennsylvania, they had a great influence in our history.

The first immigration laws that they have had passed were the Chinese Exclusion Act of 1882. The Supreme Court stated unequivocally that immigration is a matter of Federal Law and took away the power from all State, County Legislatures to enact law on immigration. We know that this law is almost racially profiling a certain group. We know that in spite of what people are saying, that this is not a discriminatory, we know who it is aimed at. I urge the Legislature to follow your conscience and defeat this very ineffective and offensive bill.

Applause

P.O. LINDSAY:

Thank you, Mr. O'Neill. Reverend Yvette Schock followed by -- oh, God help me with this, it looks like -- it's three names and I can't make out the first one; Throne-Holst is the middle and the last name, Throne-Holst. Reverend Schock.

REVEREND SCHOCK:

Good afternoon. I'm Reverend Yvette Schock from St. Michael's Lutheran Church in Amagansett and I'm speaking to you today representing the Long Island Organizing Network which is a group of churches in Suffolk County working together to make our community a better place to live.

On behalf of LION, we would like to go on record opposing IR 1022. We are deeply disturbed by the actions of this body at such a difficult time for both our country and our County when we are struggling with war, with the lack of affordable health care, with families leaving Long Island because they can't afford housing. You are choosing to spend your time on scapegoating and ill conceived legislation. A number of people have spoken to the fact that this will not be -- this legislation won't do what it is intended to do. We know immigration is a hot topic and some people are blaming immigrants for everything; unemployment, crime, the lack of affordable housing, failing schools, high taxes, the decline in our quality of life. But blaming immigrants, though it might win votes, will not solve these problems, does not address the challenges that we face.

We ask you not to jump in to the debate because the people in the locations you represent are upset. We ask you not to further inflame the public against others who are struggling to do what's right for their families and to become a part of our community. We think that you can do better than that. We ask you to be leaders, to think through the long-term implications of the way that

you are treating immigrants and what this means for our communities.

We speak as people of faith, and as people of faith we are very concerned about what you are doing and what you are saying and what you do. Every religion teaches us we are our brother's keeper and that like the good samaritan, we are not supposed to walk by on the other side of the road when we see someone hurt and bleeding. We teach our children to respect others, to hold their tongues and not speak in anger because we must live through today for the sake of another day, and then we see you doing something entirely different.

Those of us who have been here for a while must recognize our common bonds with more recent immigrants, not become their oppressors and not allow or encourage discrimination in our communities. Instead of stirring up community resentment, we urge you to build community cohesiveness. Please, for all of our sake, for the sake of everyone in the communities that you represent, weigh the issues carefully, think through the long-term implications. And we urge you to vote against this bill. Thank you.

Applause

P.O. LINDSAY:

Thank you. I believe it's Ms. Throne-Holst and on deck is Reverend Noel Koestline.

MS. THRONE-HOLST:

I was the one with the sloppy handwriting. I'm Anna Throne-Holst, she was the Reverend.

P.O. LINDSAY:

What was your first name?

MS. THRONE-HOLST:

Anna.

P.O. LINDSAY:

Okay.

MS. THRONE-HOLST:

The Constitution of the United States lays the foundation for how we legislate, how we law-make and how --

D.P.O. VILORIA-FISHER:

It's hard to hear you. We can't hear you.

MS. THRONE-HOLST:

The Constitution of the United States lays the foundation for how we legislate, how we law-make and how we coexist in this country. It was not designed or meant to be tampered with according to how the wind blows. The Constitution specifically states that people have the right to solicit work, business and the like on our streets. It is not, therefore, for you, as our respected and elected officials, to tamper with that, and I ask that you really keep that in mind as you consider this bill.

It leads us down a slippery slope to what constitutes loitering and constitutes soliciting, everything from making a living to selling lemonade. Immigration is an enormous issue in this country today, no matter what side you stand on, and it is not being addressed in a timely and proper manner by any level of government today. But it should not be confused with a law that goes entirely against the foundation of our Constitution. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Holst. Reverend Noel Koestline and then Reverend John Best is on deck.

REVEREND KOESTLINE:

I'm the Reverend Noel Koestline, I'm Pastor of the Bridgehampton and East Hampton United Methodist Churches and I'm speaking on behalf of an ad hoc group of clergy, East End Clergy Concerned, we call ourselves, against 1022. I'm a part of a group of Ministers, Priests and Rabbis in East Hampton and Southampton Towns that have been working together for about a year to develop greater understanding, respect, trust and peace among the diverse peoples of our south fork communities and cooperation. Legislation such as Resolution 1022 dramatically, dramatically undermines what we are trying to do. It divides neighbor from neighbor, criminalizing our neighbor's efforts to work and provide for their families. It breeds distrust and gives permission for bias attitudes and acts.

As leaders of houses of faith, we believe that every person is created in the image of God and has innate human dignity. People deserve to be able to walk with their heads held high, no matter what their physical characteristics or economic status. This legislation would have the effect of making anyone who goes into public spaces wearing brown skin the object of suspicion and humiliation. Speaking for the Clergy, this legislation would make much more difficult our work of mending and strengthening the fabric of our richly diverse human community in our County. Thank you.

Applause

P.O. LINDSAY:

Thank you, Reverend. Reverend John Best, and on deck is Sister Margaret Smyth.

REVEREND BEST:

My name is John Best, I'm a Pastor of the --

P.O. LINDSAY:

Reverend, if you would be more comfortable sitting at the table, we could --

REVEREND BEST:

I'm fine, thank you.

P.O. LINDSAY:

Okay.

REVEREND BEST:

I'm pastor of the Montauk Community Church and I come here representing my own faith and I participate in various groups. We recognize that this is a hot topic, what this bill intends to address. And I was thinking about what could I say and I was thinking, well, why not speak as a religious leader. And often times in the Jewish tradition, people turn to the Rabbi when people are heated to say, "What do you think," and so I'm here to share a story that I woke up thinking about in my dreams this morning.

I was reminded of when I was driving, riding as a young boy back in the 1950's in the back of my car with my brothers and sisters, and that was back in the day before seatbelts and before head rests and before Interstate highways. And of course, on these long trips back on the County roads, we kids got -- would start pinching each other and we would start screaming and whining and complaining, and my father would turn around with his raised arm and he would say, "Do I have to come back there?" And he never did because we were scared to death of him; he never had to raise a hand against us because we respected him.

This bill I would like to speak against, 1022, because it seems as if the Legislature has climbed into

the back seat with us kids and we need you to be the adult. You are in the driver's seat of this County, you have the power to write the laws and this particular law does not help the situation. As you -- I ask you to be a leader, to listen to the kids in the back seat, to listen to their cries, to listen to both sides, to find proper solutions, but this bill does not quite do it.

I would just point, as we look for our moral compass, as we sort through what is the proper laws of the land as we -- as you play the parent. And all the traditions represented, at least the Jewish, the Christian and the Muslim traditions, in our good book, we read in the Ten Commandments, in the Fourth Commandment, of preserving the holy day of the Sabbath. It says, "Remember that you were once a slave in the land of Egypt and the lord, your God, brought you out from there with a mighty hand and an out-stretched arm. Therefore, the lord, your God, commanded you to keep the Sabbath Day."

A few chapters later in another book, we read in the law that's a little bit more specific, not just the Ten Commandments, we read of taking this example of remembering who you are and where you've been, the law that says -- a law that goes back --

P.O. LINDSAY:

Reverend Best, if you could wrap up.

REVEREND BEST:

Excuse me -- some 4,000 years when an alien resides with you in your land, you should not oppress the alien, the alien who resides with you shall be to you as a citizen among you. You should love the alien, as yourself or you were aliens in the land of Egypt.

I ask you to play the part of the parent, to keep your eyes on the road and not just looking back at the children and to observe your own moral compass as you lead us forward. Thank you.

Applause

P.O. LINDSAY:

Sister Margaret Smyth, and Sandra Dunn is on deck.

SISTER SMYTH:

I am Sister Margaret Smyth and I'm representing the Coalition for a Work-Link Center. Many years ago I went to classes for community organizing and in Class 101 we were taught that all people should try to work for a win/win situation. For me, a win/win situation means look out to each and every person who would be a player in whatever the issue is, bring them together, all sides, and then work to see what can be done in order to create an answer in which everybody would be able to benefit in some way from it. I have seen no win/win in this, all I have seen is win/lose.

I, others who belong to organizations that are willing to sit at a table and bring our ideas to the table and bring our ideas with people who do not share our same ideas but we are willing to sit together so that we can work out what is best for the County of Suffolk; that has not happened. We began our meeting today praying for something called wisdom and wisdom has been surely lacking in how we've approached the way we do business.

I appeal to you to go back and try to open up those avenues for wisdom, to use the powers that you have to bring people together, to listen to what can be done, because collectively, we can bring about the right and better answers. What we are doing now is eliminating the possibility for everybody to participate in a win/win situation.

Thank you.

Applause

P.O. LINDSAY:

Thank you, Sister. Sandra Dunn and Dwight Andrews is on deck.

MS. DUNN:

Thank you. I'm speaking on behalf of OLA of Eastern Long Island and as a resident of Hampton Bays.

Day laborers are nothing new and not unique to this country or this County. In Ancient Greece and early 19th Century London and New York and in California in the 1930's, people gathered in public marketplaces and on streets waiting for work. The phenomenon of people seeking work in public places is not an imported one, it is a phenomenon that arises from simple supply and demand economics. Day laborers have been in the towns, villages and hamlets of Suffolk County for years now and the only reason they are here is that their labor is demanded by the people of Suffolk.

Proposals such as IR 1022 serve only to destroy families, demoralize individuals and undermine the goal of integrating the recent immigrant population more fully into the American mainstream. Today you, the members of this Legislature, have a choice to vote for Resolution 1022, a pernicious bill that strips hard working people of a traditional, historical means of seeking work, or to vote against it thereby allowing people the opportunity to find daily work in order to feed their families, pay their exorbitant rents and contribute as much as possible to the economy of Suffolk County. Today you, the members of this Legislature, have a choice to vote for the resolution and thus adopt as your own the position of some of your constituents which is rooted in fear and hatred of people who are different from so-called real Americans, or to vote against it and show support and respect for hard working, family-oriented members of the community. Today you have a choice to vote for the resolution and thereby make a scapegoat of both the day laborer community and the entire recent immigrant population, or to vote against it and recognize that the day laborers and immigrants did not create today's broken immigration system. Today you have a choice to vote for punitive measures such as those that IR 1022 would impose or to kill this bill here and now today and move forward to seek more positive solutions.

On the east end, OLA is a member of the Coalition for the Work-Link Center, an organization that is working with local officials to establish a formal hiring site for day laborers in Southampton. Other such sites exist on Long Island and all over the country. OLA urges the members of this Legislature to vote no on Resolution 1022 and to vote yes on seeking solutions that emphasize respect for the dignity of fellow human beings, solutions that demonstrate appreciation of immigrant's contributions to our culture and our economy and solutions that help immigrants realize the American dream. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Dunn. Dwight Andrews and then Chuck Pohanka is on deck. Mr. Andrews, before you start, I'll say the same thing I said. You know, there's a Public Hearing at 6:30 on this subject, if you want to speak now, be my guest.

MR. ANDREWS:

Hi, Dwight Andrews. Just very briefly, I won't take a lot of your time, you have pressing issues. I'm currently Secretary/Treasurer of the Long Island Nurserymen's Association, we are here today to represent our opinion and opposition to the resolution on invasive species. Many of us will be available to answer questions for you in the coming session. I want you to know that there are PhD's and MA's and a lot of educated people here willing to speak with you on that issue and answer many of the questions that come up.

Just briefly, adoption of a list which was brought to our horticultural region from another area of the country really does not make good science sense. We're not opposed to an invasive species legislation or list, we have some thoughts on it and we would like to be involved in that process. That's it. Thank you.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Andrews. Chuck Pohanka, and on deck is Lucius Ware.

MR. POHANKA:

Good afternoon, everybody. Presiding Officer Lindsay and members of the Legislature, I'd like to thank you for this opportunity to speak with you about this important public health and safety issue. My name is Chuck Pohanka and I'm the Chairman of the Suffolk County Working Families Party, the only duly constituted Working Family Party Committee in New York State and on file at the Board of Elections as such.

I am proud to state that Jack Eddington is a member of the Suffolk County Working Families Party and he understands the importance of family and community and he believes in the mission and principals of the Suffolk County Working Families Party. On behalf of the Suffolk County Working Families, I am proud to stand with Jack and Joe Caracappa in support of this legislation.

Applause

My committee, all of who have been duly elected in free and open elections, recognizes that first and foremost it is the duty of government to protect the health and welfare and safety of its residents. I believe that the legislation before you that Legislator Eddington does exactly that, it protects all the residents from dangerous traffic situations and ensures safety to all in that manner, both on the streets and on the sidewalks.

On the other hand, it does not limit any person from exercising their constitutional rights to solicit funds, picket, protest or engage in other constitutionally protected behavior. It expressly provides this guarantee in the fourth paragraph of the proposed law; "This legislation will protect the residents of Suffolk as they move through their daily lives." Some people would make you believe otherwise. They have stated through their representatives that this legislation will deprive people, especially those belonging to the labor movement or their right to picket or demonstrate or against matters important to them and their families. Once again, the proposal contains an explicit protection for these activities. When it states it is not intended to limit any person from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutional protected activity. Some individuals who are not elected by anyone have chosen to use threats, harassment, intimidation or oppose others with different ideas. Rather than debate the merits of this proposal or engage in constructive process to address their concerns, they have chosen to threaten the political and governmental careers of people who support this legislation.

P.O. LINDSAY:

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

MR. POHANKA:

Sure. I will not participate in any actions whatsoever. Thank you very much, everybody.

P.O. LINDSAY:

Lucius Ware, and on deck is Henry Leutharst.

MR. WARE:

Legislator Lindsay and to the rest of the Legislature, I want to applaud you for your attention to the topics that have been talked about this afternoon. I come to you with perhaps a slightly different perspective, having come from a long line of people who did not have to look for work when they came to this country, therefore my perspective is a little bit different. However, there came a time when people had to go through a change; that time occurred in the 1860's.

All over the country, and especially the south, the Black Codes came into existence. Then in the 1880's or so, and proceeding on through the 1960's, we had the Jim Crow Laws that were devised by different Legislatures all over this country. And I say that because this particular piece of legislation, 1022, matches in so many ways, those Black Codes and the Jim Crow Laws that were restrictive to certain people. Yes, please understand that, and it takes us down a road that none of us really want to go to and does not do anything to solve our particular situation.

Now, as President of the Eastern Long Island NAACP, I represent people from the five eastern towns -- Towns of Riverhead, Southampton, East Hampton, Southold, Shelter Island and others -- so we're talking about things that affect a lot of people. Also looking at that particular section of the County, if the people got through what they're trying to get through in terms of this kind of legislation, our economy would suffer tremendously; as a matter of fact, it would be dashed to bits. Let it be known, for the rest of you who don't know perhaps, that our work force on the east end is made up of immigrant labor. A great majority of our work force, no matter where you cut it, right across, all right? So we're -- we have to look at that and not make it a thing that's going to detract from our labor situation.

Again, I ask all of you to vote against this particular legislation because it is something that is going to be detrimental if passed. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Ware. Henry Leutharst, I think I'm pronouncing it correctly, with Raymond Bell on deck. Mr. Leutharst, are you in the room? I might not be pronouncing it correctly. Mr. Leutharst? No? One more time, Mr. Leutharst. Is Raymond Bell in the room? Raymond Bell?

D.P.O. VILORIA-FISHER:

Someone is running in.

P.O. LINDSAY:

Are you Mr. Bell?

MR. BELL:

Yes, I am.

P.O. LINDSAY:

Okay.

MR. BELL:

I came here to speak today for myself and the Long Island Horticultural Industry. Can you hear me all right? There's a law coming down, Resolution 1144, and the research on that for the -- the law for the Long Island people isn't serving the Long Island people. The horticultural industry on Long Island is one of the greatest in the country. The American Nursery Landscape Association, a one hundred year old group, if you go to their convention every year, and I've been to it many times, the Long Island Horticultural Industry is winning awards and their people are showing the rest of the country how good horticulture is here. We have these people here but with this law, for the research that went into it, haven't been asked. It would be like in a hospital, you don't ask the doctors what to do for a new problem, you just go on the board that's been there forever.

We have the best people here on Long Island, I would like to see them asked. Basically the list that's been submitted to the public -- as a professional horticulturalist, I've been in business for 30 years, some of you know me here. I've heard people speak, I know -- you feel like a horticultural psychiatrist, they come into my store year after year and none of them have said, "Geez, this tree is killing me, it's coming in to my yard." So the plants on this list, based on the people I've seen for

the amount of time, have not been a problem for them. And as a professional horticulturalist, I went to Ohio State, I've been on just about every horticultural board on the Island in a professional capacity, I'm embarrassed; I'm embarrassed that the rest of the country would see this as a list that we call for invasive plants.

Suffolk County as a Legislative group has different departments that are known nationwide for some of their work. My wife was a Probation Officer and Vinny Iaria revolutionized the Probation Department. This is not showing revolutionary work for invasive plant work in the nation. And believe me, if I look at the list, you go, "Oh, they got that one in there?" I mean, it's like -- I hate to come across this way, but a lot of these plants in there, it's a no-brainer if you know your horticulture.

So I would like to see this group get the right people on the job, completely revamp it so we can show the nation who we are, because we have the people but they haven't been asked. We've got people from Connecticut, people from Massachusetts on here, they're not Long Islanders. And to tell you the truth, they don't know what we know.

P.O. LINDSAY:

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

MR. BELL:

I'd like to see this list changed, revised and a new group set up to make a new list that we can be proud of.

P.O. LINDSAY:

Okay, thank you.

MR. BELL:

Thank you.

Applause

P.O. LINDSAY:

David Mimasto? David Mimasto? And on deck is Reverend Luis Mussio. Let's start again; David Mimast --

MR. NOLAN:

Mimaster, maybe?

MR. McMASTER:

Yep, McMaster.

P.O. LINDSAY:

Okay, McMaster.

MR. McMASTER:

I'm David McMaster and I want to speak on 1144, but I will come back at the 6:30 session.

P.O. LINDSAY:

Thank you, sir. Reverend Luis E. Mussio, and on deck is John R. Care or Car?

MR. COLE:

Cole, C-O-L-E.

P.O. LINDSAY:

Cole? Okay. Okay, Reverend Luis Mussio.

REVEREND MUSSIO:

(Speaking in Spanish).

P.O. LINDSAY:

Just before you start. I'm going to -- you know, you can do all the translating you want, but it's all going to work out to three minutes, just so you know that. Go ahead.

*(*The following testimony was translated into English*)*

REVEREND MUSSIO:

My name is Pastor Luis Mussio and I come here to represent the Hispanic Association of -- the Long Island Hispanic Association of Pastors. And in the name of Jesus Christ, what we present we obey. We come here to tell you that we are against Resolution 1022. I come here to tell you that please take into account what God says in the Book of Exodus, Chapter 22 Verse 21 that says, "Do not mistreat a foreigner or oppress him, for you yourself are foreigners in this land." The immigrants of today are not the first immigrants to come here, all of us here in one way or another have an immigrant background and therefore, as yesterday, we need leaders like you. We need leaders like you that know how to help those in need and also the immigrants and we the immigrants are not a burden on this society, but we are the ones who clean the streets, the windows, cars, shoes, restrooms of all citizens and of the elderly. We the immigrants are the ones who take care of all the mansions for the citizens in this great nation. Many Americans go on vacation to Latin America where they are welcomed with joy and offered the best we have at a low cost. It has been said before that New York is the capital of the world because of so much business and money.

P.O. LINDSAY:

Reverend Mussio, please wrap up, your time is up.

REVEREND MUSSIO:

I believe that today New York has to be recognized as not just the business and money center of the world, but also as a place that supports and gives opportunity and provides immigrants with opportunity and that the Resolution 1022 is not the way to go and Long Island should not be the place to start with.

P.O. LINDSAY:

Thank you, gentlemen.

REVEREND MUSSIO:

God bless you.

Applause

P.O. LINDSAY:

John Cole and Lawrence Merryman is on deck.

MR. COLE:

My name is John Cole, I'm here for 1144 and I will come back at 6:30.

P.O. LINDSAY:

Thank you very much, Mr. Cole. Lawrence Merryman? And on deck is Dai Dayton?

D.P.O. VILORIA-FISHER:

It looks like Dayton to me.

P.O. LINDSAY:

Yeah, Dai Dayton. Go ahead, I'm sorry, Mr. Merryman.

MR. MERRYMAN:

Good evening. And for a change of pace, my name is Larry Merryman and I am the Conservation Chair and the past President of the Great South Bay Audobon Society. I'm here concerning Vector Control, IR 1150.

In this matter, I also represent and speak for the Long Island Audobon Council consisting of the seven separate Audobon chapters on Long Island. The Long Island Audobon Council's chapters have a combined population of approximately 7,000 members. Of the many proposals in the County's proposed Long-Term Plan for Vector Control and Wetlands Management, the one that alarms this large Long Island Audobon constituency the most is the plan to dig ponds and artificial creeks in the salt water high marshes under the guise of mosquito control; this is called OMWM, Open Marsh Water Management.

This OMWM plan is absolutely unproven as there is no conclusive evidence that the digging of ponds will control mosquito populations and it may even increase mosquito populations. In fact, there is considerable evidence that OMWM may cause irreputable damage to the marshes which has been supported by written documentation from numerous noted scientific authorities on biology and estuarine studies. This damage doesn't leave the marshes in tact, but by digging the ponds and creeks in them, they are fragmented and weakened. This written evidence was supplied to the CEQ during that body's extensive deliberations. I believe that the term OMWM may have been changed in the plan to BMP, Better Management Practices. But though the name has been changed, the concept to destroy the pristine marsh areas and dig duck ponds in them remains the same.

After several open hearings where the Vector Control Plan was vigorously opposed by many of the prominent conservation groups in Suffolk County, the CEQ voted against a number of Vector Control proposals and the votes against these proposals were not by mere split votes but, in some cases, votes against by very wide margins. It seems inconceivable to me that the Suffolk County Legislature would even consider this plan and its damaging aspects after such a resounding defeat for the proposals in the CEQ, which is charged with advising the Suffolk County Legislature concerning the validity and consequences of environmental plans.

I sincerely hope that you as members of the Suffolk County Legislature, in your review of the Long-Term Vector Control Plan, IR 1150, especially the OMWM or BMP portion, will abide by the CEQ recommendations not to endorse this faulty plan and will refuse to pass it into law in its present, unacceptable form. Thank you. And I'm sorry I had to read it, but I wanted to get it in under three minutes.

D.P.O. VILORIA-FISHER:

Perfect.

Applause

P.O. LINDSAY:

Thank you, Mr. Merryman.

LEG. ROMAINE:

Mr. Chairman? No questions, this is for the Chair. Is there a Public Hearing on this matter later at 6:30?

P.O. LINDSAY:

No, we've already had the Public Hearing.

D.P.O. VILORIA-FISHER:

It didn't require --

LEG. ROMAINE:

Oh, it's closed.

P.O. LINDSAY:

It didn't require a Public Hearing, it's before us later tonight.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:

Dai Dayton, and on deck is Linda Freilich.

MS. DAYTON:

Hi. I'm Dai Dayton from Friends of the Long Pond Greenbelt. I have some photos. Friends of the Long Pond Greenbelt is a local non-profit organization out in Bridgehampton and we preserve -- work to preserve and we are stewards of the Long Pond Greenbelt.

We support IR 1144. Our experience points to the difficulty of the eradication of invasives and the heavy cost of money and time and the threat they pose to our native ecology. We can also testify that many of these invasives, particularly the Autumn Olive, wouldn't be there in the first place if they hadn't been introduced as ornamentals somewhere else. In 1998, when the Town of Southampton purchased the former Bridgehampton Winery property, the 40 acres known as Vineyard Field, consisted of ponds and native grasslands; this property was preserved by Open Space Funds as part of the Long Pond Greenbelt in Bridgehampton. Today the field is totally overrun by invasives.

The native grassland species have been mustled out by invasive plants, the most aggressive being Autumn Olive, Japanese {Not-Wheat}, Tree of Heaven, Multi-Floral Rose, Oriental Bittersweet, Honeysuckle, Mugwort and Garlic Mustard. In 2004, Friends of Long Pond Greenbelt began a restoration project in Vineyard Field asking volunteers to remove these invasives. We soon realized we would need professionals for the job and to date we have raised \$10,000 in private funding and another 24,000 in Suffolk County, Southampton Town and New York State grants to eradicate these invasive species. We estimate at least another 30,000 will be needed to return the property to native old field. In addition, we must fund an extensive ten year maintenance program to ensure these invasive plants do not return.

Friends of the Long Pond Greenbelt urges you to adopt the Invasive Species Do Not Sell and Management List and create an advisory board to reduce the spread of invasive species. Any effort to reduce the presence of invasives in the guise of landscape specimens would help reduce their introduction into native areas. Thank you.

P.O. LINDSAY:

Thank you, Ms. Dayton. Linda Freilich, and on deck is Anthony Caggiano.

MS. FREILICH:

Hi. I'm Linda Freilich and I'm with Sierra Club. I'm speaking on Vector Control also and Wetlands Management.

P.O. LINDSAY:

Ms. Freilich, talk right into the mike, the stenographer is having a hard time hearing you.

MS. FREILICH:

Okay. I'm Linda Freilich and I'm with Sierra Club. I'm also speaking on Vector Control and

Wetlands Management. The Sierra Club, we urge the Suffolk County Legislature and the Executive to accept the recommendations of CEQ concerning the Long-Term Plan and GEIS for mosquito control.

CEQ has reviewed these documents for over one year, has held numerous Public Hearings and has reached out to experts in their related fields for comments. CEQ, a volunteer body, deserves the greatest thanks for its extraordinary efforts to absorb and understand the pertinent documents, and most importantly our respect for their willingness to read them both critically and with an open mind. We endorse CEQ's recommendations to develop a comprehensive wetlands management strategy and shall clearly prioritize marsh health in ecology over any water management activity for the purpose of controlling mosquitoes.

We also endorse the formation of a Wetlands Stewardship Committee and its oversight function. We endorse the review by CEQ of any future projects and its review of all water management ditches and structures that the Division of Vector Control wishes to maintain. We endorse the restriction of Methoprene from salt marshes. We endorse CEQ's findings that there is a distinction between controlling mosquitoes to prevent disease and control of mosquitoes to abate a nuisance. As a corollary, CEQ appropriately requires setting higher and more concrete thresholds for nuisance control. And we endorse CEQ's findings that the pesticide use by Vector Control poses significant risk to human health in the environment.

Finally, we endorse CEQ's approval of the monitoring, surveillance, source reduction and public education activities of Vector Control. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Freilich. Anthony Caggiano, and on deck is Dr. Mark Bridges; I think it's Mark.

MR. CAGGIANO:

Hi. My name is Anthony Caggiano. Since I can't come back at 6:30, I'm here as the President of the Long Island Flower Growers Association and I'm here to express my concern about Resolution 1144 as it is currently written.

Since I became aware of the development of this legislation, I have been concerned with the process being used to develop the list of qualifying invasive plant species. My experience attending meetings with the committee that devised this list is that it lacks a scientific process. This list is devised of plants from other states whose climate and botanical make-up is different than ours on Long Island.

I request that the horticultural input and from industry and scientific professionals be used to develop the new list of invasive species. Thank you.

P.O. LINDSAY:

Thank you, Mr. Caggiano. Dr. Mark Bridges.

DR. BRIDGES:

I'm here to oppose 1144 and will return at 6:30.

P.O. LINDSAY:

Thank you very much. Noemi Vasquez. And Sonia Palacio-Gullotta it looks like.

MS. PALACIO-GROTTOLA:

Grottola.

P.O. LINDSAY:

Grottola is on deck.

MS. VASQUEZ:

Presiding Officer Lindsay and other --

P.O. LINDSAY:

First, you have to talk into the mike directly, we can't hear you. And just hold up for a minute, I need Legislators at the horseshoe. I apologize to you, Ms. Vasquez. We do have a quorum now.

MS. VASQUEZ:

Okay. First of all, I want to begin by saying thank you for this opportunity. In coming in here earlier, someone just yelled out, "Go back home," and I don't know -- it probably was you, sir. I don't know if it was because just the color of my skin or my hair or my brown eyes, but that is what this IR 1022 is going to do; that may not be the intention but that is the outcome and that was the proof of today. So I do appreciate this opportunity.

Let me start off by saying that I am a resident of Suffolk County, I am from Puerto Rico, I was born and raised here. I am a mother of three and I am a social worker and I am also a Born-Again Christian. A Local Law proposing to prohibit the obstruction of County roadways, as of IR 1022, will only lead to the things that were said earlier. As a public citizen living in Suffolk County, my main concern is that this particular bill will only escalate into anger, discrimination and racial profiling. This anti-loitering bill seems more as an attempt to take your thumb and just cover up the sun, and as everyone knows, that is impossible to do.

So here we are again, ten years down the road with the same situation, what to do with so many undocumented individuals in our country, and we're still answering the same question. You may only see the men out there, but each man represents a wife and children, so whatever happens to them will affect their family as well. Where is the safety and where is the regard for all involved as claimed in this bill 1022? It lacks conviction. When you say that this is for the safety of everyone and for everyone's best interest and well-being, all you are really doing is targeting a group of people. These are able-bodied individuals finding work the only means possible. And it has been said many times before, to clear the streets to assist both people, parties that are interested, then have a united force; have a place, a center where they can congregate.

If you just go around ticketing them and moving them from one block to the other, yes, you will succeed in clearing one block, but then we will be here again answering the same question, how can we get them off our blocks? So you're just sweeping the problem somewhere else, to someone's else's street. It is the same old record being played over and over again.

P.O. LINDSAY:

Could you wrap up, Ms. Vasquez, your time is up.

MS. VASQUEZ:

Yes, thank you. When you think about how much tax dollars will go in to the program and the police that will have to be after the people and all the foster care and all the damages and psychological damages that will happen to these children and families, it will cost more. So in the words of the pastor who opened us up in our prayer this morning, which I think everyone did pray, we prayed for wisdom and I hope that that is what guides your decision today. Thank you.

Applause

P.O. LINDSAY:

Sonia?

MS. PALACIO-GROTTOLA:

Thank you. Good afternoon. Honorable Presiding Officer Lindsay and all Legislators, thank you for being here in this hot room and I appreciate you coming back to the horseshoe. I am Sonia

Palacio-Grottola, a licensed Social Worker and forty-five year resident of Commack, Suffolk County.

I work for Suffolk County Department of Health, Early Intervention Department, and I'm retired from Pilgrim Psychiatric Center. As a social worker, I have to respect a code of ethics which speaks to the ethical responsibilities of the broader society. Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities and their environments. Social workers should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political and cultural values and institutions that are compatible with the realization of social justice. You, as respected elected officials, must have a code of ethics that you respond to which should be to help all residents of this County.

I stand before you to ask you to vote against IR 1022; we know the name of it. This type of bill sends a message to insight certain residents of this County to hate other residents in our community. Just look at the signs which now receive the attention of the media nationwide. I feel you are costing the taxpayers an unnecessary amount of money. These hearings are making your time wasted, my time wasted, but I think bills like the one Legislator Kennedy promoted to help the homeowners of Lake Ronkonkoma is something to be applauded, not something that we're doing here today. These hearings take a toll on all of us who have to take time away from our jobs just to come here to talk to you.

If you are so inclined to make the roadways safe and to see less men congregating for a day's pay to feed themselves and their families, then why not support the work site which can be an educational site? Many of these men have wives and families, children who were born here, American citizens that will be severely affected if you arrest them and send them away. In New Bedford, Massachusetts, there were a hundred children looking for their mothers and fathers after a raid at one of the factories; what human suffering. What did it cost to the County of New Bedford? They had to house, feed and find foster care for all of those children until they could be reunited with one of their parents. These were -- there were babies that had to be hospitalized due to dehydration. They had -- there were about eighteen social workers that were sent to Texas to try and unify the children.

P.O. LINDSAY:

Ms. Grottola, your time is up. Could you wrap up, please?

MS. PALACIO-GROTTOLA:

All right. Well, anyway, I had a little more to say, but I'm thankful that you're listening to me and I hope that you will vote against this bill.

Applause

P.O. LINDSAY:

Thank you. Pauline Velasquez? Pauline Velasquez?

D.P.O. VILORIA-FISHER:

Pauline is not here.

P.O. LINDSAY:

Okay. I don't see Ms. Velasquez.

LEG. CARACAPPA:

I thought I saw her.

UNKNOWN AUDIENCE MEMBER:

She's not speaking.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Yes, I recognize Legislator Caracappa.

LEG. CARACAPPA:

We have along night ahead of us. We've heard much testimony so far.

I would ask my colleagues and those in the audience here who are participating tonight to support a motion to take 1022 out of order at this point in time so that we could deliberate it and have a vote up or down now so that we can get on with the other business before us this evening. So I will make that motion.

P.O. LINDSAY:

Okay. Legislator Caracappa has made a motion to take 1022 out of order. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. CARACAPPA:

On that motion, Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

Just quickly, I know you would probably say this, but to make it clear to the audience, this does not prohibit your ability to continue to speak on this issue. If you want to, after we take action on the resolution tonight, it does not eliminate your ability as a Suffolk resident to speak before us, but that would be up to you at that point in time.

P.O. LINDSAY:

Well, the other point that I would like to make as the Chair is we have --

MS. BIANCULLI:

Excuse me. We need a chance to speak also.

P.O. LINDSAY:

There is no questions of the -- we have 79 cards and so far we've had 32 speakers, so I think --

MS. BIANCULLI:

But not us.

P.O. LINDSAY:

I think that reinforces your --

MS. BIANCULLI:

No, not us.

P.O. LINDSAY:

Well, this isn't debatable. We have a motion and a second.

MS. BIANCULLI:

Well, we do -- I pay your salary and I have a right to speak.

P.O. LINDSAY:

Madam, be quiet or you'll be asked to leave the auditorium.

MS. BIANCULLI:

Joe, why did you do that?

P.O. LINDSAY:

We have a motion and a second.

LEG. SCHNEIDERMAN:

On the motion.

LEG. COOPER:

We have to vote anyway.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. COOPER:

Opposed.

LEG. D'AMARO:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

P.O. LINDSAY:

Opposed, to taking it out of order?

LEG. SCHNEIDERMAN:

People came here to speak.

MS. BIANCULLI:

Thank you. Thank you.

LEG. CARACAPPA:

They can still speak.

LEG. SCHNEIDERMAN:

I'd like to hear them.

UNKNOWN AUDIENCE MEMBER:

What the hell is going on here; they get to speak, we don't?

LEG. SCHNEIDERMAN:

Everybody gets to speak.

P.O. LINDSAY:

Roll call.

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

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. CARACAPPA:

It's not cutting off debate.

MR. LAUBE:

Nine (Opposed: Legislators Cooper, D'Amaro, Stern, Mystal, Barraga, Montano, Browning, Schneiderman - Absent: Legislator Horsley).

LEG. CARACAPPA:

It fails.

P.O. LINDSAY:

The motion fails. We'll go back to the public portion.

Applause

Bonny Seagraves? Bonny Seagraves, and on deck is Donna Moramarco.

MS. SEAGRAVES:

I'm here for 1144, I'll wait until 6:30; it's Donna Moramarco.

Thank you.

P.O. LINDSAY:

Thank you. Andy Senesac is on deck. Okay, Bonny Seagraves?

Andy Senesac? Fred Gorman?

*(*The following was transcribed by
Kimberly Castiglione - Legislative Secretary*)*

MR. GORMAN:

Legislators. Boy, I'm glad I live in Nesconset. I don't have to pick up any dirt, I don't have to worry about mosquitoes, they're not so bad, I'm glad I don't live in Mastic. And I hope you guys will pay attention to your scientists when you make whatever decisions you make, and I wish you good luck with what's going on today, but that's not the reason I came here.

I passed out a one-page speech, which I'm going to read to you very quickly, because I want to get out of here in three minutes. I know you can't respond to it. I want you to know my phone number's on it. You're all welcome to talk to me and look at the thousands of pages of research behind this.

In 1998 this body challenged LIPA and LILCO bailout of the ratepayers of Suffolk County. The date that your legislation voted, the Governor came down here, the State Senators came down here. Right outside of William Rogers they put up a huge bandstand. They brought 100 people in from LIPA to discredit you, but yet over the money elite, over your own parties, you elected to protect the ratepayers of Suffolk County, even though they weren't your direct responsibility. I was part of that action.

I also personally sued the Governor per se. I also sued LIPA. I sued everybody based on a 1995 proposition brought before the voters of the State of New York which basically stated that LIPA could not buy stock unless this was approved. I could not achieve standing. They said I could not stand in the shoes of all the taxpayers of the State of New York. But you gentlemen can certainly stand in the shoes of all of the taxpayers of Suffolk County.

In the matter of the campaign for fiscal equity the courts determined the State Constitution requires the State to offer children an education in a suitable learning environment consistent with basically literacy, calculating and verbal skills necessary to enable them to eventually function productively as jurors and voters. The courts found the schoolchildren in New York were not receiving a sound, basic education and there was a casual, I repeat casual, link between the State's current funding system and such failure. The findings were based on various inputs and outputs. The outputs demonstrated that New York schools have a larger drop out rate and lower literacy rates.

The remedy to this equity, they formed the Zarb Commission. With the aid of Standard and Poors, the Commission determined the best method to achieve better results is to use the data from the 25 top performing school districts as a measure of success and then adjusting that cost into New York City dollars and that, my friends, is the campaign for physical equity.

During this process that same -- those courts observed serious gaps in rent control. The ultimate resolution lies in the hands of the city and State Legislators since the housing well-being of the residents and property interests of the building owners should --

P.O. LINDSAY:

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

MR. GORMAN:

I'm sorry. I didn't realize I got that far. Gentlemen, I'm just going to have to have some other people come back with me the next time so we can get the whole thing to you.

P.O. LINDSAY:

Thank you. If you'd like to leave your statement I'll make --

MR. GORMAN:

I did.

P.O. LINDSAY:

Oh, you did. Okay. Very good. Thank you. Ellen Talmage. Ellen Talmage. Lillian Ball. Ellen Talmage. Lillian Ball. Regina Corby Graham. Please take the mike. Are you Ms. Graham or Ms. Ball?

MS. BALL:

Ms. Ball.

P.O. LINDSAY:

Okay. Go right ahead.

MS. BALL:

My name is Lillian Ball. I'm the Chairman of the Great Pond Wetland Preservation Committee for the Kenny's Beach Civic Association in Southold, and I also sit on the Land Preservation and Stewardship Committees of Southold Town. I'm passionately involved in wetlands in Suffolk County. Fragmites and purple loosestrife have overwhelmed our fragile ecosystems and we wish to support the Suffolk County Water and Land Invasive Control Task Force report in support of the invasive species control.

Fish and wildlife grants that we've received have primarily gone to restoring the sensitive maritime freshwater interdunal swale. The primary efforts required are an eradication of frag and purple loosestrife. We need a significant management plan and we need it now. The Task Force has made a very good recommendation and I hope that will be passed.

I also would like to speak to the issue of Vector Control. I'm not sure how the same committee that promotes invasive species control could also support the Vector Control bill in front of you. The

long-term plans to make swiss cheese of our delicate wetlands and spray methoprene will not solve any mosquito problems. Scientific proof has shown this. It's unacceptable that the CEQ recommendations should have not received the most serious wait and that the recommendations haven't been taken into consideration with this bill.

I'll close with a paragraph from one of the members of the CEQ who could not be here today. Her name is Joyce {Ragonis}; she's currently battling breast cancer. "I'd like to point out that I was born and raised in Southold", this is Joyce {Ragonis}, "right next to a freshwater pond and swamp that were heavily sprayed several times a year for mosquitoes. I now have breast cancer. About half the people who have lived in my neighborhood have had some kind of cancer. The test was" -- the test that she had taken was -- came back saying that the illness was environmentally caused. She says that, "In view of the situation that the CEQ recommendations were not take into consideration" -- she just can't believe it, she's considering quitting the CEQ as a volunteer person.

I can tell you that there's a lot energy and effort that goes into these volunteer committees and the CEQ deserves to have it's recommendations and its very serious considerations taken seriously. And I hope that the vector bill as it currently stands will not pass. Thank you.

P.O. LINDSAY:

Thank you, Ms. Ball.

Applause

Regina Corby Graham and Chuck Stein is on deck.

MS. GRAHAM:

Good afternoon. I am Regina Corby Graham. I'm a retired Suffolk County Probation Officer and I'm also the legal representative of the Working Families Party in Suffolk County. We are the group that are recognized by the State party. I'm here to say that I'm also representing many of our affiliates who are various unions.

We are opposed to this bill partly because the unions feel that this is possibly very detrimental to their activities and it may be used against them to prevent job actions and picketing, assembling. So I want to express that, you know, representing the Working Families Party of Suffolk County that we are opposed to this bill and urge you to defeat it. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Ms. Graham. Chuck Stein. Sorry you had to wait so long, Chuck.

MR. STEIN:

Good evening. Thank you. I'm Charles Stein from Suffolk County Community College. I'm here to speak on behalf of I.R. 1257, which is appropriating funds in connection with the reconstruction of central plaza, Veterans Plaza at our Ammerman Campus. I have some photos here that I can pass around to show you the drawings of the campus -- of the central plaza.

This has become a tremendous success, the portion that's already been completed. This bill actually will provide the funding to complete the plaza. This plaza has been approved by our Board, by the County, by the State. The -- it's a tremendous hit with the students, faculty, Middle States Accreditation Team and the veterans organizations to whom this plaza has been dedicated.

The remainder of the funding will provide the stone facade and concrete work, irrigation and the memorial fountain, which is being -- which is dedicated to those service people who have given their

lives to this country. We ask that this Legislature follow through, provide the funding as it has been included in the Capital Program. I thank you for your time.

P.O. LINDSAY:

Thank you, Chuck, for coming down and sharing this with us. Gary Carbocci. Gary? Please come forward.

MR. CARBOCCI:

Thank you for allowing me to speak. Can you hear me?

LEG. LOSQUADRO:

Speak closer to the microphone.

MR. CARBOCCI:

Thank you for allowing me to speak. I wasn't going to get up. I was going to wait until 6:30 like everybody else, but I just noticed something very congruent between what I'd like to speak about and what's going on here. It has to do with diversity and the respect for that diversity. I have to applaud you, you've taken on a very challenging position and your ability to change life as we know it on Long Island. And that's a big -- that's a lot of --

Applause

For that I have to say -- I have to thank you for that.

But in respect for this diversity, be it people or plants or any living thing, there's a certain amount of respect that you must keep in mind, whether it comes to putting a person in a job that he can do or a plant in a job that it can do, any living thing. If we were to -- if I stand before you here today and I tell you that if you design laws that keep life is precious and teach that to your children, that you make laws that protect life as we know it, you're going to be respected and not only that, you can change the world. Because if you teach our children respect for life in every living thing, we can put down our weapons right now and all live a happy life. But it's the diversity of our valuable community that makes it powerful. And it's also a big responsibility to do what needs to be done in a way that considers the life of all living things -- people, plants, insects and animals. It's a big job you have. Thank you for the time.

P.O. LINDSAY:

Thank you, Mr. Carbocci. June Croon. June Croon. Kevin McAllister. And on deck is Dr. Greg Maney.

MR. McALLISTER:

Good evening. My name is Kevin McAllister and I'm your baykeeper. As you know, I've been before this body since I guess around 2000 cautioning the Legislature with the escalation of the Vector Control activities. To your insight, to your credit, you commensed an environmental impact study beginning around 2002. We're at the culmination of that process.

Really, with all the efforts to distort and cherry pick the science to justify a predetermined program, to CEO's credit they sifted through this and they found the truth. That truth was put in the form of a resolution and a finding statement on January 17th. That finding statement was then provided to the Legislature, went through the initial process with the EPA Committee, which met I believe on the 27th.

And I share with you we followed that and literally, you know, what came out of a rabbit hole about two days later was a 65 page document and resolution with -- on page nine, and this is of note and procedure, CEO's recommendations were considered and these findings incorporate the direction from EPA Committee. I was in that meeting for it's entirety. I went through the transcripts. That did not happen, and that's unfortunate.

You know, the Legislature, I think, as a whole has always relied on CEO to guide them on environmental considerations, and again, we're looking at over two years of hard work, countless hours to get into all this technical information, which, you know, regretfully you don't have time because you're overwhelmed with a workload. But, again, you should be relying on CEO for this. They did their job. It was due diligence. And it would be regretful if that -- their recommendations are dismissed. I think it would certainly be an insult to that panel. I think it would be a waste of taxpayers dollars because you did not ultimately find the truth. And, quite frankly, would speak to the process itself and indicate that, in fact, it was a charade.

So I can tell you, do the right thing. Table this resolution, take a time out, step back, and match up CEO with the resolution that ultimately comes before this panel. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. McAllister. Dr. Greg Maney and then on deck is Serge Martinez.

DR. MANEY:

Thank you for the opportunity to present my testimony. I'm an Associate Professor at Hofstra University. The sponsors of Resolution 1022 maintain that day labor markets endanger the health and safety of residents by blocking traffic, yet they have failed to offer any credible documented evidence that such incidents are widespread. As a social scientist and as a citizen, I believe that we cannot have informed public policies in the absence of credible research on the subject at hand. If their support for other pieces of legislation is any indication, the sponsors of Resolution of 1022 are making a mountain out of a molehill because they want to convince us to go along with eliminating day labor markets, and let's be honest, day laborers from our communities.

Last fall I surveyed 145 day laborers randomly who were searching for work in eight different municipalities in Long Island. My research strongly suggests that the main effect of Resolution 1022 will be only to create health and safety hazards for day laborers. A multi -- statistical analysis of my surveyed data reveals that threats, fines and arrests of day laborers were significantly associated with a wide range of human rights abuses, including physical assaults by contractors, robberies of day laborers, ethnic slurs by police strangers and merchants, injuries on the job, and wage theft.

The reason for this relationship is simple. Day laborers who do not trust the police are unlikely to report crimes committed against them. Others in the community take advantage of the situation knowing that there will be few, if any, negative consequences for abusing day laborers. Repression of day laborers by authorities also signals that day laborers are a population without rights and without value.

In September of 2006, when I brought these findings to the attention of the Legislature during a public hearing on another resolution, Legislator Caracappa stated that the finding -- that finding and arresting day laborers contributed to hate crimes was quote, unquote, absurd. Ignoring evidence that contradicts one's personal opinion makes for uninformed and misguided decisions. It is my hope that other Legislators will not be so dismissive of rigorous academic research that speaks directly to the social consequences of their policymaking.

Beyond endangering the health and safety of day laborers with families who work to support their children, Resolution 1022 threatens the civil liberties of all Suffolk residents and visitors. I suspect that the law will primarily be enforced against those who are perceived to be Latino. I'm hoping that the Suffolk County Legislature won't add SWL, standing while Latino, to the list of other racial profiling acronyms like DWB, driving while black.

The constructive, responsible way for policymakers to deal with day laborer markets is to manage them. Three municipalities on Long Island have established a --

P.O. LINDSAY:

Dr. Maney, you're out of time. Would you please wrap up.

DR. MANEY:

Yes, sir. Official hiring sites protect the health and safety of day laborers. For the sake of health, safety and equality of all residents, I urge Suffolk Legislators to vote against Resolution 1022. Thank you.

Applause

P.O. LINDSAY:

Serge Martinez and on deck is Suzanne Grant.

MR. MARTINEZ:

Good evening. I will keep this very brief. I'm Serge Martinez.

LEG. CARACAPPA:

Speak up, please.

MR. MARTINEZ:

Not loud enough? Sorry. I'll keep it brief. I'm Serge Martinez from Hofstra Law School and I just want to say that once again I come before you to tell you that the bill you have is not the right solution to the perceived problem. There are other answers besides what my -- the community groups that we work that are referred to as demonizing a certain part of the population. There are ways of working with the community and not against such a huge part of it.

So I, on behalf of the groups that we work with, as well as my own personal opinion, this is not the right solution. As Professor Maney just discussed, a tremendous amount of research has gone to show that there are workable solutions to this issue that are completely ignored by this bill and that would be a much better and safer, better, happier solution to this problem. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Martinez. Suzanne Grant and on deck is Margaret Bianculli-Dyber.

MS. GRANT:

Hello. My name is Suzanne Grant and I live in Farmingville. I am asking you to pass the law 1022. This is not a loitering bill, but a bill to protect the rights of the citizens who have access to their shops, sidewalks, and their own town square as well as to protect the motorists from folks suddenly running out into the roadway as well as riding bikes in the middle of our streets. It does not matter who is standing on our streets, but what does matter is the high concentration of individuals and this bill is necessary from a public safety point of view.

Some folks say we already have a law on the books, but it's not being enforced. To that I say well, why isn't it being enforced? This kind of tomfoolery will never get us anywhere and that is the intention of some. There are people who do not want enforcement of any kind, anything that would hinder their lawless plan is taken as an affront and they use racism as a club to beat you, the Legislators, and the citizens as well into submission. It is a feeble argument at best and has become very, very tiresome.

At this point you are being bullied and even threatened if you dare to cross them. They are trying to render you impotent in the eyes of the community as our elected representatives who have the power given to you by the citizens who elected you to guard the agenda for all the people in Suffolk County. If you allow yourselves to cave into their demands instead of voting for this bill, you'll be

seen as cowardly and weak, and that certainly does not bode well for the future of our County. Legislator Caracappa and Eddington excluded from this. A vote on this bill should not be --

Applause

-- about personal feelings. You are being asked to consider a law which deals with public safety and which will protect all of the residents in the communities that have this high volume of individuals who linger and block public access to the streets and shops.

If you vote to pass this bill, I think this will be an important first step forward and a courageous leap on your part. I hope you really will consider the importance of this bill and will not be rash or frivolous and vote against this. The problem is not going away and the citizens are just going to keep coming back again and again until you finally have the courage to enforce the laws. Please do not let folks who consider our laws irrelevant, a mere stumbling block towards reaching their goals to intimidate you into submission.

There are some who say they are concerned that this bill will be a step in the right -- will step on their right to protest, but it states clearly in the bill that it is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in any other constitutional protected activity. It may seem that the Hispanics are being targeted, but they are the only ones standing on our street. There are many other illegals in this country who should not be, but they are not in our street. It is the Hispanics who run the streets, so that seems like they're being targeted and that's it. Thank you.

Applause

P.O. LINDSAY:

Thank you. Margaret Bianculli-Dyber.

MS. BIANCULLI-DYBER:

I want to first address, say thank you for not taking it out of order. That assumed that you guys are closed minded and that the things that I'm going to say or that Sue is going to say have absolutely no power, no impact, and maybe to some of you your minds are closed and you're that small. But I don't believe that, because I do know many of you, and not -- and we're not always on the same side, but I do know you're not small minded, many of you, and that what I have to say may show you or enlighten or help you do the right thing.

First of all, I want to say thank you to Legislator Romaine for his right thinking and his courage to try to do what is right with regards to Bank of America.

Applause

And I for one am horrified that you would support with any hard earned money that I make, any institution that facilitates violation of the law for people who are not held accountable to the law while I am.

I also want to express my condolences to Mr. Mystal for the death of his liberty. Once I heard about the comment he made last month I knew that Reverend Al, we know that's Reverend Al Ramirez, would attack him and force some sort of penance from him with no regard to the fact that in doing so he was interfering with Mr. Mystal's First Amendment right. Mr. Mystal, don't be embarrassed and let someone with no regard for your charge to uphold the law manipulate you, whether you're on our side of the issue, which I am espousing to vote for 1022, or whether you're not.

With that said, I want to ask this body why you would allow yourself to make decisions based on lies

and the wrong polemic. This is not an immigration issue and the voting for 1022 would mean that you are anti-immigrant? I don't think so. If it is -- if it is an immigration issue, it's an illegal immigration and invasion problem. But if understand that this is not an immigration problem, then Reverend Al and his cohorts lose their hold on you. But it is not an immigration problem. My neighbors and I would be here and on our corners even if 100% of the men on the street were citizens. And I can testify and promise this to you, because the impact it makes on my community and my children -- by the way, I'm dark skinned, I have brown eyes, and I am a hardworking citizen with a family. So I would be here no matter who was impacting my community like it's being impacted all these years, because no one's had the courage enough to do what needs to be done, except for Mr. Caracappa.

Voting for this bill -- and you have another concern, that voting for this bill will somehow push day laborers to other streets to do their illegal work activity so it would be best not to vote for it? Well, this makes even less sense than believing this is an immigration issue. How can not voting for this law ensure that day laborers won't move to other streets? They're already all over the streets. But the ones, the streets that are in your jurisdiction need protection from you and we could take care of the town and other streets as that occurs and is needed. And come to our community and see. You're also concerned about not voting for this bill because it will serve to help us find -- because if you don't vote the bill, you will --

P.O. LINDSAY:

Please wrap up, Ms. Dyber. You are out of time.

MS. BIANCULLI-DYBER:

Okay. You will be served in finding a better solution. Well, do you know my children in high school, this is wrong thinking, they think they'll prevent AIDS by being tested every six months. It's the same kind of convoluted thinking. Well finally the fear that voting this bill will interfere with my First Amendment right to demonstrate on our streets is wrong. Since when does voting for the public safety and quality of life issues violate my First Amendment rights and just read the bill and I won't go any further into that.

P.O. LINDSAY:

Thank you, Ms. Dyber.

MS. BIANCULLI-DYBER:

I'll wrap up here. Let me just get to the end.

P.O. LINDSAY:

You're done, Ms. Dyber. You're about a minute over your time already.

MS. BIANCULLI-DYBER:

Well, thank you very much.

P.O. LINDSAY:

You're welcome.

MS. BIANCULLI-DYBER:

Instead of facilitating your jurisdiction --

P.O. LINDSAY:

You're done.

MS. BIANCULLI-DYBER:

Okay. I just have --

P.O. LINDSAY:

I'm going to call a two minute recess to use the facilities. When we come back we'll go right into

public hearings. Starts at 6:30.

(The meeting was recessed from 6:30 PM to 6:40 PM)

P.O. LINDSAY:

Okay. Could I have all Legislators back to the horseshoe, we're going to start the public hearings. Mr. Clerk, would you call the roll, please? We're back in session. Clear the aisle.

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

LEG. ROMAINE:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not Present)

D.P.O. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

P.O. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. SCHNEIDERMAN:

Tim, I'm here.

LEG. KENNEDY:

(Not Present).

LEG. CARACAPPA:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:
(Absent)

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

LEG. KENNEDY:
Mr. Clerk.

MR. LAUBE:
Legislator Kennedy. And Legislator Caracappa.

LEG. CARACAPPA:
I'm here.

MR. LAUBE:
There is 18 -- 17.

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

MR. LAUBE:
I said seventeen; the first time I said eighteen.

P.O. LINDSAY:
Just a matter process, and the audience should know this, we're obligated to go into the advertised public hearings on pending bills at 6:30, which we're going to start now. When that is done we will go back to public portion. If you filled out a yellow card and you still have something that you want to say to us, we will hear you before we go to the agenda, unless there is a motion to take something out of order. The first -- Mr. Clerk, has the public hearings been advertised properly?

MR. LAUBE:
Yes, they have.

P.O. LINDSAY:
Okay. The first hearing before us is ***I.R. 2431, A Local Law to reduce emission of pollutants from diesel fuel motor vehicles operated on or behalf of Suffolk County.*** I do not have any cards on this subject. Is anyone in the audience who would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Motion to close. Second by Legislator Mystal.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I would like to have a conversation with the sponsor a bit further. In reading this bill I believe that it contradicts or would unfortunately conflict with my previous resolution with the biodiesel. It would mandate ultra low sulfur diesel, but the legislation does not have any condition in it that would allow for the use of the B20 -- B20 biodiesel fuel that we are currently using. So it's something that I think we should speak about before it's moved any further.

P.O. LINDSAY:

Legislator Losquadro, I might add, it's just to close the hearing. It will be back before us at committee and before the full session to debate. If you'd like to answer, Legislator Cooper.

LEG. COOPER:

Let me make a motion to recess, then, and I'll take the opportunity to reach out to Legislator Losquadro and we'll work this out.

P.O. LINDSAY:

You're so persuasive.

LEG. LOSQUADRO:

I will second that motion, then.

P.O. LINDSAY:

You're withdrawing the motion. So the motion now is to recess.

LEG. COOPER:

Please.

P.O. LINDSAY:

Do I have a second to recess? Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

2431 stands recessed.

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

LEG. STERN:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second? Second by Legislator D'Amaro All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

2579, A Local Law to broaden eligibility under the 72-h Transfer Program. I have one card from our distinguished Commissioner of Economic Development, James Morgo. There was only one snicker to that introduction. I see you have a lot of respect in this room.

COMMISSIONER MORGO:

Yeah, it was Carolyn Fahey's, who works with me. And Workforce Housing, Mr. Presiding Officer, as a matter of fact, besides -- in addition to Economic Development.

Good afternoon, Ladies and Gentlemen. I would like to speak about I.R. 2579. This is the legislation that was discussed at the Workforce Housing and Labor Committee that would raise the income limits for your 72-h transfers for affordable housing. And as you heard at that Committee, the Administration doesn't see the need. Under the 72-h Program, we're transferring land for no cost, and many, many different not-for-profit developers have made the homes available to those folks under 80% of median income. In fact, your own Welfare to Work Committee asked for you to come up with more programs that reach this income level, so -- and finally, the sponsor and I have talked about it frequently, and it was the request from the Town of Southampton for the change. I have spoken to the folks at the Town of Southampton and they said that they were going to document the change for us. I have yet to receive that documentation. While I'm talking about housing, unless you have a question about this --

LEG. SCHNEIDERMAN:

I do.

P.O. LINDSAY:

You've got five minutes, keep going.

COMMISSIONER MORGO:

I have four minutes now. I'd like to also quickly mention I.R. 1193, which is not the subject of a public hearing, but I can talk very quickly. 1193 is the appropriation for both open space and affordable housing acquisitions under the Multifaceted Program. It's 11 million dollars for open space, a million-five for workforce homes, for homes our workers can afford. We have two of the prominent not-for-profit developers here, the Long Island Housing Partnership and the Community Development Corporation of Long Island, who are going to talk about the many developments they have in the pipeline. As some of you know, you've passed planning step resolutions on two developments in Sayville, the Take Back The Block Program, which is the beginning of a revitalization in Huntington. So I would like to see very much that 1.5 million dollars remain as part of the Multifaceted Fund dedicated to workforce homes.

D.P.O. VILORIA-FISHER:

I have a question.

P.O. LINDSAY:

Okay. You still have two minutes and fifty-two seconds if you want to sing or something.

COMMISSIONER MORGO:

You wouldn't want that, Billy.

LEG. LOSQUADRO:

Don't feel obligated.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question for you, Commissioner Morgo.

D.P.O. VILORIA-FISHER:

Yes, in two minutes and thirty-five seconds, Jim. Can you just tell us a little bit more about the Take Back The Block Program, because I believe there was a question about it at --

LEG. SCHNEIDERMAN:

This is a public hearing on my bill.

D.P.O. VILORIA-FISHER:

-- the committee and there wasn't a full enough explanation.

COMMISSIONER MORGO:

The Take Back the Block is a program that was begun by the Town of Huntington and a number of not-for-profit groups within Huntington Station, community-based not-for-profits. In addition to that, the Long Island Housing Partnership is providing technical assistance. And the idea is to create two-family homes, one of them being owner occupied, the other being a rental, where the rent is a rent that is 75% of the fair market rent. So you create a homeowner, you create needed rentals, and you get rid of slumlords.

P.O. LINDSAY:

Thank you. Legislator Schneiderman has a question for our esteemed Commissioner.

LEG. SCHNEIDERMAN:

Back to the bill, since this is a public hearing on my bill, and I'll try to phrase this in questions. One, isn't it true that the 72-h Program is probably the County's most effective tool right now for delivering affordable housing?

COMMISSIONER MORGO:

The seventy -- and by the way, Legislator, far from me ever wanting to insult you in any way, the 72-h Program is very effective. Do you want me to say it's the most effective? It's certainly one of the most effective.

LEG. SCHNEIDERMAN:

Well, it's certainly one of the most effective.

COMMISSIONER MORGO:

We just said the same thing.

LEG. SCHNEIDERMAN:

And have we not amended most of the County's programs to broaden the eligibility to 120% of median income, because those individuals also are completely priced out of the housing market in most areas of the County?

COMMISSIONER MORGO:

Without question, we have done that, but the difference is the 72-h Program is the only program where we transfer a property without consideration. And, Legislator, many of the not-for-profits who have developed homes with the 72-h have said this is the only way they can get to these folks who are under 80% of median. What happens, if you go to 120% of median, the developer and even some not-for-profits will charge the most that they can. If you keep it under 80%, the

homeownership price or the rental price is affordable to those at 80%.

LEG. SCHNEIDERMAN:

And median income in Suffolk County, family of four, right now is?

COMMISSIONER MORGO:

About 90 --

LEG. SCHNEIDERMAN:

It's in the 80's.

COMMISSIONER MORGO:

No, 89 --

LEG. SCHNEIDERMAN:

High 80's.

COMMISSIONER MORGO:

Yeah.

LEG. SCHNEIDERMAN:

High '80's, 80,000. So, basically, somebody making -- a family of four making 60,000 can get --

COMMISSIONER MORGO:

Well, it's 72,000, actually.

LEG. SCHNEIDERMAN:

-- can get a home under this program, but somebody making median income can't, or somebody making 90,000, or maybe a school teacher, two school teachers can't get a house, but only somebody at the very bottom can get a house. It just seems to me a little unfair.

COMMISSIONER MORGO:

Well, under 80% is not -- under 80 --

LEG. SCHNEIDERMAN:

And just let me just say one more thing, that this bill doesn't require that the Town cannot give it to somebody who makes less than 80%, it just gives them the flexibility so that they can reach a little bit higher, whether it's 100% of median income or 120%. We're in a terrible situation with so many people priced out of the housing market, and it would be nice if some of those people that we need to help the communities function could qualify for a house under the one program that seems to be delivering affordable houses.

And I'll recess this, because I know the Town of Southampton is concerned about this. This bill came at their urging, and I'd like to give them an opportunity to say why they feel that this income eligibility should be broadened.

COMMISSIONER MORGO:

One, we asked them. Two, it's been very successful, and it's been going to people who are under 80%. Three, you've changed Article 36 to go up to 120%, all except for this, and this is the only one where you're giving the land away for free. And we gave Southampton the opportunity, we asked them for the documentation and we haven't gotten it yet. So I agree with you, you should table this.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Thank you, Commissioner.
COMMISSIONER MORGO:
Thank you.

LEG. SCHNEIDERMAN:
Motion to recess.

P.O. LINDSAY:
Motion by Legislator Schneiderman to recess, do I have a second?

LEG. MONTANO:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:
Okay. *2598, A Charter Law to amend Section C4-35 of the Suffolk County Charter.* And I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to recess.

LEG. ALDEN:
Second.

LEG. MONTANO:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:
2599, A Charter Law to ensure a non-partisan, fair and objective process by which Legislative Districts are reapportioned. And I have one card, Mary McLaughlin.

MS. McLAUGHLIN:
Good evening. My name is Mary McLaughlin.

P.O. LINDSAY:
Mary, speak right into the mike. We can't hear you. There you go. You've got to really pull it down and get your face right in it.

MS. McLAUGHLIN:
My name is Mary McLaughlin and I'm a member of the League of Women Voters of Huntington and a frequent observer at Legislative meetings for the Suffolk County League. Today I want to underscore earlier testimony of the League and urge your support for a bipartisan commission to construct district lines that are fair and objective. If Legislators are the only body to draw political boundaries there is a risk of disempowering voters and undermining democratic accountability, not to mention a flagrant conflict of interest. Legislators would be picking their constituents and it's supposed to be the other way around, right? This is the main reason to place redistricting powers in the hands of an independent authority that is structured to prevent partisan abuse.

Congressional and Legislative redistricting should advance the fundamental purpose of a represental democracy. Our Republican form of government must provide meaningful choices for our citizens to elect their representatives and thereby hold government accountable to the people it serves. Thank you for your attention.

P.O. LINDSAY:

Thank you very much, Mary. You have a question, Legislator Romaine?

LEG. ROMAINE:

No, I'm making a motion to close the public hearing.

P.O. LINDSAY:

Okay. We have a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

J.R. 1056, A Local Law to enact a Suffolk County Homeowners Protection Act. I do not have any cards on this subject, is there anyone in the audience who would like to speak on the subject? Seeing none, Legislator Alden what would you like to do?

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

J.R. 1143, A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers. 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 Viloría-Fisher has made a motion to recess. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1144, A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species. Okay. I had some people from the public portion that chose to speak at the public hearing, so I'm going to call them first to see if they're in the room, and if I somehow in the mixup forgot somebody, you know, we'll hear your comments. Donna Moramarco. Donna, you're still here? Thank you.

MS. MORAMARCO:

I'm here. How lucky am I to go first, huh? Thank you. I'm here to talk about 1144. I represent the Long Island Nursery Landscape Association. I currently serve as it's president and I'm incoming president of New York State Nursery Landscape Association. I think it's very fair to say if you're a horticulture person it's a growing, vibrant industry here on Long Island. Suffolk County has the leading ag receipts as far as New York State is concerned. This is kind of where it happens, and if you travel around the state people do look at Long Island kind of as the bellwether for where things start, where things progress.

I think what's fair to say about the list that's being proposed is it's not based on scientific evidence. I spent 22 years teaching for Cornell and I can tell you that when you have scientific evidence in front of you, you can make informed decisions. And the fact that this list was not based on scientific evidence, rather gleaned from lists from New England, and I think we all know that New England's growing conditions are different than they are here on Long Island. We are unique in the fact that we sit on a sole water aquifer. I think it's fair to say that you cannot take a list and just expect it to be a cookie cutter and fit effectively here on Long Island.

So what I'd like to see in the process is that we do the due diligence with the list. I think there are plants on that list that we as an industry, we're stewards of the environment, that we would agree belong on that list, but I don't think you can paint a broad path and just say that every plant across the board, and not look at cultivars are guilty. So we'd like to see a team put together. If it takes six to 12, 18, 24 months, we as an industry would like representation on that committee. We're willing to work through it. We are willing to pull any scientific evidence that needs to happen to make the list one that is valuable to all concerns here on Long Island. Thank you.

P.O. LINDSAY:

Donna, before you leave, Legislator Vioria Fisher has a question for you and then Legislator Romaine.

D.P.O. VILORIA-FISHER:

Donna, thank you very much for coming down.

MS. MORAMARCO:

Thank you.

D.P.O. VILORIA-FISHER:

I worked with this group for quite a while. I was not the sponsor of the legislation and I did see that there was not a representative from the industry and that's why as we were compiling the list we did invite Scott Clark to come. There have been a number of statements saying that the list was not compiled scientifically. As far as my understanding of it, it was my understanding that it was compiled scientifically. So what I would like is to have more dialogue with those of you who feel it wasn't compiled scientifically so you can tell us exactly where the science fell short, very specifically rather than the broad term, because I'm not a horticulturalist. It's not my field of endeavor, and when I sat through the meetings and we had very -- there were volunteers who spent a great deal

of time on this. As you know, it's a very comprehensive, not just the legislation, but the report that came out of this committee. You could see a good deal of work went into it.

And so it's very important that we continue the dialogue, this is why we have public hearings, and listen to where -- by the way, I believe there was somebody from Cornell on the Task Force, which is what surprises me, you know, with regards to the comments. So if you could, this is a question which I don't expect you to answer right now, but if you could meet with other people, have somebody who could be a representative and look at it carefully, and give me, as the sponsor of the bill, some real hard scientific parameters that you feel might have been missed when the list was worked on.

MS. MORAMARCO:

I think we'd be really happy to do that because, again, lists that are based on New England may, you know, work very well in New England and I'm not sure of what their scientific process is and I think there are others here tonight that can probably speak to that better than I can. But I think there needs to be the due diligence and yes, we're very happy to work with you, you know, for whatever you need to be able to prove that plants are innocent. I think, you know, it kind of almost sounds cliché that, you know, that they're innocent until proven guilty and almost seems like this is putting it the other way around. You know, that these are plants that, you know, are used, they are part of palates, whether it's for a landscape design {build} firm, a retail firm. I think we have -- we really have the responsibility to say, you know, yes, this plants needs to be on a do not sell list. But something that's currently on the list, you know, let's show you the merits of why it does not belong there. So, yes, we're happy to work with you. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, Donna.

P.O. LINDSAY:

Donna, Legislator Romaine had a question for you.

LEG. ROMAINE:

Yes. First of all, I want to say that I concur with Legislator Fisher and the speaker, that obviously we should do something with invasive species. What we should do needs careful, careful consideration. Can I ask the speaker, what's wrong with the current list?

MS. MORAMARCO:

The current list paints very broad pictures. I mean, you can look at certain genus and species of plants and if you're a horticulturist, I mean, we speak a language that's universally understood by other horticulturists. So when you say something like berberis thunbergii across the board is invasive, it doesn't take into account cultivars that could be sterile. So when you just say one particular type of plant, you're knocking out any of the other cultivars underneath that --

LEG. ROMAINE:

Are you saying the list is not cultivar specific?

MS. MORAMARCO:

It's not cultivar specific at all. I mean, this list basically is taking broad categories of plants and it's not making it specific.

LEG. ROMAINE:

I know you worked for Cornell.

MS. MORAMARCO:

I did.

LEG. ROMAINE:

I believe the Cornell representative on this Task Force, if I'm not mistaken, was Chris Smith who is in the Marine Program and not the horticulture program.

MS. MORAMARCO:

He would be well versed I'm sure with aquatics, but not terrestrial.

LEG. ROMAINE:

But not terrestrial, right. I'm concerned before this Legislature adopts any list where we say these plants are guilty of being invasive that there's good science behind that.

MS. MORAMARCO:

Absolutely. That's all we're asking.

LEG. ROMAINE:

I'm asking you, do you feel the list as it is currently constructed is one that has good science behind it.

MS. MORAMARCO:

No, absolutely not. It's gleaned and adopted from resources in New England. And, you know, as I said, their growing conditions, climatic conditions, geographic differences, they are not the same here for Long Island. And I guess the greater concern is that if something is stamped here and it happens here, what's to say it's not going to happen in the rest of State. And without good science I don't think we want this rampant all over New York State. You know, let's go through the process, let's build the prototype, let's make it valuable here and proven.

LEG. ROMAINE:

Your association is prepared to engage in a dialogue?

MS. MORAMARCO:

Absolutely.

LEG. ROMAINE:

I would certainly hope that that dialogue continues. I want to see something done on invasive species, but I don't want to vote for the wrong thing. I don't want to vote for the wrong science. I want to make sure that we're voting on what is accepted science and that we don't adopt a list from just another state. My understanding is that this was a list that was adopted from the State of Massachusetts.

P.O. LINDSAY:

Thank you, Legislator Romaine. It's just that we have 30 cards on this subject, so you're going to hear about this a lot.

LEG. ROMAINE:

I understand. I'm finished. Thank you.

MS. MORAMARCO:

Thank you very much.

P.O. LINDSAY:

Andy Senesac. How are you doing, Andy?

MR. SENESAC:

Good evening.

P.O. LINDSAY:

How is the petunia doing? It didn't make the list, right?

MR. SENESAC:

Thank you. I'm with Cornell Cooperative Extension of Suffolk County and I'm here to talk about 1144. The issue of invasive species is a very important one, and not one that we take lightly and certainly one that needs more public awareness brought to it. Many people are working very hard to prevent new invasives from getting established on Long Island and also restoring natural areas to some semblance of their native state.

The provisions -- one of the provisions in the resolution calls for plants that are included on the Exhibit C list to be monitored and removed if found on County property. I have a very great concern that because this list contains several species that are very widely spread, such as garlic mustard and tall fescue, that if removal of these plants is undertaken without a carefully thought out plan for removing and replanting with desirable species, large areas of disturbed soil will result and these areas are very likely to become host to other invasive species. So I ask that the resolution include wording which cautions land managers to remove only if significant soil disturbance will not result from the removal of the weeds.

I think it's important to scientifically identify potentially invasive species before they get established on Long Island and in order to accomplish this, the concerned stakeholders need to agree on acceptable, scientifically valid procedures to evaluate plants for their possible invasive nature on Long Island. These procedures are being evaluated on a national and international level, although at this time no single evaluative protocol has been identified as 100% satisfactory.

With regard to the Legislative Task Force report, I urge that the educational components outlined in the final report be emphasized just as much as the prohibitory aspects. If we can increase public awareness of the importance of not planting potentially invasive plants then the demand for these species will decrease. It has been seen in states like Massachusetts that consensus building among the concerned parties was required in order to agree on an acceptable list of banned species.

And finally, I urge that the composition of any advisory board that may be reviewing prohibited plant lists in the future be comprised of representatives from all the interested stakeholders including the nursery industry and other horticulture professionals. Thank you.

P.O. LINDSAY:

Legislator Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Senesac. And actually I have the legislation that I've been developing to create the advisory board and it does indeed include the various stakeholders, because I saw that that was a piece that was lacking. As I said, I was not the sponsor of the original legislation.

But you said something which I found compelling, which is that there is no single evaluative protocol. I asked the speaker before you if there could be a set of criteria that we -- that might be used in finding where our list might have missed the mark. If there is no consistent and agreed upon protocol, then how -- in what direction do you suggest we go to create one specific to Long Island, to glean from a variety of different protocols that are used for evaluation?

MR. SENESAC:

In Massachusetts they do have a set of protocols that they go through, that they put new plants through, and then if there's not enough research that's been conducted on that particular species it's put into a category of potentially invasive but at this time not enough research has been done. And I think --

D.P.O. VILORIA-FISHER:

Now, it was understanding of the Task Force that we did use the Massachusetts protocol and that the tests for the species that we put on the list did test under that protocol of evaluation.

MR. SENESAC:

That may have been true for some, but I know that some of the privet species in the Massachusetts protocol are now -- are in a category of potentially invasive but not enough research has been done. So that's the only one that I'm quite familiar with.

D.P.O. VILORIA-FISHER:

With regard to your first comment regarding the C group, which is the removal on County property. That will fall under the purview -- what we tried to do is first establish our lists before we went to establishing the advisory committee, because we felt we wanted to know what we were aiming for first. And then when we have -- the advisory committee in place certainly I remember long conversations about soil disturbance and leaving soil foul so it would then be a breeding ground for other type of invasives. So that -- that was our timer. That was your five minutes.

MR. SENESAC:

Thank you very much.

D.P.O. VILORIA-FISHER:

No, I'm asking you a question so you don't have to jump off.

MR. SENESAC:

I thought you were trying to get rid of me.

D.P.O. VILORIA-FISHER:

What I'm saying is that keep an eye out for the advisory group because that is precisely the type of question that the advisory group will be addressing, which is how to clear invasives on County properties.

MR. SENESAC:

I believe that this whole thing can be resolved as long as --

D.P.O. VILORIA-FISHER:

Oh, so do I. We just have to work together.

MR. SENESAC:

-- everyone has a good will towards it and consensus building is the paramount.

D.P.O. VILORIA-FISHER:

That's what we're trying to do. Thank you so much. And as I said, Cornell was a piece of it and it was their choice to put Chris Smith on, and, you know, so that was who they chose. But we did have Cornell represented.

MR. SENESAC:

Thank you.

P.O. LINDSAY:

Ellen Talmage.

MS. TALMAGE:

Hello. My name is Ellen Talmage and I'm from a fifth generation farm here on the east end of Long Island from the Town of Riverhead. The reason I'm interested in this issue is I was one of the founding members of the New York State Invasive Plant Council. Of the 15 members there, I was the only one in the nursery industry. Everyone else was from Nature Conservancy, New York State,

Department of Parks, several, but mostly, you know, different governmental agencies. And that's all very important, but in order to facilitate, to get things done, sometimes you need to have people that can actually put the hammer to the nail, that can back a truck up, that can actually produce 20,000 plants of a native plant to take the place of an invasive plant. You know, this type of very practical kinds of things.

It's very interesting to be standing up here because I was the President of the Long Island Nurserymen. I would go to a meeting for the native plant people and they would say oh, you're one of them. Contrary, I would go to a meeting where I'm with a lot of native people and they'd say oh, you're from the nursery industry, you're one of them. So it's very -- there's a lot of tales to this.

I think it's extremely important to go back and look at several things, first off being some of the definitions. I was very glad to see that some of the definitions of what is important are talked about. Native are versus non-native is important, but not as much so as invasive versus non-invasive. That's super important that we all are on the same page with these different things.

Another thing that I think you'll find hopefully promising is on the list of plants that are on the do not sell list, only 16% of those are ones that are even grown in the ornamental nursery business. So what that means is we're agreeing on more than we're disagreeing on. And the same goes for the plant watch list. That's more like 24% of those plants are under suspect, but I think as you've heard everyone else say, no one is looking to, you know, continue growing things that are bad for the environment. And invasive plants are the number two, you know, destroyers of open space, the first being buildings. So it's obviously important to all of us.

A couple of things that I would like to hear said, which I think will keep the nursing industry happy and people in the industry, we need to have things like the words of phase out. In other words, if a nurseryman has been told on a list that New York State Parks Department or Long Island Parks Department or whatever, is looking for a woody plant and it's been grown as a liner, a small plant, and is now out in the field and all of a sudden it's been no we're not going to use that anymore, there needs to be a certain amount of phase out which could be three to possibly six years, depending on the size of the plant.

From there, we have to talk about alternatives. There is no sense at all of talking about these are the bad plants unless you say what you're to replace it with. Exactly what that list is that you were speaking of, the attributes of what makes it bad, why was it planted in the first place? Because it was pretty, it attracted butterflies, it did, you know, all of these different things. So that's important.

And with that, which I think is a very good thing, is if we know what that list is and we come up with alternatives, it becomes a future market for our industry. So it's not necessarily doom and gloom, it's turning it to the advantage for everyone that we're getting rid of plants that are pests, you know, seen as pests, and yet at the same time being about to still have economically feasible nurseries that are doing things to make Long Island an even better place.

D.P.O. VILORIA-FISHER:

Ellen, thank you. Your time is up. But I did want to say that as part of our educational outreach we're doing precisely what you just said, which is which plant can I substitute for this. And there are beautiful brochures that we've gotten from other states where they have the characteristics of the, you know, purple loosestrife, why do people want it and what can substitute and we're doing exactly that. So you're right on with where we're going. Thank you very much.

MS. TALMAGE:

Thank you.

P.O. LINDSAY:

Bonnie Seagraves? Bonnie Seagraves? Nope. June Croon? June Croon? Is there anybody else

that signed a yellow card to forego their time for the -- please come forward, sir. It got a little confusing. I thought I called them all but I guess I didn't. What's your name, sir?

DR. BRIDGEN:

Thank you. My name is Mark Bridgen. I'm a Professor at Cornell University and I'm housed at the Cornell University's Research Center in Riverhead. I'm here to oppose this legislation as it stands. I don't think any of the industry people here in the room are opposed to -- removing invasive plants or actually making sure that we don't encourage invasive plants. We just want to make sure that the list is correct.

The list as it stands, and I was on the October meeting last year was the first time that I attended this meeting, was originally taken from Connecticut and Massachusetts lists, and if you talked to any scientists around the country, they'll tell you that plants respond differently in different ecosystems. And Long Island is a lot different than Connecticut and a lot different than Massachusetts.

We would also encourage that if there is a list developed that we separate the aquatic plants from the terrestrial plants. That may be one of the reasons that Chris Smith was on that committee originally because he is a marine scientist, but I don't know what his knowledge about plants were.

The man who spoke before me Andy Senesac, whose very shy and not one to promote himself, is actually one of this country's foremost weed scientists. He has coauthored three books and he should be an individual that would be on that Task Force.

So we're just concerned about the science of this list. There's come incorrect names. If you look at the National Invasive Species Council they'll also encourage us or tell us that plants differ in different regions and so they shouldn't be used.

The industry on Long Island has voluntarily agreed to be involved with this problem. They are good stewards of the environment. The industry on Long Island is number one in the State of New York and makes New York number five in the country, and they've agreed to discuss and develop a voluntary code of conduct for the nursery industry that would ensure that the proper plants are being used. Several of the plants that are tremendously invasive, like purple loostrife and some others, they've agreed on and they will agree not to sell that. But there are just certain plants on that list that need to be discussed further.

D.P.O. VILORIA-FISHER:

Just very quickly, Dr. Bridgen, cultivars have been a major source of contention and part of the problem with cultivars, and we'll talk about this as we continue our discussions, but in the enforcement of this, do you think that having cultivars -- the cultivars might become confusing in the enforcement of it for the people who work for the County and go out to see if certain -- you know, we have the genus, the species, but if you have a variety of cultivars some cultivars might be sterile but sometimes things can happen and they can become productive.

DR. BRIDGEN:

It will certainly be confusing. It will be difficult but it's not appropriate to ban an entire species because some of the plants -- because they think all of the plants are invasive. Norway Maple is a good --

D.P.O. FISHER:

But you do agree that it would lead to a little bit more difficulty in the enforcement of it.

DR. BRIDGEN:

It would, and I think the whole enforcement issue is a whole other issue that needs to be talked about at the County level, who's going to do this, and you are going to have to find good people that know how to identify plants. My profession is a plant breeder. I develop plants and introduce plants all the time. Certainly we evaluate plants to make sure that they're not invasive. I have a graduate

student this summer who's beginning in May who is going to be working on actually developing non-invasive, invasive plants by making them sterile. There's ways to get around this.

D.P.O. VILORIA-FISHER:

But you do see that we're faced with having the enforceability of it as well.

DR. BRIDGEN:

Yes, and so I think legislation at this point may be not appropriate because of that one -- because of that reason.

P.O. LINDSAY:

Thank you, Doctor. David McMaster.

MR. McMASTER:

Good evening and thank you for your time. I'm an Arborist from Suffolk County and I'm also representing Greenpoint of New York, which is a consortium of arboricultural companies as well as arboricultural groups throughout the State and Suffolk Country.

I'm here today to express my great concern over the proposed legislation regarding the regulation of invasive plant species, Resolution 1144 in Suffolk County. As a local arborist, this legislation may have a significant negative impact on the horticultural industry. As it is currently written, the resolution includes three lists, which are exhibits A, B and C, of plants that may be banned from the County or restricted from sale to County agencies. It is these lists that I am most concerned about, as it is evident that insufficient research was done to determine the invasiveness of most of the plants included on them in our area. Also, representatives of the horticultural industry were not made aware of this proposal nor included in its information.

Currently, no reliable data exists on the location, sizes and causes of non-invasive plant populations in Suffolk County. I feel it is most important that these plants be evaluated for their risk of becoming invasive in a scientific, systematic manner. It has been suggested that the current list were composed mainly by taking similar lists from surrounding states, and that is not a practical measure as plants will grow and reproduce differently in different geographic regions. I think that's been broadly discussed already. What may be invasive in Massachusetts may not be invasive in Suffolk County and vice versa.

It should also be noted that the list of neighboring states were not necessarily compiled in a scientific manner either, making them unproven resources of information. I request that this legislation be postponed until the following actions have been taken.

Number one, I would like to see that a committee representing all parties concerned is formed to amend this resolution. Number two, that a systematic method using scientific evidence is implemented where plants are fully screened for their risk of becoming invasive in Suffolk County, and I think that there is a litmus test that Massachusetts has put forward that is pretty comprehensive. And the third and final item is that the current list be revised using this new screening process.

I am not opposed to the regulation of plants that pose real threats to our natural area here in Suffolk County, but I believe strongly that we need to take actions that are supported by scientific evidence, not by assumptions or inaccurate conclusions. Horticulture in Suffolk County is a million dollar industry. Excuse me, a hundred million dollar industry. And by restricting plants without reasonable causes could impact us greatly. Thank you.

P.O. LINDSAY:

Thank you, Mr. McMaster. I think -- Scott Clark. Did you speak already? No.

MR. CLARK:

Earlier? Yes.

P.O. LINDSAY:
You spoke earlier.

MR. CLARK:
Yes.

P.O. LINDSAY:
Do you want to speak again?

MR. CLARK:
I have a few more items that I could touch on.

P.O. LINDSAY:
Please come forward.

MR. CLARK:
That was the shortest extension three minutes I ever had before. Anyway, thank you for the opportunity to come back and finish just a few more comments. I'm Scott Clark. I work with Pinewood Perennial Gardens and actually spent 19 1/2 years with Cornell as the nursery specialist until about a year ago.

Anyway, we were discussing in the legislation the definition of what a non -- the invasive plant was non-native is defined as a plant that is -- an invasive plant is defined as something that's going to be non-native, back the truck up, to the ecosystem under consideration and whose introduction causes are as likely to cause harm including all the cultivars and varieties. Non-native is defined as a plant that is non-native to that particular ecosystem, which I can understand, but is also one that is not listed in the New York Flora Atlas as being native to New York. You know, New York encompasses a whole wide area.

In the executive order they really try to identify an invasive plant as anything that's alien to that ecosystem. In other words, even native plants can certainly be invasive in their own right if they are moving into an ecological habitat and causing some harm to that habitat. Poison Ivy would be a good example and that even causes medical problems also. So we really do, like Ellen mentioned, we need to really try to identify bad plants whether they are native plants or not. It's bad plants versus good plants, and that's not always an easy thing to do.

We also need someone to be able to differentiate between what is an aggressive plants versus something that is actually truly invasive. And initially there some plants on that list that do spread by underground structures, (ryezomes and they can spread to make a certain size population, but they certainly don't spread by reproductive methods, by seeds where they're jumping spacial gaps. That's something also that has been identified in many places to identify an invasive plant. They could jump from this area to over there and some of those plants couldn't.

I was lucky enough to be able to be involved with organizing a couple of conferences this for extension in the Nassau-Suffolk Landscape Gardener's Association, and we brought in three experts from around the country this year to talk to them about what their ideas were, and we learned an awful lot. And Don Bishop was one of the gentlemen on the Massachusetts group that helped to identify and qualify their plants. And he wanted us to be absolutely sure, to understand that the criteria that they used to evaluate their plants is only valid in their particular area and not necessarily outside of Massachusetts. So while they put together a list that's good for theirs, we shouldn't necessarily be taking that and extrapolating that for our own issues on Long Island.

This also follows suit with Connecticut, which really didn't have, from the way I understand it, and

Mark Brand came down and spoke, he's a researcher with the University of Connecticut, have any defined criteria that they were using to evaluate their plants. So to use their lists as a way to formulate our own lists I think is probably just jumping outside of what we should be doing.

And actually what also concerns me is that in the legislation I haven't been able to find a provision for future evaluation of plants, whether to put some bad plants on the list versus to get some -- get good plants off the list if we find that we're making that mistake. And all that I was able to find was that the list should be amended by the Legislature from time to time, but it doesn't really identify who might help provide some of the guidance in that area.

In all our discussions we always talked about multi-year phase out programs, so I was a little bit surprised that the largest group of plants was going to be phased out by January 1st, 2008. As a perennial grower, even though we have a short turnaround time in our plant production systems, anything that I buy this spring probably is not all going to be sold, so, you know, it would have an economic hardship on me. And so things like that need to be discussed a little bit further. For people in the woody ornamental area it's even worse. They can have three, four, five year production turnaround times already in place on their farms with plants that they may have to destroy should this go through.

And what about nurseries that sell plants in a large geographical area? Most of our market isn't even on Long Island, it's outside the area where they don't even have banned lists. Should I be made not to be able to grow these plants on Long Island if they're not being sold on Long Island. -

P.O. LINDSAY:

Your time is up, Mr. Clark.

MR. CLARK:

Okay. Well, thank you very much.

P.O. LINDSAY:

Legislator Vioria-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi. I just wanted say that the -- with regard to your question regarding future evaluation, that was part of what was going to be done with the advisory group that is being developed, which does have people from the industry. But you came to my office just before Christmas because we were concerned that there hasn't been enough feedback from the industry. And perhaps I misunderstood you, but as we went through the list you looked at the do not sell, you clicked them off one by one and said but we're not selling these in Suffolk County.

MR. CLARK:

Many of them we're not. Some of those plants on the --

D.P.O. VILORIA-FISHER:

How many would you say were being sold in Suffolk County, because it didn't seem that there was -- I can't remember that there were any that you said were sold widely in Suffolk County. I didn't -- from the notes.

MR. CLARK:

On the current list now I believe there's at least three plants that we're -- that we're selling right now, maybe even four.

D.P.O. VILORIA-FISHER:

Okay. And I need know which those are as we go forward.

MR. CLARK:

Sure.

D.P.O. VILORIA-FISHER:

Because my understanding from that meeting with you and Joe Gergela was that, you know, you came in very concerned, we went over the list, and you said we had taken some off the list that were -- seemed to meet some of the criteria that we had seen from other states, but we didn't want to impact on the industry, this is the first out, it'll come out for evaluation later on. But I felt a comfort level that you didn't see any that would cause a great impact. Since I didn't hear again that there was a problem, I went ahead and filed it with that list because I didn't get any word that there was a problem.

So I'm hoping that you will reach out and give me a sense of where there is a problem and we'll also look at the different protocols that have been mentioned. We tried to work within the protocols of evaluation that Massachusetts used, not just copy their plants, but look at the protocol. And in the Task Force we did differentiate between just saying the word invasive and talking about aggressively, you know, aggressive reproduction in plants. So we did discuss all of those points and I look forward to getting more information from you.

MR. CLARK:

We'd be more than happy to work with you. We understand all the hard work that's been gone into this and how much you do work towards preserving the environment on Long Island with many of the programs that you've been involved in.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Clark. Gary Carbocci, I believe -- did you speak, Mr. Carbocci?

MR. CARBOCCI:

Can I defer my time to --

P.O. LINDSAY:

No, you can't defer your time. You spoke before. Do you want to speak again?

MR. CARBOCCI:

Sure. I'm an arborist -- Gary Carbocci. I'm an arborist on --

LEG. LOSQUADRO:

Pick the microphone up, sir.

MR. CARBOCCI:

Sorry. And also a friend of the green industry. I saw some plants that -- on the list that I was alarmed to see. I see the {philamaaponica} happens to be one of them. I happen to like that plant. If I could come back as a tree I'd come back as {philamaponica}. It's a tall, upright tree. It's well mannered, very handsome, not like me. And it's quiet, not like me. But that's what disturbed me. I saw black locust. I spent a lot of time climbing trees and also in the tops of some black locusts on Long Island. I saw that on the list. Some people have trouble growing Illiagnus, growing anything, not Illiagnus but growing any plant on their probably by the seashore. Illiagnus happens to be one of the plants that they choose to grow that will grow on a seashore. And to see them taken off the list might be a problem for those people.

And there are a lot of other plants. There's -- Aegopodium happens to be a little ground cover and that can be invasive, but in my yard I need something that's very hardy and that will grow and that

grows very nicely. As a matter of fact, it stays well mannered. So any plant, if it's put in the right place, it can do a job that another plant can't. So you can't throw -- you don't want to throw away that palate without a lot of concern. That's what I had to say and thank you.

P.O. LINDSAY:

Thank you. Marilyn Jordan.

MS. JORDAN:

Hi, I'm Marilyn Jordan, Senior Conservation Scientist for the Nature Conservancy. I have a PhD in Plant Ecology and 30 years of experience. I'm here in support of IR 1144 and I hope you'll pass it. I am the principal person who compiled the original list of invasive plant species for the Long Island Invasive Species Management Area, LIISMA, and I assure you the list is based on good science.

I began the list in 2001. I started with the New York State's Invasive Plant Council's top 20 list with additions from lists in nearby states, yes, such as Connecticut and Massachusetts. Also used input from experienced botanists, ecologists and horticulturalists, such as the Brooklyn Botanic Garden, etcetera. This approach is reasonable and defensible because the single most reliable predictor of a species invasive behavior is it's behavior in other locations, especially locations in the same region. This was the conclusion of the National Research Council Study published in 2002 for U.S. Department of Agriculture, Animal, Plant and Health Inspection.

I also verified the invasiveness of these species for Long Island based on the local knowledge of species behavior, distribution and spread on Long Island by expert botanists in the Brooklyn botanic gardens, the Long Island Botanical Society, the New York State DEC, and the New York Natural Heritage Program and of course my own observations. So, again, this list, the LIISMA list, was based on good science. And the Massachusetts and Connecticut lists also were based on good science using the knowledge of botanists such as Dr. Les {Myerhoff}, using protocols. They were extremely thorough.

We do also have data on the distribution and spread of invasive plants on Long Island. We do have databases. Brooklyn Botanic Garden has the data base, the Long Island Invasive Species Management Area has a WIMS database, Weed Information Management System.

So this list was the basis for the original Suffolk County's lists and those lists were extensively modified in a series of meetings that began in October 2006 held with industry representatives. We compromised, we took essentially all of the species off the A list that had cultivars for which there might be some question about their invasive behavior, so we took them off the list. We need to look at those in the future. And we do need to establish an advisory group. I don't know if it will be the County's advisory group or a LIISMA committee, however it needs to be done we need to get all the stakeholders together to further assess the invasive potential of all of the species on all of the lists, and cultivars are a special sticking point. We need data on cultivars. As of present, there are no formal protocols for assessing cultivars for invasiveness.

A series of workshops will be held in June at the Missouri Botanic Gardens, which will begin to address this issues, and some time after that criteria for assessing cultivars will come out. And I was very glad to hear Donna Maramarco and others express willingness from the horticulture industry to help on these committees. I ask that they please do so. We very much want industry representatives to work with us and be involved in this effort and I think Ellen Talmage was right on.

And I also want to commend the Suffolk County Legislature for recognizing that prevention is the most effective strategy for dealing with invasive species, rather than deal with them after they're already a problem. Stop their spread, stop their sale, keep them out. And invasives cause a huge environmental and economic damage, as much as \$137 billion a year in the United States was the estimate in 2000. And about half of our invasive species are horticulturists {gabes}. So we really

need the industry to help us with the horticultural aspects.

And the proposed I.R. 1144 will prohibit the sale introduction and propagation of these plants and will save the public agencies, the land managers, organizations and the general public who have to deal with the impact of these invasives on their property. It will save them time and money in controlling invasive species in the future.

Similar legislation has been passed in Massachusetts, Connecticut, New Hampshire, and I think it's appropriate we have similar laws on Long Island. So I thank you for this opportunity to speak and hope you pass it.

P.O. LINDSAY:

Thank you, Ms. Jordan. Gary Martin.

MR. MARTIN:

My name is Gary Martin. I'm here representing the landscape and nursery industries, Ireland-Gannon Associates and Martin {Viatte} Nurseries, which are both growing wholesale and retail nursery operations. In the interest time and not repeating too much of what's already been said, I just have a few key points.

I have been involved in a few of the meetings and I do feel that the list was not really created specifically for our locale and I believe it was -- the original list was way too extensive. There was a lack of valuable input from many experts on the subject in our region and I know from other people's comments that many experts were consulted, but I think many important experts were left out. I think the list is arbitrary and it's based on lists taken from other areas as has been stated repeatedly. And again, it definitely does not always reflect our local habitats here on Long Island.

A group of horticultural experts both in and outside the industry, many of whom are here today, did sit in a couple of meetings that I was in, including the one in October out here in Riverhead. Some of that input, as least as far as I can tell, was not recognized and not reflected in the revised list. I think also those -- the communication loop of that when there are revisions or discussions being circulated to all the people involved is important so that everybody has the same information to discuss.

The proposed legislation does not appear to be well thought out. I think it excludes many respected and widely used ornamentals in the industry. And a lot of these I feel that from experience, I've been in the industry over 40 years, and from my experience with many of those specific plants in the locales that I've been in, I have not seen evidence of them being invasive or being a problem.

The do not sell law I think sends a very negative message to a lot of the end users of the products, particularly people buying things. It creates almost a sense of fear or apprehension, and again, we all have agreed, myself included, I'm not opposed to controlling invasive plants or plants that create problems, but I think we have to be careful how we go about doing that. And I think the do not sell clause on some of these plants could have a really devastating effect, both on the nursery industry as well as on the landscape aesthetics of our local environment. And again, in the interest of time I'm going to leave it at that. I think everybody's said most of what I have to say.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Martin. I appreciate that.

MR. MARTIN:

Thank you.

P.O. LINDSAY:

Lillian Ball. Lillian Ball?

LEG. ROMAINE:

She left.

P.O. LINDSAY:

Raymond Bell. Did you speak already, Mr. Bell?

MR. BELL:

Yes, I did.

P.O. LINDSAY:

You spoke at the public portion?

MR. BELL:

Yes.

P.O. LINDSAY:

Okay. You have another five minutes.

MR. BELL:

Legislator Romaine was -- Legislator Romaine, did you ask the question about cultivar specifics? That was a very good question, and to look at this list, there's a cultivar there, Pyruscalleryana. Pyruscalleryana, you said well, this is a scientific list, it's like the number one shade tree sold in America on this list. So what does that mean? So I planted probably 50 or more in the town -- the Village of Babylon for the last 20 years. Good example of the five cultivars of Bradford Caloryanna that should be used, but to put this on the list is a good example of wholes in that list and it not being valid.

Moving on in the list and another aspect of why I definitely think that this group is going to miss the boat by not having at least five horticultural people. I consider myself a plants man, that's a horticulturalist that knows woody plants inside and out and there's five of them here tonight. But getting on the other side of this list, a plant like Mugwort. Now, only a guy like me is going to know about Mugwort, a very boring weed. I pulled out Mugwort since I was five years old. So what does this mean to you guys? It means that there's no regulation of this plant that is on that list in County specs.

I've been down -- a State project, Deer Park Avenue, they probably spent \$80,000 landscaping both sides of it. Eight months later or in the fall, mugwort growing through everything. This thing is so invasive. It takes out the nitrogen, all the fertilizer, all the water and then the \$80,000 investment, well, what happens to that? These guys go down the road two years as a contractor, is it living or is it alive. Okay, it's alive, passed. That's it. Meanwhile these plants have been worn out to start with. The County of Suffolk, they might 100, \$150,000 landscaping a new court building. No regulations for mugwort in the soil. Because the guy that read the specs say oh, gotta get the good soil in there. So they get the good soil, no regulation on Mugwort in soil, meanwhile it comes through. You're paying money to get the Mugwort out.

I mentioned this little boring story of a good example of why you have to have a larger group working together, not just this lady who drew up this great list of plants, you have to have a spectrum of people working to make this effective. If you don't do that, you'll be back to square one. If she doesn't get a spectrum of good, hardcore nursery people on her renovation down there in Missouri, she's not going to be ahead of the game, she's not working with us. So I would hope that the County would get this committee going and get at least five nursery people, one in trees, one in perennials, aquatic guy. Get people who know, some contractors so you can get regs for the

County, get the right plants in and the right plants for the people who like this rule.

I think there's a lot of potential and you probably didn't see as many of us out, but this a typical night where the ball got big and we're here. Thank you. You'll probably be all master gardeners after tonight.

P.O. LINDSAY:

Thank you, Mr. Bell. Alpa Pandya.

MS. PANDYA:

Hello. Good evening. My name is Alpa Pandya and I work for the Nature Conservancy and I'm also here as a member of the Suffolk County Invasive Species Task Force to support passage of IR 1144. The Suffolk County Invasive Species Task Force met in 2006 and through many long, thoughtful discussions produced a multi-strategy, proactive approach to invasive species management in its report. I thank Legislator Vilorio-Fisher for Chairman the Task Force as well as following up on its recommendations with her substantial help with this legislation.

I have brought for you the two year priority action items from the Task Force Report so you can see the range of recommendations. I also have the full 75 page report, if anyone wants to read that, but I'll just give you the two-pager for now. Hold on a second. Is there someone who could distribute it?

One of the County Task Forces priority action items was stopping the sale of selected invasive species and recommending County agencies stop planting a broader list of invasive species. Escaped ornamental invasive species are a significant source of spread of invasives. Invasives spread into County lands and waters from nearby communities. As they spread and take over natural areas, they impeded residents swimming, boating or enjoying our waters and lands.

When we talk about invasive species we're not talking about a dandelion on some lawn, we're way beyond that in terms of spread, impact and ability to control. One purple loosestrife plant produces two million seeds, is covering in some instances thousands of acres in Upstate New York and surrounding states, and is now being seen in natural areas on Long Island. It is sold by nurseries in Suffolk.

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. Nassau County spent over one million dollars to remove aquatic invasives from three ponds. This effort and cost will have to be repeated every few years for many years to come. If Nassau had put a fraction of that one million dollars into a proactive prevention and early detection rapid response plan, they would not be facing these continuing costs in these ponds.

The list is based on best available science and modified to take into account industry concerns. The biggest selling invasive species which industries says has non-invasive cultivars are not on the do not sell list. I.R. 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 urge to you pass I.R. 1144 as the County Task Force recommends and slow the spread of invasives into County lands and waters.

Lastly, I thank Legislator Kate Browning for introducing this legislation. Her district includes Yaphank Lake, a lake which looks almost like a lawn in the summer it is so overgrown with Caborrba.

She has been on the frontlines receiving complaints from residents who can longer boat, fisher or swim in their lake for most of the year. If any of you would like to see the impacts of invasive species for yourself, ask Legislator Browning for a tour. Thank you for your time and please pass I.R. 1144.

P.O. LINDSAY:

Thank you very much, Alpa.

D.P.O. VILORIA-FISHER:

May I just ask a quick question?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Alpa, since you were such a tremendous help on the Task Force, I did want to ask you. There's been a great deal of talk about the scientific method and the protocols and what kind of parameters were used. And it was my understanding when we went over this in the Task Force that we didn't just take a list from the Massachusetts law, but rather we looked at the protocols that they used and we defined invasives and aggressive and fast moving.

MS. PANDYA:

Yes. Yes, we did. We are using -- primarily using the Massachusetts criteria for what is judging a plant for invasiveness. We looked at their list, we looked at Connecticut's list, we looked at an {Ipain} list, we looked at lists all over the place. But at the end of the day it comes down to {ground truthing} it here on Long Island with the help of databases created by not only by LIISMA but by Brooklyn Botanic Gardens, the Long Island Botanic Society and other groups which are on the ground and many agencies, Federal, State, County, Town agencies that we work with, which have seen these plants here. It's not just we looked at a list from Florida and said I think we're going to get that up here. You know, they're seeing these things already here. These things act invasively here on Long Island.

As you know, there was a discussion of many more plants than what made the final cut because it did not meet what we saw as criteria, which, you know, we wanted to stick to and which was used very successfully in other states as the horticulturalists themselves said. The Massachusetts criteria met their standards for good standards. Thank you.

P.O. LINDSAY:

Thank you, Alpa.

LEG. SCHNEIDERMAN:

Bill, real quickly.

P.O. LINDSAY:

I'm just going to say this. We have about 14 more cards on this subject, another 15 on another public hearing, and still 40 cards in the public hearing -- public portion. Go ahead.

LEG. SCHNEIDERMAN:

It's very quick. I haven't asked any questions on this bill. I just wanted to know if any of the species that are listed on the list are also listed on the DEC's protected wetland species list.

MS. PANDYA:

I believe it is, yes.

LEG. SCHNEIDERMAN:

Is anybody from the DEC on that committee, the task force?

MS. PANDYA:

No. They did come informally. Normally agency people don't come to another level of government's thing.

LEG. SCHNEIDERMAN:

All right, because when it comes to removing some of these plants obviously you're going to need DEC permits.

MS. PANDYA:

Sure. Yes, yes, absolutely.

LEG. SCHNEIDERMAN:

I won't belabor it. Thank you.

MS. PANDYA:

Sure. Thank you.

P.O. LINDSAY:

Lisa D'Andrea.

LEG. SCHNEIDERMAN:

Thank you, Mr. Chairman.

MS. D'ANDREA:

My name is Lisa D'Andrea and I'm the Assistant Director of Natural Resources for the Town of East Hampton.

MR. LAUBE:

You've got to use the microphone.

LEG. D'ANDREA:

We've worked long and hard in our Natural Resources Department to compile native species lists for all the various habitats that are found in East Hampton. And I just want to say -- I don't want to go everything everyone else has gone over, but I support the do not sell list and I know what it's like trying to control invasive species. We have 300 nature preserves, a lot of them have already been invaded by invasives. And it's labor intensive work to get rid of them and if we can preserve our dwindling intact habitats, we're all for it. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much, Ms. D'Andrea. Maureen Cullinane. Maureen Cullinane? Last call, Maureen Cullinane. Louis Caracciolo.

MR. CARACCIOLO:

Thank you. My name is Louis Caracciolo. I have a nursery in Jamesport and Mattituck. I'm here to oppose this legislation as written, although I do have concerns economically for my business as to how this will affect me. As a resident of Suffolk County I also have concerns about invasive species affecting our environment. I think that I'm very pleased to see that the industry is looking at this list and saying yes we do identify things that we know are problems here and that they're reaching out to work with agencies that have already spent a lot of good time addressing this issue.

I do have some concerns with phase out. Part of our production is field production. I can tell you that it -- we have a five year cycle on our nursery, so I think that that is a sensitive issue for us. I think that certainly looking at cultivars is very important. I also think that coming up with replacement plants that are going to fit that ecological niche that we are removing a plant from is very important. You look at some plants that may be used on dunes for stabilization. I think if we're going to take some of those away we have to be very concerned with what we put back in there to make sure that we're not compromising the environment of those areas.

I think that's basically it. I think that -- I'm very pleased that we're going to have Cornell working on this and leaders from our industry. I think our local Cornell branch is the finest in the country. I think also that you may want to reach out to the local branch of our USDA Department here, and get their input on this.

As far as County employees, I think it's time perhaps that the County does address the need for horticulturalists in their parks programs, people who are truly educated and can go and out and monitor some of these areas. I think that it's important that you survey, and I don't think that it would take very long, for this committee to address plants we know are problems and for the County to go out and identify problem areas and address those while this list is being compiled. I don't think this is something that should take five years to do and I don't think that it will take five years to do. I think with a good committee working together this can be done expeditiously and we can address this issue, protect our environment, and protect our industry here on Long Island. Thank you.

P.O. LINDSAY:

Thank you, Mr. Caracciolo. MaryAnn Johnston.

MS. JOHNSTON:

Good evening. I'm not an expert, I'm not a horticulturalist, I'm just an average president of a civic association who looks at local lakes and understands that they are being destroyed. They're being destroyed by invasive species, and the effort that is going to be necessary to restore our lakes and our streams once they take hold is phenomenal. I think an ounce of prevention is always the cure. I thank you and I thank you, Kate Browning, for recognizing this problem and presenting a solution. Thank you.

P.O. LINDSAY:

Thank you, Ms. Johnston, for your brevity. Bob DeLuca.

MR. DeLUCA:

Good evening, Mr. Presiding Officer and members of the Legislature. My name is Bob DeLuca. I serve as President of Group for the South Fork. The group represents the conservation and community planning interests of about 2,000 member households, businesses and individuals across eastern Long Island. I'm here this evening to offer my general support for I.R. 1144, this invasive plant prohibition.

Just two sidenotes. One, I spent about seven years or so as a biologist for Suffolk County back at the Office of Ecology. You know, as to what's a good list and what's a bad list, I just want to tell you from crawling around on my stomach from Babylon to Montauk there is a lot of things on that list that ought to be there, because I've seen them and they're all over the place. And when you get stuck in them and have to be chopped out with a machete, you realize there is an invasives problem.

I also want to speak a little bit more about the list. I had nothing to do with any of the meetings leading up to this. You've obviously taken testimony on both sides of the issue. I guess I would just say this. For all of you, you've got to be the truth squad here and you've got to ask yourself whether or not you feel that this list was basically fairly considered essentially by third parties who don't necessarily have, you know, a particular interest one way or the other except for the biology of it. You know, as I understood it, and maybe I've got this wrong, but in looking over the folks that I think were on this committee, you know, you've got Nassau County Parks and Nassau Public Works and you've got U.S. Fish and Wildlife and Brooklyn Botanic Gardens. You've got a lot of people on there that I think probably gave some pretty good advice. I think one of things which is preventing this from moving forward more quickly is who you believe about the list.

I would ask you to make that your first priority. If you think it was prepared the right way then I

would move forward with more urgency on this because I think you can. If for reason some reason that list doesn't look good to you after what you see, well then certainly get the information that you need. But I can tell you that certainly the folks, Marilyn Jordan and other people, I think you got a lot of good work out of folks and I think you probably have a good list.

Just briefly. I mean, there's a couple of parts of this legislation that haven't come up that I want to point out as being valuable. One of them is Suffolk County's own buying and planting practices. Suffolk County is a big buyer of lots of things, and when it decides to move into any particular area it certainly helps the marketplace. What I can tell you also about being on the east end is that there are landscape nurseries like {Warrens and Martyrs} that are very much in line with the thinking of this legislation. So it's not necessarily one dimensional as far as the landscape industry goes.

And also on the east end we're seeing, obviously, a lot more undeveloped land being opened up for new development and these are the areas that are really most ripe for invasive colonization and then, of course, spreading throughout those areas. So we have a lot to lose if this were to lag too far behind.

I agree with others, I think, on both sides of the issue that talk about the need for an advisory committee here. I think it's a great idea. I think that these lists will change over time and if you can provide some assurance that you'll have a regular update everybody will feel a little bit better about what the results are. I mean, I also know that internally there has to be some logistics about how this gets enforced and we certainly appreciate the efforts, you know, that you're all going to make in that direction because I think ultimately you want a law that you adopt that works.

Finally, I would just say that, you know, one of the purposes of legislation is instruction and I think somebody said this before maybe in a negative context, but it's important on the positive side to remember that when you take this kind of action you're giving the general public more information. I don't think they're necessarily frightened by this. I think they like to have more choices and opportunities. I think that the marketplace will move to the consumer demand and I think that the industry will move in that direction and so there's a value, an economic value. The industry, I think, will move into that void if there is one that is created. The public learns something about this issue and ultimately what the public does on each one of their individual properties is just as important in terms of what you can do on the large County properties. So those are all the good things and I think that you've done a lot of hard work on this and I really appreciate it as part of the efforts that the County continues to make towards the preservation of the environment. So thank you for your time, your patience and your good work on this.

P.O. LINDSAY:

Thank you, Mr. DeLuca. Melanie Theisen.

MS. THEISEN:

Hi. My name is Melanie Theisen and with the Foundation for Ecological Research in the Northeast called FERN for short. I'm also here on behalf of Dr. Timothy {Grain}, the Chairman of FERN who could not be here tonight. I have a letter that he wrote for distribution. I don't know where the lady went that was distributing those before.

As a leader in environmental and ecologic research, FERN wholly supports the Suffolk County Water and Land Invasive Control Task Force Report and IR 1144 and recommends the implementation of its priority action items. FERN also supports the Suffolk County Task Force Report's invasive species list, legislation to adopted a Suffolk County do not sell list and management list, and the a creation of a permanent advisory board with broad stakeholder representation.

Escaped or released ornamentals are a significant source of infestation to our natural areas. Oriental Bittersweet and Caroline {fanwar} are prime examples of plants that have escaped or been released and are causing enormous economic and environmental damages to our area. Action needs to be

taken to prevent and significantly reduce the negative impact that invasive species have on Suffolk County's ecosystems. The Suffolk County lists are based in science and are part of long-term multifaceted approach as set out in the Task Force. These lists are a compromise taking into account both industry concerns and environmental needs.

Marketable alternatives are already available to replace these invasive species in the marketplace. In addition, a one year phase out period for most species and a three year phase out period for other species will allow the industry to sell their existing stock before the regulation takes effect. Together they will mitigate the financial impacts to the industry.

We urge you to move forward with this legislation to adopt the Suffolk County invasive species list, create an advisory board, and take the aforementioned recommended necessary actions to reduce the spread of invasive species in our County parks and waterways.

Again, the invasive species list are ready -- a reasonable compromise based in science and the recommendations of the Task Force represent a vision for a better action and coordination for invasive species management in our County. To that end, I am submitting this letter of support from FERN, which has 52 agencies supporting it including several nurseries, such as {Martyrs} Nurseries, Ford Pond Native Plants Nursery, Citizens Campaign for the Environment, Warrens Nursery, Ducks Unlimited, The Nature Conservancy of Long Island, Group for the South Fork, Southampton Baymens Association, Speonk/Remsinburg Civic Association, the Wading River Civic Association, the Hampton Bays Civic Association, Round Pasture Point Association and {Gene Held} from the Long Pond Greenbelt Invasive Species Project Partner.

P.O. LINDSAY:

Are you done, Ms. Theisen?

MS. THEISEN:

Yes.

P.O. LINDSAY:

Thank you very much. Laura Bavaro.

MS. BAVARO:

Hi. My name is Laura Bavaro. I've represented the Suffolk County Department of Health Services on the Suffolk County Invasive Species Task Force in 2006 and currently I'm the Director of Terrestrial Programs for the Nature Conservancy. And I'm here to support Introductory Resolution 1144. Invasive species are second only to habitat destruction as the biggest threat to biodiversity worldwide. This is huge, so it's fantastic that we're here today. So by passing I.R. 1144 you'll help reduce the threat of invasive plant species in Suffolk County.

As you know, established populations of invasive species severely disrupt our landscapes by crowding out native species and many times changing the habitat all together. For instance, Autumn Olive is taking over a 20 acre plus grassland in Bridgehampton. That's grassland that was once used by early grassland birds and now it's not. Ludwigia Peplodes is another invasive that's on exhibit A. It's taking over the Peconic River. This is places where fish used to stay. Ludwigia is not a good habitat for them.

The U.S. Fish and Wildlife Service notes that invasive species cost the United States approximately 34.7 billion dollars each year. It's just staggering. As you know, the do not sell list is a compromise list, still based on science, but plants that were originally suggested for the do not sell list were moved to the management list because of industry concerns. Of the do not sell list, there are less than 12 species that are commercially available.

Also, I've heard tonight that we just took the Massachusetts list and copied it. Well, in exhibits A and B there are 63 species listed. Of those 63 species, 45 are on the Massachusetts do not sell list.

Of these 63 species, 48 are on the Connecticut do not sell list. And of the 63, only 26 are on the New Hampshire do not sell list. So we didn't just take everybody's list and call it ours. There was a real process that went along with it.

As Dr. Jordan mentioned, according to the National Research Council, a plant's invasiveness is one -- a plant's invasiveness in one geographical area is currently the most reliable predictor of a plant's ability to become invasive in a new area. A myriad of the species on the do not sell list are banned in Massachusetts, Connecticut and New Hampshire. Of the 12 commercially important species, one of those states or all of those states have banned them.

For example, purple loosestrife is a commercially available species that is proposed for the Suffolk County do not sell list and is currently banned in Massachusetts, Connecticut, and New Hampshire. The showy, purple spiked flowers of this plant conceals its menacing nature. Purple loosestrife continues to claim victory over wetlands across the United States. It claims freshwater meadows, tidal and non-tidal marshes, pond edges, rivers and stream beds, even ditches. Stands of this plant can grow thousands of acres in size. You just see the sea of purple. And purple loosestrife is able to out compete and replace native wetland plants, ruining habitat for important water fowl, mink, frogs and others. In addition, this is pretty interesting, scientists have actually discovered that purple loosestrife exudes a chemical that's toxic to American Tadpoles. So, I mean, it even has things we're still finding out about. Kind of scary. A single fertile plant can produce more than 2.5 million seeds a year, which I know Alpa mentioned as well.

A word on cultivars. Cultivars are essentially improved plants. Some of the same properties that make a cultivar a great landscape plant like greater vigor, longer flowering period, ease of propagation and increased drought tolerance are likely to make that cultivar more invasive than the wild type. The cultivar's properties may even permit it to grow in areas where the wild type normally would not grow. So it may be that there are no safe cultivars for invasive species. You know, it's something important to point out that cultivars of Japanese Barberry, such as the popular Crimson Pigmy, can produce seedlings that revert back to the invasive green form. So even though everybody thought that cultivar was so great, once it got into the wild it reverted back to that invasive form.

This legislation will not have a significant impact on nursery industries.

P.O. LINDSAY:

Laura, your time is up. Please wrap up.

MS. BAVARO:

Okay. There are numerous alternatives to these less than 12 species on the do not sell list, including bayberry, winterberry, chokeberry, bee balm, joe-pye weed. These are all available in nurseries now. I thank you for voting in support of 1144 and protecting Suffolk County's landscapes. Thank you.

P.O. LINDSAY:

Jessica Bottcher.

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

MS. BOTTCHER:

Good evening. My name is Jessica Bottcher, I am here on behalf of Marders Nursery and as owners Charles and Kathleen Marder to support IR 1144, the invasive species do not sell list.

Marders is a design bill firm and retail center. We find that the do not sell list, the amount of plants on there compared to what is bought and sold in the industry is very small and it should not have a great impact. We do find these species on the do not sell list to be invasive based on over 30 years

of experience and also the scientific evidence found in Suffolk County along with other states. Marders is also confident that by further educating ourselves and our clients to the many alternative choices available that sales in the industry will remain strong as they are. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much.

P.O. LINDSAY:

Thank you very much, Jessica. Jim Bodley? Bodley, Brody?
I'm having trouble with the handwriting, but I think it's Brodley, no?

D.P.O. VILORIA-FISHER:

Or Bradley?

UNKNOWN AUDIENCE MEMBER:

Bradley; he's gone.

P.O. LINDSAY:

He's gone, okay. John Cole.

MR. COLE:

Good evening. My name is John Cole, I'm an Arborist and I'm here to support the green industry. I oppose IR 1144 as written. I do feel it is urgent to address this problem as soon as possible, but my concern is that the list of plants is not appropriate to a specific environment on Long Island and that there needs to be changes to the list. The concept of controlling invasives is sound and I do support that, but would like to see it reviewed and modified by a collective advisory committee. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Cole. Dwight Andrews?

MR. ANDREWS:

Thank you, Ladies and Gentlemen. I appreciate your consideration of this issue this evening. I don't have any prepared remarks, but I do just have some comments just to kind of reiterate some things.

One, certainly it's critical that we establish an evaluative criteria for a local list, that's critical. Keep revisiting that issue of adopting other lists, there's some validity there, but really it should be a zero-based budget type thing starting from scratch with our own material, not necessarily using other state's criteria. There can be hundreds of cultivars within the species that would be impacted just simply by eliminating a species, we have to consider the cultivar issue more carefully.

We have certainly right here on Long Island the scientific resources necessary to do this in Cornell Cooperative Extension and our university system, so we should utilize them. There was a process beyond this task force, talk has gone back to the October meeting, that's not that long ago. As a board -- a member of the Board of Directors of the Long Island Nurseryman's Association and a past Director for New York State Nurseryman's Association, I'm in the loop. I heard of these meetings, we had representation at them, the reports were that there will be additional meetings and then there was an end-around and a bill proposed; there was no further contact with our association other than those initial meetings, there was a total end-around.

If you want the input, it's here, it's scientific and it's locally based and I think that that needs to be considered. You know, everybody is dancing around the subject, but we were ignored and I want you to know that. And that's why there's so many different companies and trades represented for the green industry and so few represented for the parks and the conservancy; the number of speakers, but all basically speaking from the same agency. So I felt that was important that you

hear that. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Andrews. Andrea Spilka?

MS. SPILKA:

Good evening. My name is Andrea Spilka, I'm the President of the Southampton Town Civic Association. Our coalition represents several civic and community organizations, all west of the canal in Southampton Town. I came here tonight to support the legislation, I still do, I'm encouraging you to approve it as quickly as possible.

Some of my next comments will be really information that I've gleaned from listening to other speakers, I'm not claiming them as my own, but several things seem evident in listening. One is that almost everyone says it's necessary to have this legislation. The citizens of this area want it and we want it as quickly as possible. What my thought is is that for those species that you can agree on where there's some consensus among all these scientists, if you can approve the entire list that's great; if you can't, then please approve those where there is consensus with the groups so that we can move on, let's start with that. Let's set up an evaluation period, I've heard people talk about that which I think is excellent. And at least start something soon, the sooner the better, for the people and for the environment, we certainly would appreciate it.

The other thing that I heard mentioned was when Bob DeLuca was speaking about the impact to Suffolk County, as well as all other government agencies. To the extent that those government agencies on their own can adopt some of these lists and start working with them, we certainly would appreciate it. I think everyone is agreeing that it's necessary, the question is how quickly can we impact it -- implement it. So thank you very much.

P.O. LINDSAY:

Thank you, Andrea. I don't have any other cards on this subject.

Is there anybody else in the audience that would like to address the Legislature on this subject? Please come forward, sir.

MR. {SERTIN}:

Good evening, Legislature. My name is {Noel Sertin}, I represent 111 Farms and Nurseries and Majestic Landscaping where I am a contractor; I'm the owner of both.

Tonight before you, you've seen a lot of my teachers before me, I'm kind of like the student here. We just want to reiterate that the need for education is key. We agree with a lot of things you have on the list, it's probably a small percentage that we don't agree with. I see most of your problems are in the wetlands. I'm one of the guys that gets out there and works with the crews so I have both sides of the story. I'm looking at your retail end, I'm looking at the homeowners and it seems to be at the east end where most of the problems are in. I know that you're having a problem with the lakes. Most of our problems with 1144 aren't those problems, we can come to agreement on these. Some of the things need to be moved off the list. You've had one of -- the most intelligent person that I've ever encountered in the industry, Scott Clark, here tonight, he's very, very helpful, along with a lot of my other colleagues that I've worked with for years. Again, they have been my teachers for 20 years. I have probably one of the youngest nurseries on the Island in the Town of Islip where they probably haven't opened up a nursery in ten years. My company and my employees are leading a new renovation to the area and helping out homeowners in that area.

I think proper labeling, which hasn't been brought up, would be very helpful. Educate a consumer coming into a nursery like ours, or any others, can look at those tags and find out if that plant may be on a maybe list or may be a problem. Proper care and pruning is something that needs to be done. I am so appalled about the people who come in my nursery and don't know the basic

techniques of taking care of an azalea. We don't educate our kids on horticulture. We do Home Ec, we do scientific things that are real good, but I'll tell you right now, if we gave a horticultural class to our children they would fail. And that's the problem for what we're seeing tonight; not enough education in the last 25 to 30 years and now we've got a huge problem we haven't taken care of. You can't put it on the backs of the nurserymen at that time because they weren't being educated.

The water problem is, we agree with you, probably 99% of those plants. Most of those plants on that invasive list, we do not, do not sell in the nursery, we do not sell them in the nursery and we let people know how they can get rid of them or what to look out for. A lot of these plants, even if this law goes by and gets passed, they will still be in people's yard who are next to a waterway or next to a lake that those plants will feed those lakes. I know some of these areas, I pass them every day, some are on the railroad tracks. Unless you get in there and take care of them properly and teach Suffolk County's workers and maintenance how to take care of these, this problem will be on our backs for the next 30, 40 years.

Management. It's just like cutting the lawn, we know what a lawn looks like if you haven't cut it in a year, the same thing will happen over ten years in an open area that's not properly maintained. I haven't seen that brought up here tonight, that's our problem, proper maintenance. Proper maintenance is a lot easier than what we're looking at ten years down the road when we didn't take care of it, that's where you're going to need thousands of dollars to take care of an area that could have been properly maintained with some kind of budget from the County to look at this.

And yes, we need more educated people in the horticulture working with the County or maybe having one perhaps full-time with the County. And I really believe by sitting here, I've been here since four o'clock this evening, that's the problem. We have two sides of a story and we're very close here, we're very close here. You have on one hand a group who has compiled some information, I disagree with a very small percent, I agree with a lot of what they're saying. But looking at Massachusetts and Connecticut and looking at our climate which is called a microclimate, it's not the same. We have a lot of plants that will not live in Connecticut that live here on the Island.

We need to sit down, you have a great number of my colleagues and the colleagues from the other side that know this information. Again, Scott Clark has that information, I'm sure there's only a small percent, about 15% that we disagree upon. A young lady who just came up before me, she wants to get going on something, we're ready to get going on something. We're ready to get going on 70% of those plants, probably we can work out something in the other part. There's probably 15% that we disagree with tonight, we can do something here. I heard a Sister when I was outside talk about a win/win situation, there's your win/win situation to night. There's your win, you're close here, you're close. You just have to make the right ideas, get that panel together, get some input from my people in the green industry and you can put this to bed and be on the way.

P.O. LINDSAY:

Thank you, sir, for your comments.

MR. {SERTIN}:

Okay.

D.P.O. VILORIA-FISHER:

Thank you very much.

P.O. LINDSAY:

Is there anybody else who would like to address the audience on 1144? Come forward, sir.

MR. POTENTE:

I'll make this quick. My name is John Potente, I'm on the Board of the Long Island Botanical Society. I was invited to sit in on the Invasive Plant Council meeting by Legislator Fisher and I did sit in on one meeting that she chaired. I made mention that I proposed this very same legislation to

Legislator Crecca in the year 2000, seven years ago, and it's been dragging on and it finally has come to this table seven years later. I can vouch for the work that The Nature Conservancy has done on this list, for the work of Marilyn Jordon and Alpa Pandya. They have tailored this to Long Island, they have worked very hard on this and I would support the passage of this bill. It doesn't mean that in time, if there are a couple of plants that are proven innocent, that they couldn't be removed from this list, I don't see why that can't happen. But I think that the resolution is far enough along that it could certainly be passed tonight. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, John.

P.O. LINDSAY:

Thank you. Anyone else on 1144? Seeing none, Legislator Viloría-Fisher, what's your pleasure?

D.P.O. VILORIA-FISHER:

I make a motion to close.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

And I will be working with the people in the industry.

MR. LAUBE:

Sixteen (Not Present: Legislator Montano - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1170-07 - A Local Law to prohibit the sale of Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick). I don't have any cards on this subject. Is there anyone in the audience that would like to address the Legislature are on this subject? Seeing none, Legislator Nowick, what's your pleasure?

LEG. NOWICK:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Is there a second to the recess?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano - Absent: Legislator Horsley).

P.O. LINDSAY:

Could I ask the people that are exiting the auditorium to do so quickly and quietly so we can continue with our business? Thank you.

Public Hearing on IR 1171-07 - A Local Law to establish the Gabreski Airport Conservation and Assessment Committee (Schneiderman). And again, we have our distinguished

Commissioner of Economic Development, Jim Morgo.

COMMISSIONER MORGO:

Thank you, Mr. Presiding Officer. I'm just glad you didn't refer to me as an invasive species from Massachusetts. I don't want to make light of that, it was an extremely important discussion on a couple of levels.

If I may, though, I'm here to discuss IR 1171, but following this there are 1189, 1190, 91 and 1192, so I'd like to just take the time to talk about all five if I may.

P.O. LINDSAY:

Go ahead.

COMMISSIONER MORGO:

1171, I have no doubt was well intentioned by the sponsor, but it's redundant. We have in operation the Airport Conservation and Assessment Panel that is reviewing lease applications at Gabreski Airport. It is a community-based organization, a community-based panel made up of representatives of the neighbors and businesses surrounding Gabreski. As I said, 1171 is well intentioned because it does exactly the same thing.

ACAP, as it's known, has met and has been actively involved, in fact, with the recommendation considering the lease extension for the fixed-base operator Long Island Jet and its expansion. ACAP has presented before the CEQ and before the Environmental Planning and Agricultural Committee. In fact, I was informed that that committee referred back the recommendation of CEQ largely because of ACAP's work. Bob DeLuca, who spoke to you previously on the invasive species, is a key ex-officio member of that committee and, as I said, it's functioning well. The folks on it have taken analytical, scholarly work as they assess the environmental impact on this particular lease application.

Moving from that 1171, if I may?

P.O. LINDSAY:

No, just stay on 1171. Are there any questions, Legislator Schneiderman, on 1171?

LEG. SCHNEIDERMAN:

I want to make a comment but I can't, I'll have to phrase this as a question.

COMMISSIONER MORGO:

Well, if it's anything like your last questions --

LEG. SCHNEIDERMAN:

Is there any statutory requirement that CEQ or the Legislature consider the recommendations of ACAP since ACAP is the creation of the County Executive through Executive Order, whereas this bill creates ACAP as a committee the Legislature creates to advise CEQ and the Legislature, which has a statutory requirement?

COMMISSIONER MORGO:

Having some experience with the Legislature, Legislator, I cannot imagine a citizen's committee that spends its time and analyzes a particular lease application. I think with ACAP, they had a meeting in December, December 12th, they were there for more than four hours doing its analysis. I can't imagine this Legislature, as responsive as it has been over the years, taking a recommendation from such a body and then ignoring it.

I think that the Legislature has made a reputation by being very responsive to citizens, particularly organized citizens that take their duties seriously. So no, there's no statutory recommendation, but knowing this Legislature or respecting it as I do, I can't imagine a panel coming up and all of you

collectively saying, "We don't care what you have to say." I think we just saw that in this hearing we just had.

LEG. SCHNEIDERMAN:

So the answer is yes, there is, to me, a fundamental difference because under this bill there's a statutory requirement that the Legislature considers the findings of ACAP and if it disagrees it says why it disagrees.

Now, we had the Airport Lease Screening Committee, that was a Legislative creation, it was abolished. I tried to create a Gabreski Advisory Committee, it was passed and vetoed and then the County Executive created his own Airport Advisory Committee. And then he goes and creates on his own this ACAP to replace the Gabreski Airport or in addition to the Gabreski Airport Advisory Committee. It really comes down to whether this Legislature is going to simply let the County Executive decide who advise us or whether we are going to create the committees that advise us. To me, you have to respect the separation of powers and this is something that ought to be a Legislative function and that's why I wrote this bill to exactly mirror what the County Executive has created in ACAP and make it a Legislative Committee, and I would hope to have the administration's support. And I guess as a question, are you not supporting that? And it sounds like you're not.

COMMISSIONER MORGO:

I'm glad you got to the question. The important thing, I think you all agree, the important thing are results. With your going back in history, Legislator, you talked about the creation of the Citizens Advisory Board; everyone, I think yourself included, would say that that has been an extremely effective panel, it's had results. In fact, if you want to clarify history, ACAP was not a creation of the County Executive, it was a suggestion of the Citizens Advisory Board. If you look at the Citizens Advisory Board's report to you and the County Executive, ACAP is there, it asks for ACAP to be created to replace the Airport Lease Screening Committee, it asks for it to be community-based which it is, and it asks that you take a look at it after one year of operation. It has only acted on one lease application and I think if you look at its report, you would agree that it has been comprehensive and serious.

LEG. SCHNEIDERMAN:

I don't think it asked to be created by Executive Order, I think it asked to be created by the Legislature.

COMMISSIONER MORGO:

I don't think -- I think it was silent on that part; I know it was.

P.O. LINDSAY:

Okay. Thank you, Commissioner Morgo.

LEG. SCHNEIDERMAN:

That's all I have to say. Thank you for the opportunity.

P.O. LINDSAY:

Okay. Nobody has any other questions. Is there anyone else in the audience that would like to address us on 1171? Seeing none, what is your pleasure, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll make the motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eleven (**AMENDED VOTE: 12/0/0/6 - Not Present: Legislators Caracappa, Montano, Barraga, Mystal & D'Amaro - Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, *Public Hearing on IR 1188-07 - A Local Law amending the Suffolk County Empire Zoning Boundaries to include Blue & White Foods, LLC (County Executive)*, and we have Commissioner Morgo.

COMMISSIONER MORGO:

If I may, Mr. Presiding Officer, I would like to take all of the next four because they all deal with the same program and that program is --

P.O. LINDSAY:

It's just for --

COMMISSIONER MORGO:

For formality?

P.O. LINDSAY:

-- my sake if I take them one at a time, because there is one other speaker on this one and I don't want to get them confused.

COMMISSIONER MORGO:

Okay. I think there are probably speakers on all of them, but let me go -- I will speak on 1189. The program is --

P.O. LINDSAY:

Eighty-eight, 88.

COMMISSIONER MORGO:

Eighty-eight. The program is the regionally significant project that is under New York State Empire Zone Program. You have already acted on two regionally significant projects, Telephonics and U.S. Web. What is being asked of you to do is to create, in effect, floating zones for the Empire Zone.

I was before the Economic Development Committee this week, last week, and spoke about Canon USA establishing their headquarters in the western hemisphere in our County and we had quite a detailed discussion about it. The key point that I made, though, was that we should see any of these incentive programs as really investments and when you make an investment you're interested in your returns. With Canon, we detail the returns in new jobs, new high-paying jobs and new investments.

What you have before you today are four smaller companies, but all of which will be creating new jobs. The benefits are not under the Industrial Development Agency, they're under the Empire Zone Program. The benefits are different, they're not as extensive, but they also require new jobs and new investments. Every one of those companies is going to increase by a minimum of 50 jobs in the next five years and they're making investments.

The four companies, and I do want to mention these because several of the representatives of these businesses have come tonight; one of them, in fact, Jeff Goldstein from Air Techniques came here instead of taking a business trip to Germany as he was to. What I would really like -- and I think this is important, folks. I know, Mr. Presiding Officer, that you're looking around and you're wondering where the people are, but what I was going to say is that at the Economic Development

Committee we will be presenting, the department will be presenting cost benefit analysis for each one of these four businesses and we will be getting into far more details there where I think it's appropriate.

Just for the remainder of my time, let me just tell you what the four businesses are and then you can go over each one as I may suggest.

The first one, as you said, is Blue & White Foods, it's a manufacturer of Mediterranean spreads -- you may know it as {Savra} Foods -- and it's relocating to three buildings in Farmingdale. The second is CNN Packaging, a full-service injection moulding company and it's located on 105 Wyandanch Avenue in Wyandanch. The third is the aforementioned Air Techniques, a very important firm for Long Island, a manufacturer and distributor of dental, medical, veterinary and non-destructive testing equipment located in Melville. And the fourth is Custom Woodworking, a full-service designer and manufacturer of flooring products relocating to 713 Pulaski Road in Riverhead. All four of these businesses are staying here, keeping their jobs here and expanding here and I believe we have a representative from each one of the four. Thank you.

P.O. LINDSAY:

Thank you, Commissioner Morgo. On 1188, David Kotliar.

MR. KOTLIAR:

Kotliar.

P.O. LINDSAY:

Kotliar; forgive me for mispronouncing your name.

MR. KOTLIAR:

No problem. Good evening, Ladies and Gentlemen. My name is David Kotliar and I am the Project Manager for Blue & White Foods, LLC.

Blue & White, as Jim mentioned, is a leading manufacturer of Mediterranean salads, dips and spreads; our most popular item is hummus which is sold under the brand name Sabra-Go Mediterranean.

I'm here tonight before you to discuss that Blue & White has purchased the assets of Carousel Foods of America which is located on Smith Street in Farmingdale in the Town of Babylon. We plan to renovate the existing buildings and revamp the entire manufacturing process. With this purchase of the assets, we will be adding a brand of dairy products, both for the kosher market and new dairy dips which will be sold under our Sabra brand name. In addition, we'll be adding a salad manufacturing line primarily for eggplant.

We have retained most of the 47 people that were employed by Carousel which would have lost their jobs, and in addition we anticipate hiring 65 people over the next five years. Our search took us to three other states -- Connecticut, Pennsylvania and New Jersey -- and New Jersey was very aggressive in offering us benefits. This RSP designation will help us to remain in New York State and produce these additional jobs. Thank you very much for your consideration.

P.O. LINDSAY:

Thank you very much for coming down tonight.

MR. KOTLIAR:

Thank you.

P.O. LINDSAY:

Is there anyone else in the audience that would like to speak on 1188? Seeing none, I'll make a motion to close.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Ten (Not Present: Legislators Caracappa, Eddington, Vilorio-Fisher, Kennedy, Mystal, D'Amaro & Cooper - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1189-07 - A Local Law amending the Suffolk County Empire Zoning Boundaries to include C & N Packaging, Inc (County Executive). And you've already addressed this, Commissioner Morgo.

COMMISSIONER MORGO:

Yeah, I'm not going to speak on any of them.

P.O. LINDSAY:

Okay. And I do have another card, Chris Young.

MR. YOUNG:

Yes. Good evening, Legislators. Thank you for the opportunity this evening. I am the Chief Executive Officer, majority shareholder of C & N Packaging, it's a family-owned company. I've owned the company since 1990. We've taken the work force from approximately 40 workers up to 95 and will be adding an additional 55 workers over the next five years.

We've committed to Long Island. We recently completed an expansion of our manufacturing facility, actually this week, which we'll be adding capacity. Our major products are for global brands, some of the companies that we'll work with would be Chanel, Estee Lauder, Avon. Some of the products you might have seen recently in the marketplace is a fragrance cap for Juicy Couture which we can't make fast enough. So we're a niche player, we have an expertise, we have a number of patents, strong management team, good work force. We're happy to be on Long Island and we just want to continue to compete in the 21st Century which, as you know, from a manufacturing point of view has not been terribly successful here in the US. But we think we have a formula that works and, you know, we're pleased to be on Long Island.

Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Young. Is there anyone else that would like to speak on 1189? I do not have any other cards. Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Ten (Not Present: Legislators Caracappa, Eddington, Vilorio-Fisher, Kennedy, Mystal, D'Amaro & Cooper - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1190-07 - A Local Law amending the Suffolk County Empire Zoning Boundaries to include Air Techniques, Inc (County Executive). And I have two cards; first,

Jeffrey Goldstein.
Mr. Goldstein?

MR. GOLDSTEIN:

Yes. My name is Jeff Goldstein, I'm the President and CEO of Air Techniques. You've already heard that we are a manufacturer of dental, medical, veterinary and non-destructive testing equipment. We sell this equipment in the United States and Canada and in many other parts on the world. We've chosen Long Island, we've been on Long Island before. We've got a long history here but competing in the global market is very difficult, so anything we can do to reduce our overhead costs and to reduce the cost of operation is very critical to us.

We currently have 357 employees, we continue to expand and grow. We're competing with many different companies, Fuji, Kodak, GE, and we also sell to some of these companies. So it's very important that we look for and obtain any incentives to keep us here on Long Island, so what you offer to us we appreciate. Thank you.

P.O. LINDSAY:

Thank you, Mr. Goldstein, for your patience in waiting us out and thank you for your comments and staying on Long Island.

MR. GOLDSTEIN:

Also, as you heard, I was on a plane to Germany tonight, but I was told this was much more important and I agree.

P.O. LINDSAY:

That makes me feel better. The other card I have is Jim Morgo; you commented already?

COMMISSIONER MORGO:

Yes, thank you.

P.O. LINDSAY:

Okay, thank you. Is there anyone else that would like to speak on 1190? Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eleven (Not Present: Legislators Caracappa, Eddington, Vilorio-Fisher, Kennedy, Mystal & Cooper - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1191-07 - A Local Law amending the Suffolk County Empire Zoning Boundaries to include Custom Woodwork, Ltd. (County Executive). And the first card is James Morgo and you've already spoken. Okay, the second card is Catherine Lanieri.

MS. LANIERI:

Yes, hi.

P.O. LINDSAY:

Wow.

MS. LANIERI:

I'm very happy to be here tonight representing Custom Woodwork, Ltd. My company began in 2000 making architectural mouldings, from there we segued into wide-plank flooring. We found our niche first here on Long Island and we have expanded our business. First we started in Nesconset, moved to Calverton, fell in love with this area and was very happy to have acquired property in Riverhead, three-and-a-half acres, a property that had fallen into disrepair. And I look forward to making investments to make it something that the community can be proud of and to bring jobs to the community and we are dedicated to expanding our company and doing the community proud.

P.O. LINDSAY:

Thank you very much, Ms. Lanieri, for being with us and your patience for hanging in to make your statement. Does anybody have any questions for Ms. Lanieri?

LEG. ROMAINE:

Motion to close the hearing.

P.O. LINDSAY:

Okay. Let me just ask, is there anybody else in the audience that would like to speak about 1191? Seeing none, I'll accept Legislator Romaine's motion to close the hearing.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Caracappa, Kennedy, Mystal & Cooper - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1243-07 - A Local Law to prohibit the operation of motor vehicles within Suffolk County with an accumulation of snow or ice on the vehicle (Cooper). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? No, okay. Seeing none, Legislator Cooper, what's your pleasure on this?

LEG. COOPER:

I'd like to make a motion close, but just on the motion. As someone -- if anyone noticed my scar, as someone who was hit by a chunk of flying ice over the weekend, this is personal now. So I'm going to make a motion to close.

P.O. LINDSAY:

You shouldn't be riding around in a convertible when there's ice on a roof, you know?

D.P.O. VILORIA-FISHER:

How do you have a scar?

LEG. COOPER:

Well, it's a cut, it's a little cut.

D.P.O. VILORIA-FISHER:

Oh, that little thing?

P.O. LINDSAY:

There's a motion -- wait, wait; you want to comment on this, sir?

MR. DURHAM:

Yes, very quickly. Good evening. My name is Anthony Durham. I just wanted to say, when I first heard about this law it was like, "Don't these guys got something better to do?" You know? But then this weekend, low and behold, it's very rare, my brother, a caravan was in front of him and a big sheet of ice came off, it went right through his windshield. So I just want to say these laws, you know, are real and we should really take into consideration because people are getting hurt.

P.O. LINDSAY:

Thank you, sir, for your comments.

MR. DURHAM:

Sure.

Applause

P.O. LINDSAY:

Okay, we have a motion to close by Legislator Cooper.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Twelve (Not Present: Legislators Romaine, Caracappa, Alden, Kennedy & Mystal - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1245-07 - A Local Law to provide further guidelines and requirements for Suffolk County Contract Agencies (Presiding Officer Lindsay). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

I'm here.

MS. ORTIZ:

We've got you.

MR. LAUBE:

Thirteen (Not Present: Legislators Romaine, Browning, Caracappa & Mystal - Absent: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on IR 1250-07 - A Charter Law to increase transparency and accountability in the budget process (D'Amaro). I have one card, Katherine Hoak.

MS. HOAK:

I am Katherine Hoak, Co-President of the League of Women Voters of Suffolk County. The League of Women Voters of the United States believes that Democratic Government depends upon the informed and active participation of its citizens of all levels of the government.

The League further believes that governmental bodies must protect the citizens's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible, and that's from the statement of position on the citizen's right to know and citizen's participation by the National Board from June, 1984.

Then the State's position, "Based on the National League Government position which calls for an open governmental system that is representative accountable, we support an open Legislative process. The public has the right to know. Lack of specificity only adds to our general mistrust of government and our political leaders. This legislation is in line with the League's position of open government and accountability to the people it serves. We understand the importance of the services provided by contract agencies for Suffolk County residents so would not be able to understand any resistance by Legislators to indicate their support for those they choose. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. I don't have any other cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator D'Amaro, what is your pleasure?

LEG. D'AMARO:

Thank you. Motion to close.

P.O. LINDSAY:

Motion to close. Is there a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Romaine, Browning, Caracappa & Mystal - Absent: Legislator Horsley).

P.O. LINDSAY:

That concludes the Public Hearings for tonight. I'd like to set the date for the following Public Hearings on Tuesday, April 24th, at 2:30 PM in the Rose Caracappa Auditorium, Hauppauge, New York; the 2008-2009 Capital Budget and Program; IR 1306, a Local Law to integrate Real Property Tax Service Agency and the County Clerk's Subscription Service Fee Program. Additionally, I'd like to set the date for the following Public Hearing for Tuesday, May 15th, 2007, 2:30 PM in the Maxine Postal Auditorium, Riverhead, New York, for the 2008-2009 Capital Budget and Program.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Legislator Vilorio-Fisher has made a motion, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen (Not Present: Legislators Romaine, Caracappa, Alden & Mystal - Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, we're going back to the public portion. I have approximately 30 cards. At ten o'clock we will go into the agenda, by our rules, so you have an hour and ten minutes. If, you know, the 30 people wish, you know, to have their say, I would implore the speakers to curtail their remarks to something that is original, and if you can shorten it from three minutes to two minutes it would be very helpful. Vanessa Crilly.

UNKNOWN AUDIENCE MEMBER:

Not here.

P.O. LINDSAY:

Vanessa Crilly? One last time, Vanessa Crilly. MaryLaure Lamont?

MS. LAMONT:

Good evening. It's Mary-Laura Lamont. And I'm the Town of Riverhead CAC representative on the CEQ Committee and, quite honestly, I am appalled that the CEQ recommendations were not listened to and they're being completely ignored by the Resolution 1150.

There's insufficient science in the Long-Term Vector Control Plan to conclude that the BMP's, the Best Management Practices of No. 6 through 15 will reduce mosquito populations or that they promote healthy marsh ecology. To the contrary, the BMP's destroy the diversity of a salt marsh by eliminating the high marsh community and all the associated ecology with it. By reducing the marsh mass with ditching, channeling, ponding or whatever you call it, flooding will occur at a faster rate than normal. If these BMP's are used, then the County must be held accountable for the flood waters when it impacts, as it will, property owners land. The marsh holds back the sea and in this day of rising sea levels and global warming, why would we want to create more flooding in the marshes?

The salt marsh community acts as a filter, it filters out pollutants coming from the land. The less the filtering land mass by digging it up in the marsh means more pollution flowing into the bays. BMP's 6 through 15 aren't proven in the Long-Term Vector Control Plan. Please uphold -- I implore this body to uphold the CEQ recommendations, or at least amend the resolution of 1150 to conclude that the BMP's 6 through 15 are unproven. This resolution should be tabled or rejected or at least amended to include the CEQ recommendations. Thank you. And who do I give this to.

Applause

P.O. LINDSAY:

E Kahl?

LEG. ROMAINE:

Thank you, Ms. Lamont.

MS. LAMONT:

You're welcome. Thank you.

P.O. LINDSAY:

E Kahl? It's just an initial. E Kahl, no? Jim Duffy? Jim Duffy? Last call, Jim Duffy. No, okay. Cathy Carballeira?

UNKNOWN AUDIENCE MEMBER:

She's not here.

P.O. LINDSAY:

She's not here, okay. Candice Wetherell?

UNKNOWN AUDIENCE MEMBER:

She's gone.

UNKNOWN AUDIENCE MEMBER:

She left sick, Bill.

P.O. LINDSAY:

Okay. Debbie Felber.

D.P.O. VILORIA-FISHER:

I saw Debbie earlier.

MS. FELBER:

Good evening. I want to thank you all for being here to listen. I am here tonight to speak in favor of 1022 resolution. We see this issue as a group of people being victimized, but not by the Legislature, not by the community, but by the contractors and landlords that continue to use this group of people for their own financial gain. Yes, we must try to resolve the roadside issues and the traffic to protect all so we do not cause more victims of the issue. I'm here for the Selden community and we certainly know roadside hazards as we have Middle Country Road as our main thoroughfare. We see our neighboring communities with the dangerous and hazardous traffic obstacles of five -- fifty to a hundred people running into the road when a truck pulls over to be the first one there. We see this resolution as a start to a safety issue and healing a community filled with fear; fear of their housing financials, fear of their futures, fear of the roadside safety and fear of all the victims of this issue that may never stop.

We need to look at all of the people who cause and continue victimizing the community, the immigrants and everyone's quality of life. Please help to start with this law fining the contractors and the landlord's alike. Please help by reaching out to the towns to strengthen laws at the level to keep that victimization of many other people and the financial benefits of others. This must stop. Please help a community to get back their quality of life. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Felber. John Potente.

MR. POTENTE:

Two years ago all of you assigned me to the CEQ; I was nominated and approved unanimously to serve on the eight member board. Since then, Legislator Cooper passed a resolution to expand the CEQ to ten or eleven people. Along with those eleven people, we are often joined by Conservation Advisory Committee representatives from the towns if there's a particular issue that affects their towns.

The CEQ in January had a meeting and there were more members and more attendance at that meeting than the history of the CEQ. There were fourteen people at the voting table for the CEQ; the CEQ has never seen that before. The CEQ is the Council on Environmental Quality. We are the advisors that all of you have chosen and selected and screened because we have experience in the environment and we have some experience in SEQRA law. And we have been reviewing the Vector Control Plan for two years. Just like you're going through these hearings tonight, we've been going through these same hearings for two years and we've been listening to the public's concerns and we were listening to the arguments put forth by the Division of Vector Control for their Long-Term Plan. And after listening to both, we did our research and our homework and spent a lot of time. We are

volunteers who care about the environment enough to take time out of our life to spend time and do the homework for you because you are busy with so many issues.

On January 17th, the CEQ passed unanimously on votes of 10-3, wide majority votes saying this plan is wrong; there are major problems with this plan. This was not one or two people that had little quirky problems with it, this was your own advisory board on the environment.

This bill -- this bill before you, 1150, ignores the CEQ. The major issues which are digging ponds in our salt marshes while the rest of the country is concerned about loss of wetlands, the tidal wetlands. The thresholds, which are so low that they're in a hair trigger, the CEQ is not against applying pesticides to help mosquito nuisance problems, but they are against a hair trigger. Raise it high enough so that people in communities where they are concerned about being sprayed by pesticides don't have to fear them and in areas where the mosquito populations may be higher and people want to be sprayed, then they're allowed to spray. So these thresholds should be higher.

And lastly, one of the most important things is Methoprene. We have looked at all of the chemicals that are being used by the Division of Vector Control and we have let them go and we have let Methoprene go as well, which is a larvicide. But we have found that there is enough damning evidence that Methoprene is causing problems in our tidal wetlands and very probably played a significant roll in the lobster die-off in 1999 of Long Island Sound.

Now, granted, there were many factors coming into play with the lobster die-off.

P.O. LINDSAY:

Mr. Potente, could you wrap up? Your time is up.

MR. POTENTE:

I urge you all to consider and respect the hard work of the CEQ. If you go against the CEQ in this, you are actually telling the CEQ, "Look, we don't really care what you say. If you rubber stamp what we do, we like it. But if you don't like the policy that's coming through and you do actually find problems with it, we're not interested." What does that do to the morale of the people that are going and serving, volunteering on the CEQ? The resolution that appointed me to the CEQ --

P.O. LINDSAY:

Please wrap up, Mr. Potente.

MR. POTENTE:

My term expires at the end of this week and I will not be seeking another term on the CEQ. When you appoint somebody to replace me, please let them know that they are an advisory board and if this law goes -- if this resolution goes through --

P.O. LINDSAY:

Mr. Potente, please, this is the third time I've asked you.

MR. POTENTE:

-- that you should be handing them a rubber stamp.

Applause

P.O. LINDSAY:

Gerald Ludwig. Gerald Ludwig? Bob McAlevy. Diana Weir? I saw her go out before, she left. Don Seabert?

MR. SEUBERT:

Good evening, Suffolk County Legislature. My name is Don Seubert, the Medford Taxpayers & Civic Association. I just wanted to say the Medford Civic Association is wholly in support of the legislation

on obstruction of major Suffolk highways. Each branch of government talks, "It's not my job." Today it is your job; government's number one job is public safety. Each Legislator can vote yes to be part of the solution, or say, "No, the time's not right again, the legislation is not perfect." Just move the problem somewhere else, impacts protesters, picketers, the problem is not in my front yard, and even hampers the sale of Girl Scout cookies.

1022 ensures protection for all. This obstruction legislation will have a major immediate positive traffic safety and security impact for all County people. With the enforcement, pedestrians, bicyclists, motorists, store customers and neighbors on their front yard will be immediately safer. The focus of this law helps fine tune existing legislation, establishes direction that will enable law enforcement to have the tools knowledge, confidence, specificity of a law to prevent intimidation, unsafe conditions, poor judgment and deadly accidents before they occur. No doubt, daily soliciting, waving to motorists, negotiating services and congregating in large numbers is disruptive to the flow of traffic, dangerous to walkers and motorists.

The posting of signs, police first warning a person of obstructing traffic, and only after a second incident possibly issuing a ticket is indicative of fairness of the legislation and 1022's priority goals are protecting everyone's health, safety and welfare. The County's highways in our area, North Ocean Avenue, are high speed, six or eight lane or more roads where laborers solicit motorists for jobs, sometimes from the median, sometimes on what seems like sixteen corners a thousand feet from one another, each one racing, riding their bike in different directions to different cars and trucks while the motorist needs 200 eyes just to see what each is doing and then turns to see five people gazing at his or her window; bad decisions follow.

The stress and logistics of pulling out through a mobile maze to a 55 mile an hour highway makes every decision a poor one. That decision places innocent people needlessly at risk. This legislation will ensure the safety of each person every morning on our County roads. The law offers equal protection to even the unscrupulous employer in a truck. The day laborer, the unsuspecting motorist, the coffee customer and the homeowner. Elimination of the erratic motorist maneuvers --

P.O. LINDSAY:

Don, please wrap up. Your time is up.

MR. SEUBERT:

Elimination of the erratic motorist maneuvers and threatening condition is a must traffic safety step. The passage and success of this legislation may just snowball fair-minded people to seek safer, saner solutions, government officials at all levels to have the confidence to attack the larger human quality of life and immigration issue. I thank you all for your thorough consideration and remind you, even long journeys can only begin with a safe first step. Thank you.

Applause

P.O. LINDSAY:

Thank you, Don. Pete Frisina. Pete Frisina.

MR. FRISINA:

Good evening. My name is Pete Frisina, I am the President of the East Farmingville Civic Association. But tonight, to the Suffolk County Legislature, I'm your average Joe homeowner, Joe taxpayer and Joe voter. The way I understand it, the Suffolk County Legislature is voted in by me and accountable to me, your constituent, your average Joe.

I'm a homeowner, I'm a husband and a father. I work an average of 60 hours per week to support my family. I work outside all year round; I work in subzero temperatures in the winter time, I work in triple digits in the summer time. Many days I work 16 hours per day. I work holidays, nights and weekends. Unfortunately, I have a

dangerous job, I've been to many funerals of friends and coworkers killed on the job. I am a taxpayer, I pay 38% of my gross salary every week to Federal and State taxes, and then out of net salary I pay over \$7,000 annually to my property taxes to support my local government. Sadly enough, that equates to approximately \$11,500 of gross salary and it's sad to say, again, that's relatively reasonable for Suffolk County. Last year my property tax went up another 10%, as well as the previous year going up approximately 8%. Each tax increase makes me wonder where I can get the next dollar so I can make my mortgage payment, pay my taxes and so my American dream isn't foreclosed upon. So my wife and I work harder, we work more hours to pay more taxes and play by the rules, and for what I ask.

Finally, I'm a registered voter. I vote regardless of party. I vote for who will protect my American dream the best. I don't have civil libertarian lawyers and community advocates speaking for me. I need to fight for what is mine. I need to vote for someone who will fight for me, your average Joe.

If I understand correctly, your sworn responsibility as Suffolk County Legislators is to protect your constituents that live, pay taxes and vote in your area. Some advocates will claim this is a racist bill, some civil libertarians would claim that the resolution is unconstitutional; it's obviously neither, but that is not for us to debate here. Suffolk County has an entire legal department waiting to fight those battles. Your job is to decide how to protect the legal, hard working taxpayers in this County.

So I ask you, don't base your vote upon what may happen on the town roads as a result of IR 1022, that's the town's responsibility. Base your vote on what is happening now on County roads. Don't base your vote on compassion, but if you do, have compassion for the citizens that play and pay by the rules. Have compassion for the citizens that have been standing by helplessly as their towns rapidly deteriorate.

Tonight I urge all Suffolk County Legislators to vote for the amended version of IR 1022. This amended version is a virtual guarantee that this resolution will not infringe upon the constitutional rights of unions who strike roadside or Boy Scouts that hold car washes roadside. Unlike any loitering law on the books today, IR 1022 addresses a specific safety concern becoming increasingly common throughout Suffolk County; this is not a religious issue, this is a safety and a quality of life issue. This resolution will help protect the motorists and stop the loitering, the littering, the destruction of public property and public urination that has plagued specifically in my town and others in Suffolk County. Remember, today it is my town and tomorrow it could be any one of yours.

P.O. LINDSAY:

Pete, please wrap up people. Thank you.

MR. FRISINA:

I'm wrapping up, thank you. Well, first I'd like to specifically address Legislator Mystal and tell him your comments the other day on March 6th, don't let that be your final vote or vote in regards to those comments. It was said out of frustration, and understand, this is the same frustration we feel day-in and day-out because nothing is being done. So once again, please stand up for your citizens, their safety, their quality of life. Please vote yes for IR 1022. Thank you and God Bless America. Thank you.

Applause

P.O. LINDSAY:

L. Von Kuhen?

MR. KUHEN:

Good evening. Presiding Officer Lindsay and Honorable Legislators, thank you for this opportunity to speak. I'm Von Kuhen, Senior Vice-President with Community Development Corporation of Long Island located in Centereach. For nearly 40 years, CDC has been providing housing opportunities for Long Island families. I'm here to urge you tonight to approve Resolution No. 1193, amending the

2007 Capital Budget. As you mentioned before, Diana Weir sat with me here tonight, she wanted to speak in support also from the Long Island Housing Partnership.

I would like to invite each of you to attend the groundbreaking ceremony for the Cottages at Mattituck, and that's being passed around to you right now, which will be held just a few weeks from now on the morning of April 3rd; 22 single-family homes in Southold for members of the Suffolk County's workforce. This housing opportunity was made possible because you, as a Legislature, voted to appropriate \$895,000 from the Workforce Fund for Land Acquisition. I thank you for the support and I encourage you to join in the excitement of the new homeowners who will be purchasing these safe, secure and affordable homes in their community. These soon-to-be homeowners are hard working families including teachers, laborers and municipal workers who are not able to afford to buy a home in the open market. Please continue to make funding available for future housing opportunities for Suffolk County's workforce.

CDC of Long Island has several prospective workforce housing developments in our pipeline, as does the Long Island Housing Partnership as well, located in a number of Suffolk County locations. As you know, development of any kind, but especially an affordable housing development, takes a long time to bring about. However, once an opportunity arises, immediate action is necessary in order to secure the land. It is important that the Suffolk County Workforce Housing Acquisition Fund be at the ready so those funds are available to bring additional development opportunities to the table. CDC of Long Island supports open space acquisition as we plan for Suffolk County's future, but this cannot be done at the expense of affordable housing. Continuation of Suffolk County's past policy of providing funding for both initiatives must be considered critical to the future of sustaining Long Island's future. Please support the resolution.
Thank you.

P.O. LINDSAY:

Thank you, Mr. Von Kuhen. Nancy Bruno? Nancy Bruno? Last call, Nancy Bruno. It looks like Heather Coltin; Heather Coltin?

MS. COTTIN:

It's Heather Cottin, I'm from Freeport, Long Island and I'm here to speak against Resolution No. IR 1022.

I look around this room and I have never been -- I used to live in Suffolk County, but I live in Freeport. But we have day laborers in Freeport as well and there's a good community group in Freeport that supports day laborers and supports the immigrant community.

In addition to supporting day laborers across Long Island and around the United States, I'm also a teacher; I'm a retired high school history teacher and now I teach at LaGuardia Community College. So maybe what I really want to do is talk about teaching U.S. History and how important it is to both citizens and immigrants, documented or not, and how they feel about the Constitution. Because a lot of people come here and they want to know about democracy and they want to know about the First Amendment, and the First Amendment gives people the right of free speech and it gives the right of free press and it gives the right of religion and it gives the right to assemble. And what Resolution 1022 does is it limits the right to assemble and it limits it in a rather clever way, but still, if the Supreme Court -- I'm sorry, if the Constitution is the supreme law of the land, standing above the New York State Legislature, standing above the Suffolk County Legislature, then how can you even consider having any slight adjustment for that?

So I have to ask you, which side are you on? Whose side are you on?

I heard Margaret Bianculli-Dyer talking before and the last time I saw her she was at a Minuteman demonstration on North Ocean Avenue, and the time before that I saw her at a place where they were trying to organize Minutemen here in Suffolk County. So I wonder, are you standing with the Minutemen who have actually -- their leaders have actually killed immigrants crossing the boarder, or are you standing with the people of Suffolk County who I, by and large, think are not the kind of

people that we saw out there. They're haters who are yelling at people and calling a woman who is a US Citizen from Puerto Rico, "Go home, you don't belong here, you're an immigrant," because she's not an immigrant, she's a US citizen, but they did see the brown skin.

So I guess the question really has to do with racism. You say it doesn't have to do with racism. There's this furious reasoning, "Oh, we're protecting the people on the roadside," but you are not; that is not part of what you're doing. What you're trying to do is ethnic cleansing here in Suffolk County and what I'm going to say to you is that it is a shame for Long Island.

P.O. LINDSAY:

Heather, your time is up; please wrap up.

MS. COTTIN:

It is a shame for Long Island and you should not be a pariah among legislation -- among Legislatures across this country and be passing racist legislation. Thank you.

LEG. CARACAPPA:

Thanks for coming to Suffolk County.

Applause

P.O. LINDSAY:

Dr. Luis Valenzuela.

DR. VALENZUELA:

Hello. Good evening and thank you for the opportunity. I have a statement to read from a mother, a Suffolk County resident from Port Jefferson, a student, a post-grad student, and a college teacher; she was here and had to leave.

At any rate, this is in opposition to 1022, the bill known as standing while Latino. This bill before you is not about loitering -- and pardon my frankness, but you already know that -- it's about two realities, one is the poverty of day laborers and the second is about our Constitutional Right to assemble. To petition an act as Americans. I am not going to patronize you and say that you are not aware of the potential power of this bill to abolish and alienate my basic rights as Americans. If you vote for this bill and go home tonight you will be waking up to different America. This is not the America that our immigrant ancestors dreamed of; their dreams were of equality, of basic human rights, of the dignity of working for a living and feeding their children and clothing their families with pride.

"I speak as an historian, a social worker and a college teacher, but I also speak as a mother for our children. What kind of America do you want them to inherit? It is a free democracy -- excuse me. Is it a free democracy or a repressive, totalitarian regime? Because that is how our Bill of Rights separates us from governments that put you in jail for speaking out, having a different religion or Assembly. Think of our nation's history, not of the pressures of your communities and your colleagues are placing on you. Think about what you are doing, don't be caught up in the mob mentality of the moment. You're on very dangerous grounds here, because once we begin to chip away at the Constitution, at the Bill of Rights. We are going against what makes us Americans, that separates us from other governments. And once these liberties have been lost, they will not be so easily regained, despite the desire to do so. So, think about how you are changing the Constitution of the United States today, not about traffic problems, that can be solved with a labor exchange, and think about what it is -- what it means to be an American. Think about your children and what you owe them, the same rights that were given to you." That's by Catherine Carballeira. I, too, oppose this bill.

P.O. LINDSAY:

Thank you. Alex Gutierrez?

D.P.O. VILORIA-FISHER:

Gutierrez.

P.O. LINDSAY:

Gutierrez; Alex Gutierrez?

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

MR. GUTIERREZ:

Alex Gutierrez. I want to thank you very much. I happen to be the Chairman for the Suffolk County Hispanic Advisory Board, which is actually your board, okay. And as the Suffolk County Hispanic Advisory Board, first we would like to thank Majority Leader Jon Cooper and Legislator Elie Mystal for taking the time to meet with us in our board room to discuss the current bills on the table and other issues that relate to the human and civic rights of Latinos on Long Island.

Our statement for this committee is a simple one; we are against this bill and any other bill that will encourage and foster an environment specifically targeted against Latinos and no other population. Clearly, we recognize that this bill is only targeted to County roads, but we also understand the domino effect that will quickly spread at every corner in Suffolk County throughout Long Island. We cannot, in clear conscience, support a bill that is not well thought out, nor adequately researched of its consequences. In fact, it is our position that both immigrants and non-immigrants will suffer the obvious abuse of the right to peacefully assemble which is the guarantee, all right, that we have from the Federal Government. Sure, this bill is amassed as a traffic issue and it is important to recognize the obvious connection.

Furthermore, the bill is not clear as to its enforcement. How does the police officer translate an offense? How are they expected to gather individuals who violate this only County Road law? Will the possible enforcement spread to other soliciting work sites for pay such as school car fund-raisers or lemonade stands, so forth and so on?

We at the advisory board are trying to set up solutions, all right, for this problem. We welcome our Legislator to come and help us with these solutions. We can utilize the immigrants and also -- actually, all the immigrants we could utilize and the people, because if we do, there's a lot of taxes that could be paid into the system through these people.

I want to thank you very much for hearing me out. That's what I have to say.

Applause

P.O. LINDSAY:

Thank you. Tom Stock? Tom Stock? Okay, last call, Tom Stock; nope? Robert Adamo?

MR. ADAMO:

My name is Robert Adamo, I live in Riverhead and I'm here representing the local Audubon Chapter which is the Eastern Long Island Audubon Society. I'm a past President of this organization and tonight I speak as a member of its board.

We have 896 members and we hope you will listen to your environmental advisory board regarding 1150 by either voting this bill down tonight or, at the very least, putting it off for further discussion. Thank you for your time.

P.O. LINDSAY:

Thank you, Mr. Adamo. Maureen Jones? Maureen Jones?

MS. JONES:

Good evening. My name is Maureen Jones and I reside in Farmingville. I've lived there for the last 22 years and I'm here representing my neighbors who could not make it here.

We are hard working people, we pay our taxes. The neighbors who could not be here tonight to voice their concerns, some of them have had accidents on Horseblock Road, North Ocean Avenue, near Blue Point Road and Long Island Avenue because of trucks stopping and picking up men on the side of the road. Some of them have had accidents with their vans, slowed down when numerous men charge their vehicles, some on bicycles that slide into their vehicles, or fell off their bicycles in front of their van with their children in it and have experienced the horror, only to have that person pick up their bicycles and just ride away and they remain there shaking to think, what just happened. Others of us have had to explain to our children what the man was doing on the side of the road, out in broad daylight, going to the bathroom; I ask you, would you want to have to explain this to your children?

This bill is a public safety issue, a health issue and an environment issue and we the taxpayers need Resolution 1022 to help improve our community and make them safe to live in. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Jones. Antonio Martinez? Antonio Martinez? Last call, Antonio Martinez? Okay. Rosario Pellegrino? Rosario Pellegrino?

D.P.O. VILORIA-FISHER:

I don't see him.

P.O. LINDSAY:

Last call, Rosario Pellegrino? Lauren Stiles.

MS. STILES:

Good evening. My name is Lauren Stiles, I'm a member of the Suffolk County CEQ and I'm here tonight to speak in opposition to IR 1150, Adoption of the Vector Control Long-Term Plan.

Adoption of this plan, as it's drafted now, ignores years of environmental review by the Suffolk County CEQ. That body was created by the County Charter to provide all of you with independent environmental advice. All points of view were considered by the CEQ and the CEQ contains representatives from the towns, it contains scientists, attorneys, environmentalists and a member of this very Legislature. So after all of this review by the CEQ and the recommendations the CEQ came up with, why are you now being asked by Legislator Viloría-Fisher to adopt a bill that disregards the recommendations of this independent body, despite the protest of almost every major environmental group on Long Island?

This is the most significant environmental legislation to impact Suffolk County since the adoption of the State Pine Barrens Act by the State Legislature. That bill impacted about 100,000 acres of our County, but this bill has the potential to impact every acre of our County. While it might be necessary to rely on the good word of your fellow Legislators on routine matters because of your busy schedules, this is not a routine matter. Each of you owes it to your constituents and their children and their grandchildren to have a thorough understanding of the environmental impacts that are very long-term that will result from this bill before you vote on it.

If you adopt this bill as written, it will be the first time in history that this body has ignored the recommendations of the CEQ. CEQ was formed to take the politics out of the environmental review process and I ask you to not be the Legislature that puts it back in. Thank you.

Applause

P.O. LINDSAY:

Thank you. Evelyn Voulgarelis, Voulganelis? I probably butchered the name, I'm sorry, Evelyn.

MS. VOULGARELIS:

That's all right. Good evening. My name is Evelyn Voulgarelis and I am a member of the Board of Directors of the Eastern Long Island Audubon Society and, as you can guess, I'm here to oppose the adoption of Resolution 1150 as it's written.

Now, I know that you've heard a lot of scientific reasons for not using Methoprene in the tidal wetlands and for not digging ditches in the salt marshes and, of course, we heard many times that the CEO opposes that. So I'm asking, please listen to the scientific reasons for opposing this plan, and I'd like to go on record for our Audubon Chapter as opposing the plan. Please rewrite it or ditch it.

P.O. LINDSAY:

Thank you. John Grindell?

MR. GRINDELL:

Hello. My name is John Grindell and I'm a Community Organizer for the Long Island Progressive Coalition. I come to you tonight to voice our opposition to IR 1022. This bill unfairly attacks the Latino community due to its anti-immigrant sentiment. Our other concerns stem from the unintended results of overturning Freedom of Assembly and Freedom to Protest. Furthermore, unions and traditional pickets will be negatively impacted. In light of this unconstitutionality, we urge you to vote against this bill.

We do support a day labor center. And as a former Arizona resident in a state where anti-immigrant sentiment and anti-immigrant fervor is at its highest, I've seen this day labor center to be most useful for conflict resolution. As well, the current bill in its context will only exacerbate the situation forcing day laborers and migrants to much more dangerous, perilous situations. And so in this climate of fear, we urge you to look for a progressive solution. Thank you.

Applause

P.O. LINDSAY:

Joan Travan? Joan Travan.

UNKNOWN AUDIENCE MEMBER:

She's not here.

P.O. LINDSAY:

She left. Noel Curtain? Noel C Curtain or Certain; no? Last call; Noel Certain. Nope. Margaret Bianculli? Margaret Bianculli?

LEG. CARACAPPA:

She spoke earlier.

P.O. LINDSAY:

Okay. Gary J Martin. Gary J. Martin? Martin Johnson. Martin Johnson? No Martin Johnson, okay.

Okay, that concludes the cards. Is there anyone else in the audience that would like to address this Legislature? With that, I'll make a motion to close the public portion.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, is there any way we can take out of order some of the issues that most of the audience are here for, 1022 and the Vector Plan?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

We had a motion before and it failed.

LEG. CARACAPPA:

He was on the prevailing side.

LEG. ROMAINE:

Prevailing side.

P.O. LINDSAY:

Well, I wish you would reconsider that. It failed, let's go through the agenda.

LEG. NOWICK:

Yep, absolutely.

LEG. CARACAPPA:

He's making a motion to reconsider.

P.O. LINDSAY:

Well, if you want to make a motion to reconsider, I'm not going to support that and I urge my fellow Legislators not to support it because we did this before and everybody wanted to scream and yell; let's go through the agenda.

LEG. SCHNEIDERMAN:

I'll just say the reason why I didn't want to do it before is because we hadn't finished public portion.

P.O. LINDSAY:

Okay. Is there a second?

LEG. SCHNEIDERMAN:

And now we've finished public portion.

LEG. CARACAPPA:

I'll second it.

P.O. LINDSAY:

Second to reconsideration.

MR. NOLAN:

To take it out of order.

P.O. LINDSAY:

To take -- to take 1022 out of order?

LEG. SCHNEIDERMAN:

Let's get -- I just want people to be able to go home, take 1022.

P.O. LINDSAY:

I want to go home, too.

LEG. CARACAPPA:

Well, we've got to do it anyway.

LEG. SCHNEIDERMAN:

I'll make a motion to take 1022 out of order.

P.O. LINDSAY:

Okay. To reconsider that vote.

LEG. SCHNEIDERMAN:

To reconsider, right, reconsider taking it out of order, if that's the proper motion.

P.O. LINDSAY:

Okay. All in favor of reconsidering taking 1022 out of order? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

I'm opposed.

LEG. NOWICK:

Opposed.

MR. LAUBE:

I'm missing a couple of people, hold on.

MR. LAUBE:

Fourteen (Opposed: Legislators Lindsay, Alden & Nowick -
Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, the reconsideration vote passed. Now the -- you know, it's reconsidered, now you want to make the motion to take 10 --

LEG. SCHNEIDERMAN:

I'll make a motion to take 1022 out of order, sir.

P.O. LINDSAY:

1022 out of order. And Legislator Caracappa, you're going to second that?

LEG. CARACAPPA:

I sure will.

P.O. LINDSAY:

Seconded. Any discussion? All in favor? Opposed? I'm opposed.

LEG. ALDEN:

Opposed.

LEG. MYSTAL:

Opposed.

LEG. SCHNEIDERMAN:
Roll call.

P.O. LINDSAY:
Roll call.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
No.

LEG. HORSLEY:
(Absent).

LEG. NOWICK:
No.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
No.

LEG. ALDEN:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No. Okay, 1022 -- oh, announce the vote.

MR. LAUBE:

Twelve (Opposed: Legislators Lindsay, Mystal, Nowick, Montano & Alden - Absent: Legislator Horsley).

D.P.O. VILORIA-FISHER:

Page 11.

LEG. EDDINGTON:

Motion to approve.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Okay, let me just get the page; it's on page 11, Public Safety.

1022-07 - Adopting Local Law No. 2007, a Local Law to prohibit the obstruction of County roadways (Eddington).

I need a motion. Legislator Eddington has made a motion to approve, seconded by Legislator Caracappa. Legislator Mystal, you wanted the floor.

LEG. MYSTAL:

I figured I'd be the first one to speak on this resolution, and I wanted to be the first one to speak. First, I want to say that at the last meeting, I deeply apologize for the comment that I made, I didn't mean to offend anybody or insight anybody into violence or disparage any group; that's my apology for the last comment that I made at the last meeting.

In the meantime, that statement being made and the apology being made, I still have grave concern for the people who live in that community -- my two minutes are up -- grave concern for the people who live in that community. Everybody talks about the limit of limiting the rights of the people who gather on the street, but the people who live there in that area also have limits imposed upon them by the people who are gathering on the streets seeking work to feed their family, which is an honorable thing.

Also, we keep forgetting, people have invested the gooder part of their lives, the biggest investment they will make in their lives is their home. They cannot walk into the street, they are afraid to walk the sidewalk, they are afraid to go out anywhere. The day laborers are there not trying to hurt anybody, they are just trying to feed their family and to get work. They're not malicious, they are not criminals, but a permanent solution need to be had or need to be put into place to solve the problem. The bill will not and has never been -- never been couched to solve that problem. Many people have said all it will do is push it to another street and most likely that it would not be enforced. The laws in that bill or the writing in that bill are already laws that are in the Penal Code of New York State. If the Police were going to enforce that law, they could have done it already, but they haven't. They use the same law to disburse young groups of teenagers when they gather around, but they won't use it against the day laborers for whatever reason.

The third thing I want to say is that the characterization that many people who sit around here characterizing Legislator Caracappa and Eddington as racist and I want to say that in public; these two gentlemen do not possess a racist bone in their bodies. They are trying to find a solution for a

problem that affects their community, which is what they were elected to do. Whether the solution is flawed or not, it is not a reason or not reason to call them names, especially racist. Will the bill affect a particular group? Yes, it would; it would affect the Hispanic community and the Hispanic day laborers, so in that sense, you could say the bill will affect a group that you could characterize as racial.

I have -- I am an immigrant and the problem that we have in Suffolk County is a problem created by the laws of supply and demand. Heretofore, when I first came here, we all gathered around the urban centers where the cities were equipped with rental apartments and jobs and public transportation to service and help the immigrant community. Now the immigrants who come here, whether legal or illegal, whether documented or not documented, bypass the urban centers and come directly into the suburb, and the suburbs are ill-equipped to absorb the new immigration population. We don't have the rental apartment in Suffolk County, we don't have the transportation so, therefore, they create a problem.

Are they valuable to the economy? Yes, they are. Let me strap a machine on your back on July 14 at 12 noon and tell you to spend eight hours blowing leaves while that machine is whirling on your back; nobody would do that that job for \$7 an hour. So they are valuable.

The law itself, to me, will not solve that problem, it will only create more hatred toward one group. That is the only reason why I'm voting against this law. The law that -- well, back up. The thing that the law proposed to do are already in the Penal Code, but I still maintain that this County and this Legislature need to find a permanent solution to fix the problem. The people who live in the area of Farmingville deserve merit, has earned the right to have a peaceful life, the right to have -- to be able to walk on the street without fear; they have earned it, they have worked for it and, by God, this County must do something to alleviate their problem. Thank you.

Applause

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Chairman. I'd really like to discuss the issue in the context of national policy on immigration. As others have pointed out during the course of the day, this is a Federal responsibility, but the Federal Government either refuses or doesn't have the ability or the know-how to step up and take care of this issue and, frankly, they will not. And the reason they will not is very simple; in this country today there's something like 12 to 20 mill so-called undocumented "illegal" immigrants that are currently in the United States. If you believe that figure, and it is accurate, then in New York State with approximately 19 million people, in a total context it conceivably is every man, woman and child in New York State. And what does that mean? That 19 million across the country is assimilating into the economic base of the United States of America. If we have 300 million people, 19 million or 20 million is about five to 7% of the population. They buy goods and services, and the corporations of this land know that.

Years ago, going back up to 150 years ago in this country, when you had immigrants coming over, they were assimilated into society but always in the background in those years were people like Carnegie and Rockefeller and others. When you have quarterly reports for the largest corporations in this country like General Electric and Motorola and Wal-Mart -- you name them right down the line, Microsoft, Dell -- as they give those quarterly reports, built into those sales figures, Ladies and Gentlemen, are the demographics of those 19 million people and the sales and revenue coming from them. That's why they will stay here, that's why they will not leave.

The American businessman, from the largest corporation to the smallest mom and pop store, they're generating revenue, they don't want them to go because they buy goods and services. And yes, they use services, but the reality is they are here and they're not going back. Why would you want to go back to wherever they came from when there's poverty and disease waiting, and in some

cases political retribution? They fall in line, legal or illegal, like any other immigrant that's been coming over here for the last 200 years. They come for freedom and they come for liberty.

Applause

We as Americans must expand the legal channels of immigration. There is absolutely no valid reason at the Federal level that legislation shouldn't be passed by the Congress so that these so-called undocumented immigrants, over a period of eight, 10, 12, 15 years, can take the necessary steps, stay in this country and become United States citizens.

Applause

The other question, and I think it's a legitimate one with reference to immigrants; do you think crime by immigrants is getting out of hand? Is there a major criminal element across the country? Last week a study was recently published, an in-depth statistical study, it was done by researchers Dr. {Ruben Rumbot} of the University of California at Irvine and Dr. Walter Ewing of the Immigrant Policy Center. They found that between 1994 and 2000, criminal incarceration rates among immigrants were amazingly low. In this period, the United States undocumented population doubled, it went from six million to 12 million between 1994 and 2000, that's why it's up around 20 million now and growing. They found that violent crime during this period declined 34.2%, and property crime dropped 26.4%. Crime was low in all major categories when comparing immigrants and the native population, among men 18 to 39 years who mainly comprise the country's prison inhabitants. Immigrants from Mexico were eight times less likely to be incarcerated than their U.S. counterparts. Foreign-born Salvadorans and Guatemalans had a rate six times lower than their counterpart cousins.

For more than a century these types of studies have been done. The industrial commission of 1901, the {Dillingham} Immigration Commission of 1911 and the National Commission on Lower Observance and Enforcement of 1931 all found, all found for the immigrants in those times lower levels of criminal involvement among the foreign-born than Native Americans. The historical record in this area with reference to crime and immigrants is clear, it goes back to a hundred years, it's evident. You know, Mark Twain once said, "There are lies, there are damn lies and there are statistics." In this case, the statistics are true; what we're dealing with is the lies and the damn lies and the innuendoes.

This bill moves us 180 degrees in the wrong direction. Instead of working together to solve this problem, the bill would only exacerbate it. We as Americans have a reputation throughout the world as being fair and good people. We help, we don't conquer; we build, we don't destroy. We help found the League of Nations and the United Nations. We fought Fascism and Japanese Imperialism. We fought against the communists in Korea and Vietnam. In Iraq we fight not to conquer but to help to bring some semblance of democracy to the Iraqi people, and they know it and they know when that's accomplished we will leave. We as Americans give billions of dollars each year to other countries to help with poverty and disease. So is anyone here going to tell me that we as Americans can't solve the challenges that we face with the immigrant situation in this country? We are Americans, we have the ability. What we currently lack on this issue is the will; once we get the will, we will solve this problem. Thank you.

Applause

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
Thank you. I have a few questions. First of all, I -- and this is perhaps a question for the sponsors, but I question the basic premise of the resolution is that they're trying to deal with a unique traffic safety problem that is related to the presence of day laborers on these particular County roads. I

had requested from Gil Anderson of the Department of Public Works a couple of days ago accident data for the roads in question and for the three years that I believe Legislator Eddington repeatedly refers to, and he gave me some interesting data.

In 2001, there were 51 traffic accidents at that intersection, but there were seven other County Roads with similar amounts of traffic that had higher accident rates with no day laborers. In 2002, there were 58 traffic accidents on County Road 83 and County Road 16, but they found two other locations, two other County Roads that had more accidents; once again, not a day laborer in sight. In 2003 there were sixty-four accidents along the stretch of road in Farmingville where the day laborers were, but there were two other locations, two other County Roads where they had more accidents; once again, no day laborers. On top of that, 65 of the accidents took place either on a Saturday or a Sunday or in the evening when there were no day laborers, that's 38%.

UNKNOWN AUDIENCE MEMBER:

That's not true.

LEG. COOPER:

So I believe that the basic foundation for the law, the basic impetus for it is based on misleading data.

Now I have a couple of questions for Legislative Counsel. Do State or other laws already on the books collectively accomplish the same thing as IR 1022?

MR. NOLAN:

IR 1022 has -- it basically makes it unlawful for anybody to solicit in such a way along a County roadway that would obstruct traffic, and then it has other provisions that just make it unlawful to stand or lie or sit on the road or in the road to obstruct traffic. While the bill's been debated, there are two provisions of State Law that are similar but not identical. In the Penal Code there is a Disorderly Conduct Statute and one of the provisions that is considered disorderly conduct is if a person obstructs vehicular or pedestrian traffic with the intent to cause public inconvenience. And there is also in the VTL, the Vehicle and Traffic Law, 1157, the section that says that, "No person shall stand in a roadway for the purpose of soliciting a ride or to solicit from or sell to an occupant of any vehicle." I would note that the definition of solicit in the Local Law is broader, though; I don't have if that's responsive.

LEG. COOPER:

Another question for Counsel. In your opinion, does all the reporting by the media about statements from the bills sponsors regarding their intent in drafting IR 1022, does that make a difference as to whether the law will be found unconstitutional if challenged in court?

LEG. EDDINGTON:

The statements have been inaccurate, so.

MR. NOLAN:

I think basically it will be the law itself that will be -- the court will look at the law and the intent behind the law in making a determination. The intent is -- does have some bearing but it's essentially what's in the law. Obviously, the law was drafted trying to be lawful and there are -- for instance, there was a -- basically, this law is modeled to a large degree on aggressive pan-handling statutes that have been upheld in other places. But because this will affect speech, at least the solicitation part, there's a three part test that the courts use to determine if it's constitutional; how that's going to come out, they're going to look at the law and that's how they're going to determine if it's lawful.

LEG. COOPER:

I believe my last question, at least at this point, is whether there are any sections of the law that potentially would have application to labor unions, anti-abortion protesters, anti-war protesters, anti-sex offender protesters or other people picketing or demonstrating at or near County roadways. Specifically, I point to Section 3, Prohibitions, Paragraph C, Subsection C, "It shall be unlawful for any person on a Suffolk County roadway or highway and any curb, bicycle lane, sidewalk, shoulder or slope adjacent to a Suffolk County roadway or highway to saunter," I'm still not quite sure what saunter means. Isn't it what Gene Kelly did in *Singing in the Rain*, saunter, no? "Saunter, stand, sit or lie in such a manner as to obstruct traffic." And D, "It shall be unlawful for any person on a Suffolk County roadway or highway and any curb, bicycle lane, sidewalk, shoulder or slope adjacent to a Suffolk County roadway or highway to stand or stop a vehicle in such a manner as to obstruct traffic." And my understanding is that traffic refers to both vehicular traffic as well as pedestrian vehicle.

MR. NOLAN:

Right, and to traffic --

LEG. COOPER:

So could any of those potentially apply to labor unions, anti-abortion protesters and the like?

MR. NOLAN:

Potentially those sections could apply to people who are demonstrating on a side of the road if they're obstructing traffic. You know, but should -- I have to note that a person's right to demonstrate, to picket, the courts have upheld statutes that if picketers or demonstrators are interfering with traffic, those laws have sometimes been upheld, because it's not an absolute right; a government can impose restrictions on time and manner of when you demonstrate or picket.

LEG. COOPER:

So to reiterate, even though it may not be the intent of the sponsors, the unintended consequence of this resolution could impact the ability of let's say a labor union to picket on the side of a road, if they, in the process, obstruct either pedestrian traffic or vehicular. And I know that I, as well as another colleague who I won't mention, joined a picket line just a few months ago in front of a restaurant and we obstructed pedestrian traffic, so I guess I would have been -- could have been found guilty of violating this law had it been in effect.

MR. NOLAN:

It's possible, but also you could be affected by the State law that deals with disorderly conduct as well.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. And I'd like to thank Legislator Barraga for such an eloquent statement, it meant a great deal. Being a Latina immigrant, I've been asked by many people in the media to characterize my colleagues as racists and I have been unwilling to do that because I am unwilling to assign motive to someone's actions. What I believe, and I've taken them at their word, is that they are responding to a need in their community.

And I have a great deal of empathy, as Legislator Mystal said, for the people in the community who have great numbers of men standing on corners. But I submit that six years ago we provided a solution in this Legislature where the men, rather than stand on corners, would move to a building where they would receive education, language instruction, some ability to connect with employers. And their -- that particular piece of legislation was vetoed and we were not able to override that

veto, unfortunately. I think that would have been a great relief to the people who live in Farmingville.

But I want to add to some of Legislator Barraga's comments regarding the economic strength of those over 12 million undocumented immigrants, and they indeed are immigrants. I corrected someone two weeks ago who didn't know the meaning of the word immigrant, but an immigrant is someone who moves from one country to another to settle permanently, so they are indeed immigrants. These more than 12 million people are paying into Social Security accounts where they will never collect from those accounts, so in many ways they are securing your ability to collect Social Security. The people who live in Suffolk County and anyone who sits around this horseshoe knows that our budget is primarily supported by sales tax. Any items that they buy go into our sales tax coffers, which is the lion's share of our General Fund in Suffolk County. And those who say that they are not property owners are also -- and therefore, do not pay property tax are also incorrect, because they rent a home somewhere and so they are paying the owner of that property and that property owner is, in turn, paying property tax. So for those people who say that these undocumented immigrants are not paying tax, they should stand corrected; they indeed do pay tax.

They are victimized by many of the employers, and if we treat them with these onerous laws that, by the way, although they are palliatives, they are pieces of legislation that try to appease constituents, they're not really honest pieces of legislation. We saw that with IR 2025 which was introduced by the County Executive. Last week, Mike Conroy from the Carpenter's Union was testifying before the Labor and Affordable Housing Committee and I asked, "Have you seen any enforcement of 2025? Has there been any relief to any contractors who felt that some of their -- that they were being under cut?" There has been absolutely no evidence of any results that have come from that particular piece of legislation, this is what was said by someone who is a labor leader.

I don't believe that this particular legislation will help anyone in the community. And I need to oppose it because whether or not the motivation of the sponsors is to be racist or to profile people, the consequences will be an exacerbation of bigotry, racism and profiling. And the person who's waving in the back, it's not because I'm attacking you in your area, it's simply that it will not help you. Thank you, Mr. Chair.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Thank you. You know, I've had a lot of people talk to me. I have never talked about day laborers, immigrants or Latinos; everybody that's talked to me has brought it up, but I have not brought it up. So I would say to those who have tried to make this a racial issue, shame on you for in sighting the very problem that you stand against.

And for those of you who have allowed yourself to be made to think that this is an anti-labor issue, shame on you for being so easily manipulated. As a Suffolk County Legislator, I don't have the luxury to advocate for just one special interest group. I have to advocate for the 1.6 million people that are hard working, tax-paying residents of this County.

Applause

As the Legislator in the 7th Legislative District and as the Chair of the Public Safety Committee, I am going to continue to make every effort to make our roadways safe. I started in Patchogue on County Road 80, I went to County Road 99 that separates Patchogue and Medford, had no problem. I went to County Road 16 and 83, the next one in my district that I heard there were a large number, 406 rear-end collisions, and I didn't ask what time or day or who was causing it, I said, "There's a problem and I'm going to go there and I'm going to fix it." And I will not be intimidated

to back off because groups come here and call me names. I don't call names. I believe that if you tried six years ago and something different didn't work, then maybe you should follow my philosophy, if you do what you've always done, you get what you've always got, and I'm here to get things done. Thank you.

LEG. CARACAPPA:

Well said.

Applause

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah, just quickly. You know, all of the facts and the figures are very informative, all the facts and figures about illegal immigrants. However, when the residents of Farmingville try to navigate through their towns they're met with large groups of people, its a fact. And from testimony that I heard in Public Safety over the last two meetings, from what I was hearing, these were people that were urinating in public and making comments, one woman said that they didn't even want to walk her children past these large groups of people.

And, you know, as a Legislator, I sat and I had to fight and think a little bit about what my decision would be on this and how I could help and who I could help. As I looked out, I was standing one day and looking out my window in my Legislative office and I thought to myself what would I do and how would I feel if every day, day after day, there were groups of people obstructing traffic, every morning, every afternoon, whether it's a group of teenagers or night or whoever it is, I think that that would bother me because it would certainly obstruct traffic and the tranquility of the town.

So I ask that when people consider this, let's stop thinking only of the words illegal immigrants who, by the way, are hard working, wonderful people, I am sure most of them working for their families, but how about the residents of these towns? How about when Legislator Caracappa and Legislator Eddington sit in their district office and people come in to them time and time again and say to them, "What are you going to do to help us? We're the residents, what are you going to do?" And by the way, the people that come in and say that and live there are tax-paying citizens of their community. What can they do? They cannot turn their back on these people.

And I have to tell you, we're forgetting the fact, if we're talking about traffic safety, what are you going to do one day when someone that's out there looking for work gets hit by one of those cars and God forbid killed; how are we going to feel then? So if this is something that my colleagues feel that they can do for their district, I'm going to have to support you.

Applause

UNKNOWN AUDIENCE MEMBER:

Thank you. God bless you.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I really don't know where to start and I don't know where to end, to be quite honest with you, so I'll just -- I'll wing it here.

I don't know if anyone's heard the tax-paying citizen of this County come up and speak about their neighborhoods; I know Legislator Nowick has, she just made it clear. Mr. Frisina came up earlier from the -- and he's the President of the East Farmingville Civic Association. Did you hear the words

from that tax-paying citizen? Did you hear the words from the rest of his community, time and time and time again? For some of you who have been here for some years now, this isn't my first attempt to try to deal with this. And what, you think they come here every time and make up this story? It's absurd. And the argument against this bill is absurd as well.

All you need to do is go into the communities that are affected and take one look for one short period of time and there is no denying, in any, way shape or form that this is not real; it's real. These people are real. These people pay our salaries and we kind of forget that really quick when we get elected and we have a real, real quick ability to forget who we represent and who puts us here.

I'd like to go back a little bit and mention some very passionate statements made by someone who made a very passionate statement earlier when we voted on a piece of legislation banning loitering in another way most recently. It went something like this, and I'll paraphrase so I, you know, don't get held to it perfectly:

"When I take a look at a piece of legislation, I never take a look at the sponsor, I take a look at whether or not the people I represent want this piece of legislation. In my history, I've never really gotten bogged down too much from a Legislative perspective in terms of individual adjectives, verbs, nouns, whether or not the term loitering is going to stand up, 18 different lawyers, 18 different opinions, it's the issue itself, whether or not the people you represent want it or not. And if it doesn't reflect what your people want you vote against it, but if it's what they want you vote for it. From my perspective -- and you shouldn't vote against the bill from my perspective because the paper wants you to or doesn't want you to. What happens to the bill afterwards, that's for the courts to decide, that's for the lawyers to decide." Does one of my colleagues remember those quotes that you made so passionately about another loitering bill that this Legislature passed 17-1?

You know, when are we going to wake up as representatives and start paying attention to the people who are our constituents? Time and time again this Legislature, whether you've been part of it or it's been other people, have told the tax-paying residents that you represent, "Take a hike." You've caved in to name calling, you've caved into rhetoric, you take a look at something that actually is happening every day and then you close your eyes as if it's not happening. It is, people are being affected; it's not only taxpayers, it's the day laborers themselves. It's crazy that we continue to tell the people, "You don't matter. Well, you matter on Election Day, we love you then, you're our people and I'll do everything I can. I'll fight this issue." And you all heard it, you all -- a lot of you ran your first elections last time. What was one of the number one issues that you people talked about when you went to meet-the-candidate nights or you knocked on the doors and like you are now as you head for reelection, they're talking about this issue, and you still continue to pretend it doesn't exist. When is this Legislature going to wake up?

Applause

And you know, like I've said, I've been through it before, this isn't my first attempt. And I could tell you, a lot of people have fought me over the years around this horseshoe, they're long gone. And even though I'm termed out and I'm leaving, I'm sure a lot of people will be happy about that, but I'm still here. You know why? Because I listened to my constituents. I listened to the people who gave me the honor to sit behind this seat and the people who have paid my salary, we should start doing the same around this horseshoe.

Applause

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Joe speaks passionately, I know he feels strongly about this issue. I'm a Legislator representing one

of these affected districts; in fact, Southampton. The Minutemen have called the front line in the battle against illegal immigration and you go out to the 7-Eleven in Southampton on any particular given morning and you'll see probably 100 or 50 or so day laborers gathered out there, not on a County Road. In fact, the only people who are out on the County road are the Minutemen with the "Deport Illegal Immigrant" signs. They are not gathered on the town roads because -- it's actually the village in this case, the village is enforcing Section 240-20 of the New York State Penal Code that says you cannot obstruct traffic on a sidewalk or on a street and they have ticketed people. In fact, some people who have showed up in the system when they've ticketed them for having committed crimes have actually been deported, so the law is on the books.

And one of the first things I did in looking into this bill is I called my Police Chiefs in my district. Now, we don't have Suffolk County Police in my district, except for a very small portion of the farthest west point, and I said, "Do you need this additional tool for public safety?" And the response I've been getting, and particularly from -- this morning I spoke with the Police Chief in the Village of Southampton where this problem is occurring, they're saying that, one, the problem is not on the County Road; two, the Penal Code is stronger than this law in a sense that the Penal Code does not require a warning to be given where this law does require a warning; and two, they feel more comfortable writing along the Penal Code because it's been tested, it's been appealed, it's more likely to hold up in court than this County law. So they are not asking for this law.

Now, that doesn't mean it won't solve a problem in Legislator Caracappa's district. But where, my colleagues, is Commissioner Dormer; is he asking for this? Why are they not writing tickets and handling this problem based on the laws they already have? If it works in Southampton Village, why wouldn't it work in Farmingville? That is the question, that's what needs to be answered.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Thank you. I think Legislator Eddington mentioned about the safety issues and they keep saying this is a public safety bill, and Legislator Eddington and I have been working on Woodside Avenue and the problems that are occurring on Woodside Avenue with the speeding. My son lost his best friend to Woodside Avenue. So what we did was we enforced those laws; we stepped up enforcement. They have written so many tickets because of that.

As far as this is concerned, we have laws. I have the book. I have every label, every law, public urination, littering, there's disorderly conduct, exposure, stopping, standing; it's all in here, every single thing that's in this bill is in this book.

UNKNOWN AUDIENCE MEMBER:

They don't enforce it, though.

LEG. BROWNING:

What makes you think this is going to be enforced on a County level? The Suffolk County Police Department, this is a book I got from a Suffolk County Police Officer. My husband, a New York City Police Officer, has this same book.

UNKNOWN AUDIENCE MEMBER:

Why would --

LEG. BROWNING:

These are the laws that they have to enforce.

P.O. LINDSAY:

Quiet.

LEG. BROWNING:

These are the laws that they have to enforce, these are the laws they have to enforce. One of the things that we can do, we don't need more laws, we need to enforce the laws. And we can put up signs, we don't need to make new signs, there are signs that currently say "No Stopping or Standing". Call DPW and ask them to put those signs up. We don't need legislation to do that.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I'll keep it brief, Mr. Chair. Many of my colleagues have said some of the same things that I had wanted to point out.

I also admire the sponsors for attempting to go ahead and address this issue. I know personally myself, from friends and I've seen it, not only the congregation but also the impact to the neighborhoods in Farmingville. That notwithstanding, I do think that as my colleagues have said, unfortunately our Suffolk County Police Department is nowhere to be found here. And that with existing statutes on the books, perhaps one of the questions that we should be raising, and I intend to raise it on my own and I'll ask one of the sponsors as Chair of Public Safety, specifically requested the Commissioner to come back and give us some information as to why, in fact, some of these statutes are not being enforced. VTL 1202 also is very comprehensive and lays out many of these situations.

The other element that's not being addressed here is not only the immigrants that are congregating, but as I've shared with conversation with some of the sponsors, the absence and the lack of the presence of the State Office of Taxation & Finance to seize illegal contractor's vehicles, tools, bank accounts and any other means that they seek to go ahead and employ to actually profit from this system, on the labor of these individuals and to go ahead and to fail to remit the proper taxes that every other hard working individual does pay.

I wrote at length last fall when we went through the dialogue with 2025, and I as a person who's an elected person of government could not get answers out of State Taxation & Finance. I commit that I'll redouble that effort and I will take the elected officials from the Smithtown area to demand an answer out of Taxation & Finance as to why they have not stepped up law enforcement. Nevertheless, I cannot support something that goes against the Constitution. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

There's a lot of things that were said by Legislator Barraga and I have to agree with a lot of them. And unfortunately, part of what he said I'm going to take a little bit of a disagreement with and that's about our borders and our national policy. Basically, our national policy is an abomination and I want everybody to think back just for a few minutes because that's what I was doing just a minute ago.

I remember some women and men that actually went to my church, friends of mine that were vaporized on a day in 2001. And how did they get vaporized, murdered? By people that were in this country illegally. But that's not the issue that we're looking at today.

And Legislator Kennedy brought up another thing that is near and dear to me also, and as any government official it should be near and dear to all of us, and that's the underground economy. And when people partake in our system and they don't pay their fair share, all of us suffer and the

system suffers greatly; but again, that's not what we're doing with today. It was either the last meeting or the meeting before, I was asked to vote for a piece of legislation and I'm an attorney and this legislation was clearly unconstitutional, but I don't mind sending a message to sex offenders that I don't want them near children, I don't want them in playgrounds, I don't want them near schools. So I don't mind voting for a piece of legislation that is absolutely unenforceable and clearly unconstitutional.

But I also look at a situation where people's lives are in jeopardy. And yes, even the people who might be labeled as illegal immigrants, migrant workers, whatever you want to call them, their lives are in jeopardy too. And I would hope that one thing that comes out of this is that -- whether it's a symbolic system -- or two things. Whether it's a symbolic system that I'm going to make or a symbolic vote that I'm going to make to try to eliminate a dangerous situation, or whether it's just the fact that all the people that came down here, whether you be pro or con and whether you be a government elected official or somebody that works for one of us, that maybe somebody should start taking the time and going out into that community or all of those communities and informing people about some dangerous actions that they're taking. And even to the extent where they're being exploited and maybe there's 25 or 30 people living in a house, that's a dangerous situation. And the year that I was elected, and I used to represent a big portion of Brentwood, the year that I was elected a house went on fire in my Legislative District; three floors, all illegally occupied. The people on the middle floor got out, the people on the top floor burned to death, the people in the basement burned to death; that's a terrible thing to have happen.

And I would just hope that, again, people came down here to advocate, I hope that you take the same amount of time to go out into the community and advocate for a safe and healthy existence in the community.

Applause

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Yeah, I'm sorry, Mr. Chairman. In my exuberance earlier, I forgot to mention just one thing I did want to put on the record. And I'd like to -- I'd like to just say to my cosponsor on this bill, I'd go in a fox hole with you any time, Jack. You know, we're from different political parties and political parties that are pretty much diametrically opposed on certain issues, but when you came to me and you said, you know, this is a real problem, I respected you for your willingness to be a true public servant to the people that you represent.

And when we sat down in my office and we were looking over, you know, possible ideas, I told you, you're going to be called names, you're going to be threatened, you're going to be run through a ringer like I was for many years just for trying to represent the people that elected you, and you were and you stood that test and you stood up to it. And you're going to be a better person for it and your constituents will never forget you for that effort. And I wanted to make sure that you knew that you are on the right side of this issue and that you really have my respect and I know you now have the respect of your entire constituency and I wanted to make sure that was on the record.

Applause

P.O. LINDSAY:

Okay, anybody else? Okay, I might as well take the last word.

We started this meeting about six-and-a-half hours ago, and we still have nine pages of agenda to go through, so we'll probably be here until all hours of the morning. But what the folks that are still here witnessed is a democratic process that I don't think you'll see any place else in the country, whether you're for this issue or against this issue is immaterial. Everybody got a chance to say what they had to say, and the unfortunate thing is some of the most damaging sides of this debate is

what's said in the media, what's portrayed in the media, what's said by both opposing sides. The comment that this is a no -- Latino loitering bill; it doesn't say that anywhere in the bill at all. Some of the other comments that were made by the Minutemen on the other side were certainly not productive in this debate.

Legislator Barraga had, you know, very eloquently outlined the problem on a national level, but it begs the question of why do we have an immigration policy if we don't enforce it? Why do we need one? Why don't we just have open borders and let people come and go as they please? It's a law on the books that was designed to set down some kind of controls, so that our economy doesn't run amuck, so that we don't let undesirable people in to our society that's going to hurt us. I mean, that's the basic reason for immigration.

And I couldn't agree with him more that, you know, our Federal Government, either side of the aisle, has shirked their responsibility in tackling this issue. And it falls back on the local government, there is no two ways about it, and it does cause a problem here. The portrayal that all the illegals pay Social Security; come on, folks, that isn't true. I mean, they work under the table, they work off-the-books, whatever you want to call it. Employers make a lot of money off of them. The characterization that this bill will just go after the Latino standing on the side of the road, I think it should -- if it does pass, and I don't think it has the votes to pass, should go after the employers that stop the vehicles in the middle of the road.

LEG. CARACAPPA:

It does.

P.O. LINDSAY:

I don't -- you know, George outlined very distinctly how this bill is already codified in law, both State and Local Laws. You know, I really don't think it's a problem of passing legislation, it's a matter of enforcement. And I'm very gratified to hear Legislator Schneiderman, Cooper and Browning and Kennedy articulate that, because I prepared a letter that I'm going to circulate tonight before we leave the horseshoe to Commissioner Dormer asking him, directing him to enforce the laws that are on the books and solve this intolerable situation.

Applause

But I will not pass, vote for a piece of legislation that could be damaging, that portrays that we're doing something when we are really not and is a duplication of stuff that's already on the books. And I hope that's the last word.

LEG. CARACAPPA:

Roll call.

P.O. LINDSAY:

Roll call.

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

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

That would be yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

Applause

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

P.O. LINDSAY:

Okay, let's got to the Consent Calendar.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Could all you folks please vacate the room quietly so we can continue on with our business?

Okay, we go to page eight, **Resolutions Tabled to March 20, 2007:**

Can we have some order, please? Please vacate the auditorium.

LEG. MYSTAL:

Quietly.

P.O. LINDSAY:

IR 2022-05 - Making a SEORA determination in connection with the proposed Francis S. Airport redevelopment of LI Jet Center East, Inc., Town of Southampton (Presiding Officer Lindsay). I'll make a motion to table.

LEG. COOPER:

Second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1880-06 - To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk (Losquadro). Legislator Losquadro?

LEG. LOSQUADRO:

I've made an amendment to this bill and I'm going to make a motion to approve. If I get a second, I'd be happy to explain it.

LEG. CARACAPPA:

Second.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Caracappa. Do we have the amended copy?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

I was actually going to make much more extensive modifications to this, but Legislator Romaine's bill for the Sustainable Procurement Policy, really this bill is just in furtherance of that. So my only change that I have made at this point was in deference to the fact that there are certain times where recycled content paper cannot be used for a publication, and I certainly would not want to compel the Department of Public Works to have to print on there "zero percent recycled content". So the bill now says that the content of the paper, recycled content percentage of the paper must be printed if any is used in the publication of that document. And really, at this point it's just in furtherance of our Sustainable Procurement Policy and really just to let the public know the good work that we're doing when we do purchase those recycled products.

LEG. COOPER:

Through the Chair? So just to clarify, so if, let's say, for technical reasons we cannot use recycled paper to print a certain document, then there will be no need to note that there's no recycled being used.

LEG. LOSQUADRO:

Correct. I worked with Counsel's Office and the language is such that if there is no recycled content, then they are not required to print that. The only time they're required to print the recycled content is if there is any percentage of recycled content.

LEG. COOPER:

And is there -- are there different standards for stationery or paper that's used internally versus documents that are used --

LEG. LOSQUADRO:

These are for publications printed by Suffolk County, if we contract out to someone, it does not apply. If we print it internally and we're printing it on recycled content paper, we're going to print what that content percentage is. It's just a little, you know, note at the bottom saying, "This printed on 10%, 20%," you know, percentage recycled product. Very simple; again, really just in furtherance of our Sustainable Procurement Policy.

P.O. LINDSAY:

Are you done, Legislator Cooper?

LEG. COOPER:

Yes.

P.O. LINDSAY:

Any other -- anybody else? We have a motion to approve and a second. You want a roll call or you want to do it all in favor?

D.P.O. VILORIA-FISHER:

All in favor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Thank you.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1885-06 - Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday and Labor Day Holiday (Presiding Officer Lindsay.) I'll make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1894-07 - Electing a cents per gallon rate of sales and compensating use tax on motor fuel and diesel motor fuel in lieu of the percentage rate of such taxes, pursuant to the authority of Article 9 of the Tax Law of the State of New York in a fiscally responsible and prudent manner (County Executive). I'll make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

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

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table, I'll second.

LEG. SCHNEIDERMAN:

Mr. Clerk, list me as a recusal on this.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Recusal: Legislator Schneiderman - Absent: Legislator Horsley).

P.O. LINDSAY:

2238-06 - Sale of County-owned real estate pursuant to Local Law 13-1976 John D. Lightsey (SCTM No. 0200-973.90-03.00-017.000)

(County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, seconded by D'Amaro.

LEG. ALDEN:

Explanation, please.

P.O. LINDSAY:

Explanation, Counsel.

MR. NOLAN:

This is a Local Law 13 which is a sale to adjacent owner, they have agreed to pay \$5,500 which is above the appraised value of \$5,000.

LEG. ALDEN:

Was this one of the ones that there's a possibility of building on?

MR. NOLAN:

I don't remember, that's the reason it was tabled.

LEG. D'AMARO:

Well, yeah.

P.O. LINDSAY:

Legislator D'Amaro could probably answer that.

LEG. D'AMARO:

Yeah, just briefly, through the Chair. This had come up at our last session and I believe Legislator Kennedy had some questions on it in the committee. And what I explained at the last meeting of the Legislature was that it was vetted through the committee process, it was vetted through the Workforce Housing process Commissioner Morgo spoke about it also and that they had all come to the conclusion that this would not be something that would fit into the Workforce Housing Program.

LEG. SCHNEIDERMAN:

I can't hear him at all.

LEG. BROWNING:

His mike is not working.

LEG. D'AMARO:

Oh. Did it go out? So in any event, Legislator Kennedy had --

P.O. LINDSAY:

Legislator Kennedy.

LEG. LOSQUADRO:

Could you grab a different mike?

P.O. LINDSAY:

Is this mike on? Yes, okay.

LEG. ALDEN:

And I couldn't hear the last part of Legislator D'Amaro's answer.

LEG. KENNEDY:

Well, maybe I can add to it, if that's okay.

LEG. D'AMARO:

Sure. Yes, go ahead.

LEG. KENNEDY:

I had raised questions about it. My understanding is that these three parcels that we have before us were presented to Brookhaven Town to the Community Development Director. On its surface, it appeared that each one of these lots would, in fact, meet minimal building requirements. Apparently there is -- there's been no indication coming forward from the town at this point as far as an expression of interest to go ahead and take the properties and further develop them.

So that being said, again, you know, you can lead a horse to water but you can't make them drink. It appears we're doing whatever we can to engage the town to go ahead and move forward with them, but they are apparently choosing not to in this case.

LEG. ALDEN:

And through the Chair, if you could answer or if Legislator D'Amaro could answer, what actual size are these properties?

LEG. D'AMARO:

Yeah, this particular one I have the Tax Map on but I don't have my glasses, so I think it's --

LEG. KENNEDY:

Fifty by a hundred?

LEG. D'AMARO:

-- 50 by 100, yeah. And of course, it would be the adjoining owner that was the successful bidder to acquire the property with the standard covenant that the property cannot be subdivided away and it cannot be developed and those types of conditions would be placed on the property.

LEG. ALDEN:

I'm a little bit more than surprised then that somebody didn't pick up -- 50 by 100, if it's single and separate, they would actually have a right, you know, even in --

P.O. LINDSAY:

Would it depend on which town, zoning in that town?

LEG. ALDEN:

Well, pretty much almost any town, if it was --

LEG. D'AMARO:

Well, that -- you know, just through the Chair. Legislator Alden, you're exactly right, and we did extensive questioning about that through the committee process. And whether it was no interest coming from the town, whether or not you could not develop the property as a matter of right or without single and separate dispensation, all of these issues were raised and they all came out on the side that the property could not be developed or used by the County.

LEG. KENNEDY:

Well, let me add one piece to this, if I can.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair, and I'll make it fast. One of the things that I, in process and in conversation with Legislator Browning, offered is that I would have a conversation with the Town Attorney's Office, particularly because of issues or concerns that were being raised about title and what status the title was as it was being transferred from the County to the town; that matter is still unresolved, I have not heard contact back. Depending upon, you know, the pleasure of the body, it may be prudent to table one more time around to at least let me get an answer on the title issue. That apparently was one of the concerns that was being raised by the town, for what it's worth.

P.O. LINDSAY:

Okay. We have a motion to approve and a second; that's the only motion I have before us. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Abstention: Legislator Alden - Absent: Legislator Horsley).

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).*

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator D'Amaro.

LEG. ALDEN:

Just quickly on the motion?

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Is this the same circumstance, 50 x 100?

LEG. D'AMARO:

Just -- through the Chair, it's 40 x 100, similar situation as the prior lot we just considered. And this one is being sold to the adjoining owner for the successful bid of 28,000, according to the backup that I have.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Fifteen (Abstention: Legislator Alden - Not Present: Legislator Eddington - Absent: Legislator

Horsley).

P.O. LINDSAY:

2587-07 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 1 - Port Jefferson with Liberty Meadows, LLC (Village Vistas) (BR-1425) (County Executive). Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Eddington - Absent: Legislator Horsley).

P.O. LINDSAY:

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).

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. D'AMARO:

Forty, 40 x 100.

P.O. LINDSAY:

Any questions? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Fifteen.

LEG. KENNEDY:

I'll abstain on this one.

MR. LAUBE:

Fourteen (Abstentions: Legislators Alden & Kennedy - Not Present: Legislator Eddington - Absent: Legislator Horsley).

P.O. LINDSAY:

1099-07 - Employee incentive for donating blood (Caracappa).

LEG. CARACAPPA:

We have a CN, Mr. Chairman.

P.O. LINDSAY:

Okay. Would you like me to just skip over it, Legislator Caracappa?

LEG. CARACAPPA:

Yes, please.

P.O. LINDSAY:

Okay.

1120-07 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-Free Vaccines.

LEG. STERN:

Motion to table.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Stern, second by Legislator Mystal.

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Stern. Who wanted to talk? Yeah, Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. This continues to be a question mark regarding what I believe to be a very critical public health issue for infants, for young children and for pregnant women throughout Suffolk County.

This is a bill that would add \$471,000 to the Children's Vaccination Program. As this Legislature knows, we had previously authorized an additional \$300,000 as part of the budget process for this very reason, we now have this request for an additional \$471,000. If you take a look at some of the vaccines that are a part of this program, particularly the five childhood diseases that were originally taken care of by one, you know, five-antigen shot -- which is Diphtheria, Tetanus, Pertussis, Hep-B and Polio -- that was originally done in one shot, the Pediarix vaccination. Now, the Thimerosal-free, the Mercury-free version is provided in a vaccine called Infanrix, that's a three-antigen shot that goes to the childhood diseases of Diphtheria, Tetanus and Pertussis. And then there's a list of additional vaccines that are required as a part of the cycle.

Infanrix now takes care of three, there's an additional vaccination called Ipol and that's for Polio and there's ComVax which is a combination shot for Hep-B and for Hib which is *Haemophilus Influenzae* Type B. So I'm trying to understand where the additional request for funds for this important program comes from, and I know something was circulated by BRO and I appreciate that. But I guess my first question is to BRO, the Infanrix vaccination is a vaccination that is covered under the Vaccination for Children's Program which is a Federal Program where technically, based on availability, based on supply, we get that supply free of charge; isn't that true?

MS. VIZZINI:

That's correct.

LEG. STERN:

And the Ipol Vaccination likewise is covered under the Vaccination for Children Program. And so again, likewise, based on availability, to the extent that we receive that available shot, that's also free of charge; isn't that true?

MS. VIZZINI:

You're absolutely correct, based on availability.

LEG. STERN:

So it's based on availability, it's based on the number of children that qualify under the VFC Program. Do we have -- the numbers that were distributed were about 1,800 children that received vaccinations in our County health care centers, so we're talking about 1,800 children. Does BRO or does anybody have any idea approximately what percentage of those children were covered under the VFC Program?

MS. VIZZINI:

Not those specifics. We have reached out to the Health Department, we have asked them about their purchasing practices, a lot of that information is incorporated in the memorandum. The Department itself only began purchasing the Thimerosal-free vaccines in December of '06, so even they don't have the historical experience of addressing the problem and knowing how much they need. They did admit that the 461,000 additional is a maximum in terms of dollar amount.

P.O. LINDSAY:

Would you suffer an interruption?

LEG. STERN:

I'll yield, sure.

P.O. LINDSAY:

Being that we're tabling it and it sounds like we need some more information, we have an hour and 15 minutes before we have a mandated adjournment, unless we extend the meeting; could we further explore this and approve the tabling motion?

LEG. STERN:

I'd be happy to yield. I'll put my additional questions in the form of a letter to BRO and to the Health Department.

P.O. LINDSAY:

I'm not saying that the whole issue isn't aired, it's a very important issue and it should be thoroughly aired. I think it should be aired at the committee, the Health Committee as well as to how the original numbers were derived.

LEG. SCHNEIDERMAN:

Should we recommit it?

P.O. LINDSAY:

But in the interest of time, I don't think we're going to resolve this tonight. Okay?

LEG. STERN:

Yes, I'll yield.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Introductory Resolutions for March 20, 2007:

Okay, page nine, **Budget & Finance:**

1048-07 - Amending the 2007 Operating Budget and transferring funds to IGHL for maintenance of the TWA Flight 800 Memorial at Smith Point County Park (Eddington). Do I have a motion?

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Opposed.

MR. LAUBE:

Seventeen.

MS. MAHONEY:

Opposed?

LEG. SCHNEIDERMAN:

Opposed, yes.

MR. LAUBE:

Oh, sorry.

P.O. LINDSAY:

Who's opposed? Did you get the opposition?

MR. LAUBE:

Sixteen (Opposed: Legislator Schneiderman - Absent: Legislator Horsley).

P.O. LINDSAY:

Procedural Motion No. 3 - Procedural Resolution establishing rules and guidelines for community support initiatives (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

1114-07 - Accepting a grant award from the New York State Department of Transportation - Aviation Bureau, amending the 2007 Capital Budget and Program and appropriating funds in connection with the Airport Obstruction Program at Gabreski Airport (CP 5731) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1114A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, *1177-07 - Accepting and appropriating a grant award amendment from the Urban Development Corporation, D/B/A Empire State Development Corporation (ESDC) for an Entrepreneurial Assistance Center Program 50% 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, second by Legislator Mystal.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1208-07 - Appropriating funds in connection with Culinary Arts Program Equipment (CP 2208) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Okay. The accompanying Bonding Resolution, 1208A, same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. BARRAGA:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1209-07 - Appropriating funds in connection with the Learning Resource Center - Eastern Campus (CP 2189) (County Executive). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Would the Clerk please list me as a cosponsor?

LEG. ROMAINE:

Would the Clerk also list me as a cosponsor?

MR. LAUBE:

Yes, sir; yes, sir.

P.O. LINDSAY:

IR 1209A, the accompanying Bonding Resolution, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1210-07 - Appropriating funds in connection with waterproofing building exteriors (CP 2177) (County Executive). I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

The accompanying Bonding Resolution, 1210A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1233-07 - Designating the third Monday of April as "Librarian Appreciation Day" in Suffolk County (Cooper). Legislator Barraga, you want to make the motion?

LEG. BARRAGA:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Barraga. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1256-07 - Appropriating funds in connection with the Science, Technology and General Classroom Building - Ammerman Campus (CP 2174) (County Executive). I need a motion.

LEG. KENNEDY:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

The accompanying Bond Resolution, 1256A, same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes, yeah.

LEG. HORSLEY:

(Absent).

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1257-07 - Appropriating funds in connection with the reconstruction of the Central Plaza - Ammerman Campus (CP 2187)(County Executive).

LEG. COOPER:

Motion to table.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

LEG. COOPER:

On the motion to table, at the request of the sponsor.

P.O. LINDSAY:

Motion to table.

LEG. ALDEN:

Who is the sponsor.

LEG. COOPER:

The County Exec.

D.P.O. VILORIA-FISHER:

The County Executive.

P.O. LINDSAY:

Is there a second?

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question, Legislator Kennedy.

LEG. KENNEDY:

I guess I was going to ask if there's any particular reason that the sponsor came forward for the tabling? My understanding was that the plaza was well along its way to completion.

D.P.O. VILORIA-FISHER:

The fountain is the problem.

LEG. KENNEDY:

I'm all ears.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Paul Sabatino, Chief Deputy. We would just like to see the bill tabled one cycle because we want to reconcile some numbers with the college. There's an apparent cost overrun of \$750,000 which we kind of understand, but one of the problems with the backup was that it's a hundred percent County costs as opposed to the normal 50% State and County, and a portion of the cost overrun may be attributable to a fountain that was not described in the original documents that were made part of the proposed Capital Budget and Program. But we're not positive with respect to the all of the facts, so I need one cycle just to reconcile that. We had laid the bill on as a late starter last time to try to accommodate some concerns because we had held the bill back one time, but I just feel that we should get the facts right before we have the final vote.

LEG. KENNEDY:

Through the Chair. Does the contract to the college feel this isn't going to make any undo delay as far as the contractor in order to have this time to resolve it?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, one cycle won't be a problem, because originally the bill would have been laid on today. We had tried to accommodate the request by doing the late starter. I apologize for the error, but we just want to get the facts right before we have the final vote.

LEG. KENNEDY:

Makes sense, okay. Thank you for the explanation.

P.O. LINDSAY:

Legislator Losquadro, do you want the floor?

LEG. LOSQUADRO:

I just wanted to comment. I seem to recall, when this was initially proposed, about the reconstruction of, formerly known as Red Square, Veterans Plaza, that the fountain was part of the original design; in fact, I remember seeing that when it was originally proposed to us.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We quickly -- I mean, I had the Budget Office pull the documents the other day real quickly, going back to 2003, on a preliminary, cursory review, nothing could be found with respect to the issue of the fountain. And it was the \$750,000 cost overrun was described in the context of renovations; renovations normally are not expanding something to add an additional component. But again, it may be that there will be documentation that can be ascertained, but right now we don't have it.

LEG. LOSQUADRO:

Well, renovation in the strictest sense of the word. I mean, for the most part, it was removing the entire hard scape from the central square area of the campus and replacing it with all new hard scape, landscape, a clock tower which never existed before. The point of this renovation, if you will, was to create a new center for that college campus. And if part of that, like the clock tower which was already constructed or a fountain which is proposed, is something that did not exist before but was part of the plan to renovate, update and create an appealing environment in the center of the campus, and as I recall, that was part of the original proposal.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I --

LEG. LOSQUADRO:

I mean, at this point we're --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I hear what you're saying and I hope that the facts bear out. All I can tell you is, again, if we hadn't laid it on as a late starter, I wouldn't be here today with the issue. I apologize, we're going to try to get the reconciliation, but right now the documents don't show that. Plus, it's 100% County funded, normally it's a 50% State, 50% County; there may be a reason for why it's 100%. I don't think it's unreasonable to ask to get the facts squared away before we have the final vote. I'm not saying we're not going to go forward with it in its final -- you know, as it's currently proposed, but I'd like to know what I'm, you know, acting on before we make the final decision. I can't sit here and tell you with certitude or finality that we have all the information correct. And again, I apologize for that, it's a function of, in this case I think, trying to rush to accommodate somebody to meet a deadline and I'm asking for one tabling.

LEG. LOSQUADRO:

Well, far be it for me to want to make you uncomfortable, but -- sorry, I couldn't help that, Paul. I understand your point, you certainly want all the financial backup data, but it was just a bit concerning to me when I heard you characterize this as something that wouldn't fall under the category of a renovation per se, when I think that's being used in a very loose term. Because really, this was a reconstruction, not necessarily a renovation to replace X with X. We were renovating the plaza as a whole and adding new items, renovation only in the sense that it's the same physical space. So that was just concerning to me when I heard that.

You know, we want to answer the financial questions, that's fine. But at this point, we have some of the stone work on the facades which is not completed, and having been on the campus, that's something we need to address. And I think that the fountain would make an excellent focal point and congregation point for the student body there and I think it would be money well spent. If it's something we can get State aid on, great, and I want you to look into that, but I think this is something that we need to move forward on next cycle.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

And again, I'm not saying that we're not going to move forward, I just think that it's an informed decision on our part, something we'd like to see happen. We're just asking for that courtesy of one tabling to nail down the facts. I wish I had the confidence level that everything was squared away today, I don't have it. I respectfully, you know, request that you just give us one opportunity to do that.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Paul, Chuck Stein was here this afternoon and he came to urge us to approve this today and -- has there been dialogue? He did come specifically to urge us to move on this project and he is the budget person at the community college, so it's perplexing that he would have come this afternoon to urge us to move if he thought that there was any problem.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Quite frankly, just because of the business of my own schedule, and I take full responsibility for it, I can't be in three places at the same time. I was unable to -- I was unable to have a meeting prior to this time because I only got the data from our own Budget Office yesterday afternoon verifying, at least from our side of the equation, that we don't have the documentation. I was hoping that the bill would be tabled today so we would have the opportunity to set up that meeting. It's purely a function of my schedule, I just couldn't -- I couldn't make all those things happen.

D.P.O. VILORIA-FISHER:

Okay. But Paul, my question, I guess, is this. I agree with Legislator Losquadro, that I think that the fountain will be critical, to have that focal point and to have that venue for the students. Are you saying that if it isn't a shared expense on the part of the State, that we won't go forward with it?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, what I'm saying is three things. One is that it was presented to us as being a \$750,000 cost overrun, I understand, projects don't always come in on schedule.

D.P.O. VILORIA-FISHER:

Well, it's been a couple of years.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, but they don't always come in on schedule or on price. So the first thing you say is it's a cost overrun, what's attributable to the cost overrun. Number two is that it was characterized as being renovations, but it sounded like -- and again, it's subject to factual verification -- it sounded as though -- when I hear renovations, I think you're taking something that's in place already and you're fixing, repairing or modifying it, not expanding, so the next concern became is this more than renovations. And the third concern became it's a hundred percent County funding, which is not the normal 50/50 ratio. And again, these are just questions that would have been resolved if I hadn't made the mistake of laying it on as a late starter, and I say to you I made a mistake by rushing for the late starter thinking that there was problem; I'm acknowledging that mistake and asking for one tabling.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Okay, Paul. Okay, Paul. Okay, you want one cycle. The only question I have, and it's really to Gail, did we include this in the Capital Budget for '07?

MS. VIZZINI:

Yes, we did.

P.O. LINDSAY:

The full 750.

MS. VIZZINI:

Yes. We included it based on the facts that there was not enough money to complete the project as it originally envisioned. We included \$750,000, we knew it was going to be fully at County expense, which is a departure from the rest of the project that was a shared expense.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

The breakdown is 270,000 for the memorial fountain, 345,000 to complete the concrete facade, and 55,000 for plantings; it was vetoed by the County Executive and overridden by the Legislature.

P.O. LINDSAY:

Okay. We have a motion to table before us and a motion to approve; the tabling motion takes precedence. All in favor of the tabling? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

One opposition.

LEG. ROMAINE:
Opposed.

P.O. LINDSAY:
Two opposition.

LEG. LOSQUADRO:
Tabling?

P.O. LINDSAY:
To table.

LEG. LOSQUADRO:
I'm sorry, opposed to tabling.

P.O. LINDSAY:
Three.

LEG. KENNEDY:
I'm opposed to tabling.

D.P.O. VILORIA-FISHER:
Opposed to tabling.

LEG. ROMAINE:
Roll call.

P.O. LINDSAY:
Roll call.

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes to table.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
(Absent).

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No to table.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Ten (Opposed: Legislators Kennedy, Barraga, Alden, Losquadro, Caracappa, Romaine & Viloría-Fisher - Absent: Legislator Horsley)

P.O. LINDSAY:

Okay, it's tabled for one cycle.

Environment, Planning & Agriculture:

1173-07 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program) (Eastport Property, Town of Brookhaven) (Romaine).

Legislator Romaine, your pleasure on this?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1193-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and Workforce Housing Program (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second?

LEG. MYSTAL:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second on the Bonding Resolution; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, on the second Bonding Resolution for the same project, 1193B, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:
(Absent).

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:
*1230-07 - To appoint a member of the County Planning Commission
(Robert A. Braun, ESQ) (County Executive).*

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

LEG. COOPER:
Motion -- second.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded by Legislator Cooper. All in favor? Opposed?

LEG. ALDEN:
Just on the motion. Is he here?

D.P.O. VILORIA-FISHER:

No, he was here, he was at the committee meeting.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Abstain.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Fifteen (Abstentions: Legislators Kennedy & Alden - Absent: Legislator Horsley).

P.O. LINDSAY:

1231-07 - Appropriating funds and establishing a program for the Suffolk County Environmental Legacy Fund (CP 8731)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Cooper.

D.P.O. VILORIA-FISHER:

And for those members of the committee, on the motion, the change was made where the language was clarified so that we could proceed with planning steps without having a partner identified.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. COOPER:

And Tim, I'd like to cosponsor, please.

MR. LAUBE:

Seventeen; yes, sir (Absent: Legislator Horsley).

P.O. LINDSAY:

1232-07 - Authorizing planning steps for the acquisition of land under the 1/4% Suffolk County Drinking Water Protection Program (Approved 1987/Amended 1996) (Town of Smithtown/McDonnell Property) (SCTM No. 0800-171.00-04.00-001.000)(Kennedy).

Legislator Kennedy?

LEG. KENNEDY:

How about a motion?

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1242-07 - Authorizing planning steps for acquisition under Suffolk county Multifaceted Land Preservation Program (Chicco Property, Town of Southold) (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Health & Human Services:

1149-07 - Adopting Local Law No. 2007, a Local Law to regulate the sale and use of outdoor furnaces in Suffolk County (Eddington).

D.P.O. VILORIA-FISHER:

Jack?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. MYSTAL:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Through the chair, if I could just -- not be being a member of the Health and Human Services Committee. If I could just ask the sponsor -- and I'll pass him the microphone since we're sharing this -- to just describe the differences from the first version of the bill to this one?

LEG. EDDINGTON:

Yes, the first bill set a thousand feet and it's now limited, with talking to other Legislators and the Health Committee, to 200 feet, and it works towards a ban as of January 1st, 2010; so those are some of the significant changes.

LEG. LOSQUADRO:

A ban, you would not be allowed to install new units?

LEG. EDDINGTON:

No person could see used.

LEG. LOSQUADRO:

And they would not be able to operate past that date as well?

LEG. EDDINGTON:

(Shook head yes).

LEG. LOSQUADRO:

All right, thank you.

P.O. LINDSAY:

Are you satisfied, Legislator Losquadro? Legislator Caracappa.

LEG. CARACAPPA:

Yeah, I would just like to thank the sponsor. I didn't originally support the bill, I had asked him to put some amendments in it like my other colleagues have, and I do appreciate him putting in the provision that relates to emergency use by way of natural disaster to give them the ability to heat their homes and water. So thank you for that.

LEG. LOSQUADRO:

Through the Chair?

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I would basically echo the same thing, that I just thank --

P.O. LINDSAY:

We've got a love fest going on on the right side.

LEG. SCHNEIDERMAN:

Thank the sponsor. You know, he took a lot of heat tonight.

LEG. CARACAPPA:

No pun intended.

LEG. SCHNEIDERMAN:

But on this bill, I do appreciate the changes you've made here. I think it's a better bill and I didn't support it the first time and I will today.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Abstention: Legislator Alden - Absent: Legislator Horsley).

P.O. LINDSAY:

1150-07 - Adopting the Suffolk County Vector Control and Wetlands Management Long-Term Plan and a State Environmental Quality Review Act Findings Statement for the final Generic Environmental Impact Statement (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Legislator Romaine.

LEG. SCHNEIDERMAN:

Put me on the list.

LEG. ROMAINE:

I guess I'm going to repeat what people have said earlier tonight. We establish a Council of Environmental Quality to advise and guide us; this Council spent well over a year looking at the situation, studying the situation and coming forward with recommendations. Legislator Fisher was on the minority of that vote and she has said, "Despite the fact I was a minority member of the CEQ on this particular issue. I am going to bring forward my own recommendations. I am going to ignore the CEQ recommendations."

Now, if the issue wasn't so serious, well, then even at this late hour, when we're all tired and exhausted and other issues that have been far more volatile have been debated, and we want to leave and go home -- we should consider that the comments of some of the speakers that had spoken earlier and there should be no one speaking, really, except the members of this body on this -- should realize that the resolution would destroy some of the high marsh land habitat by creating ponds, and we will be destroying wetlands by creating these ponds and we will not be resolving any problems. There is insufficient science to conclude that wetlands manipulations will reduce mosquitoes, or that such manipulations are consistent with a healthy marsh ecology. In fact, there's limited data to say that mosquitos dwell in salt marshes. The vote of CEQ, our body, our creation, was absolutely not listened to.

I would like to this tabled, quite frankly. And I'm going to make a motion to table when I'm finished, because what I'd like to do is usually it's a pro forma thing that CEQ recommendations get transformed into resolutions; somehow CEQ's recommendations got lost. And if I have to as a

Legislator, I will bring their recommendations forward so we can look both at both bills and we can consider it maybe at the next meeting, because I don't want to speak that long because I realize that we are tired, the hour is late, but the issue is critical to the health of the wetlands that we are mandated to protect.

CEQ's recommendations called for a restriction of Methoprene, which is extremely destructive to marine life and will affect large parts of this County and its agriculture. I am concerned that the continued use of harmful pesticides pose a significant risk to human health and the environment. And I can probably speak for the rest of the night but we're tired, so I'll leave it there. I'll make a motion to table Legislator Fisher's resolution.

LEG. KENNEDY:

I'll second that motion.

P.O. LINDSAY:

We have a motion to table and a second by Legislator Kennedy, and we have a lengthy list. Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I just want to tell him that he has the resolution in front of him.

LEG. SCHNEIDERMAN:

I'm going to --

D.P.O. VILORIA-FISHER:

Ed? Somebody just handed you the CEQ resolution, it's in front of you.

LEG. SCHNEIDERMAN:

I'm certainly going to support this tabling motion and support a new resolution being brought forward. First I want to thank those members from CEQ who are here tonight, they've been here all night and it's been a long night. They and their colleagues did extraordinary work.

You know, so often CEQ has been criticized as being a rubber stamp or not pos-decking anything or not finding significant environmental impacts on anything, and here they have actually found some problems in a very lengthy document, a document that really came through a legal process as well. And what CEQ did, they didn't reject the whole thing, they improved it, they took a couple of different areas. And although Legislator Fisher has addressed some of those areas, three very important areas are not addressed.

One is this open marsh management which other states are backing away from now and we seem to be pushing forth. If you've seen what this does, you know that it tears apart these marshland areas which are very critical. Methoprene, where there's an increasing body of studies that are showing its effect on amphibians and fish populations, we're using it in salt marshes; salt marshes is not the breeding ground for the mosquitoes that carry West Nile. It doesn't make sense. CEQ rightly said we can use Methoprene, but not there. And then they also set some thresholds for nuisances so that we're not putting in chemicals that we might find later on are connected to some of our high cancer rates or other things, just simply because people are being annoyed; they still can use it but a higher threshold for nuisances.

I think they did the right thing and I think we should follow them. Because to ignore what they say not only sends a terrible message to the people we're asked to serve, but it really undermines the whole function of CEQ which is to advise us and inform us and they did a good job and I think it's time for us to listen.

P.O. LINDSAY:

Okay, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Let me just begin with remarks to Legislator Romaine. I gave you a copy, Legislator Romaine, if you look in front of you, you'll see a copy of the CEQ resolution, I believe everyone has a copy of the CEQ resolution. And for clarity, Legislator Romaine, CEQ is an advisory board; they advise the Legislature and then this Legislature determines whether or not we will be moving along with the advice of the CEQ resolution.

The CEQ resolution was not ignored, it went to EPA Committee which did not act on it. It did not have to act on it and it didn't; and I am not the only member of that committee, that committee is made up of a number of colleagues.

Number three, if you look, Legislator Romaine, if you turn the page on the copy of the CEQ resolution that I gave you, you will see -- and the rest of my colleagues who have this before them, you will see that I have highlighted those parts of this resolution that are in Resolution 1150. As Legislator Schneiderman said, and I believe his comments were a little bit more accurate than yours, Legislator Romaine, because he took the time to look at the material that I had given him and did take note that most of the resolution, the CEQ resolution is indeed incorporated into Resolution 1150. The parts that are not there by the -- and there was one thing with which I disagree that you said, Legislator Schneiderman, and I would like somebody from -- perhaps Mr. Dawydiak, are you still here?

LEG. SCHNEIDERMAN:

He's still here.

D.P.O. VILORIA-FISHER:

Okay. Could you come forward, please? Because I believe that what Legislator Schneiderman said as one of the differences is something that I believe was erroneous. Yes, one of the major differences is that the CEQ resolution restricts the use of Methoprene in wetlands, that's where Methoprene is used.

LEG. SCHNEIDERMAN:

In salt marshes.

D.P.O. VILORIA-FISHER:

In salt marshes, that's where it's used, that's larvicides are used.

LEG. SCHNEIDERMAN:

Well, they're used throughout the County.

D.P.O. VILORIA-FISHER:

That's -- I have the floor.

LEG. SCHNEIDERMAN:

Okay, fine.

D.P.O. VILORIA-FISHER:

But that's the part which I did not include. However, you said that my resolution, Resolution 1150, encouraged OMWM and that it does not include any of the protections of the wetlands. Well, I'd like to direct you in the resolution to page 16, page 5, page 8, page 22, page 23, the Wetlands Stewardship Committee and all of its functions. Again, the SEQRA and Wetland Management portion of the CEQ resolution verbatim is in 1150, exactly as it appears. In fact, this was an improvement on the resolution that had been laid on the table by the County Executive. The page to which I'm referring, which is entitled "SEQRA and Wetland Management", didn't have the detail that this has where DEE and CEQ and SEQRA review is required on the various applications in the wetlands.

Mr. Dawydiak, the reason I called you up is because there were a number of comments made during the public portion. And again, I would like to disabuse this body of some comments that were made by Legislators Romaine and Schneiderman that ditching and OMWM would be the order of the day. Oh, by the way, another thing I did in 1150 which wasn't in the County Executive's resolution was that I separated the Wetlands Management from the Vector Control, because that was another recommendation by CEO.

I worked along with the other members of CEO and I congratulate the members of CEO for their dedication. We had a six hour meeting on January 17th, we had had a six hour meeting a couple of weeks before that, we had very lengthy meetings during the rest of the time that I was serving on it. I began to look at this in the year 2000 and there were many changes. This was a very organic process, there was a lot of give and take throughout the process. And there was one very erroneous comment made by Ms. Isles earlier who said that never have we not taken the advice of CEO. And Legislator Schneiderman, you of all people would know that that was incorrect because there was a CEO recommendation regarding Gabreski which you asked the Presiding Officer to send back to them to have them look at it again.

LEG. SCHNEIDERMAN:

We haven't yet acted on that.

D.P.O. VILORIA-FISHER:

But you sent it back, yeah, that was sent back.

P.O. LINDSAY:

Through the chair, through the Chair.

D.P.O. VILORIA-FISHER:

That was sent back.

LEG. SCHNEIDERMAN:

For further consideration.

D.P.O. VILORIA-FISHER:

So through the Chair, Mr. Dawydiak, can you tell me what provisions we have in IR 1150 and the finding statement regarding the protection of the wetlands and how that has changed from previous practices regarding the wetlands.

MR. DAWYDIAK:

Certainly. Walter Dawydiak, Chief Engineer for the Suffolk County Health Department. Legislator Vilorina-Fisher, you're doing a far better job than I could do at this hour, but I'd be happy to do my best to answer your question.

Real briefly, in the beginning this plan was very Vector Control centric and it focused on Open Marsh Water Management as a means for mosquito control and we were fairly aggressive in our goals early on. It's become a lot more conservative with marsh health as a paramount objective in this plan, ditch maintenance via machine work is strictly limited to less than 50,000 feet per year. And in terms of the major sorts of marsh restorations that you've heard concerns expressed about, this plan in no way authorizes, empowers or directs those. To the absolute contrary, what this plan does is imposes several safeguards to make sure that those do not happen without careful planning, strict scrutiny and additional safeguards.

Any major marsh management project will have to get stakeholder review via the Stewardship Committee, it will have to undergo SEQRA and it just can't be done pro forma or automatically. A lot of safeguards have been done, we've done one demonstration at the Wertheim National Wildlife Refuge employing some of these techniques; we acknowledge that it's early but results have been

excellent. We'll revisit this project in three years in our Tri-Annual Report, but Legislator Fisher is exactly correct. She really did a phenomenal job going through each and every CEQ recommendation and there was a lot of misimpression given to you substantially all of the CEQ recommendations that were substantive were included with the exception of some of the ones dealing with water management which just misinterpreted some of the report.

And the Methoprene restrictions I want to just say two quick things about, if I could. We heard Mr. Potente testify at a Legislative committee meeting that the restriction is not a ban, his goal is a reduction. This plan seeks to reduce larvicide usage by 75%. So indeed, if that's the intent of the CEQ language, we do, indeed, affect that intent. A total ban in Methoprene immediately could compromise public health and threaten the ecology as well because you'd wind up with a dramatic increase in mosquito populations and a likely increase in adulticide usage which has more potential risk.

So I just wanted to point that out as well and I thank you for the opportunity. I had a feel-good speech, but I don't think it would make anybody feel good to hear it at this hour. Any other questions, we'd be happy to answer.

LEG. MYSTAL:

You're a smart man.

P.O. LINDSAY:

Are you done?

D.P.O. VILORIA-FISHER:

I'm done.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. In deference to my colleagues, you know, the night -- the hour has gone late. Nevertheless, I want to say two things.

First of all, I want to commend Legislator Fisher for all of the work that she personally has undertaken, both as a member of CEQ and as Chair of EPA and this issue. And on balance, I believe that she's crafted a resolution that is 95% of the way there, in my opinion.

She and I have had extended dialogue about OMWM; in particular, I've spoken with her about a couple of the Best Management Practices that do speak to larger pond creation. I've heard the assurances that nothing will occur for a three year time period. Nevertheless, the Best Management Practices are included in the process that we adopt in total.

I also know that at our Health & Human Services Committee with Chairman Mystal, we had several speakers who came to us and presented to us what I believe was new information from a variety of submitters, including the Audobon Society and studies that were referenced for Brown University. So my question goes down to Mr. Jeffreys. Can you tell us about our responsibility, Counselor, and the hard look doctrine and what, in fact, we have to do in order to adopt a resolution that will withstand challenge?

MR. JEFFREYS:

Sure. In the Health Committee, Mr. Chair, I advised that I don't advocate any one of the plans here. Ordinarily I'm involved in the defense of Vector Control, I've been involved in the defense since 2002 of all the challenges to the Annual Plans that have come along. In this particular case, I'm here before this body in an attempt to avoid litigation. This has been a time-consuming process for everybody involved and to make certain that we don't face that process challenge, the SEQRA process challenge, this body does have the obligation independently of CEQ to take a hard look at all

of the environmental issue surrounding this.

In 2002 and 2003, we were presented with challenges to the Annual Vector Control Plan, simply because the body accepted what CEQ said; that was the challenge, that was part of the challenge in court. So I cautioned in the Health Committee and I caution the body here to make certain that you do take the hard look, you look at all of the documents that are submitted to you. We have submitted everything that was made available through the CEQ process: The Work Plan, the lawn regulations, the literature review, the early action projects, existing operations, data compilations, monitoring, field assessments, mapping, impact assessments, preparations for the long-term plan, the Management Plan Report, peer reviews, demonstration projects, newsletters, the Generic Environmental Impact Statement, the draft statement and the finding statement, the finding statement with the appropriate cover sheet, all the CEQ minutes including the minutes from December 6th, 2006, January 4th, 2007, January 17th, 2007, the meeting notes from the Steering Committee, the Citizens Advisory Committee, the Technical Advisory Committee; I could go on with a list of everything that's here. We've heard testimony from the Health Committee, the Environmental Committee and all of that is here. The Health Committee, the members who were here, you know what happened; the last meeting notes still haven't made it here, but the members know what happened, it was the identical presentation that was done at the Environmental Committee earlier.

Looking at all of that, all of that information, as the Legislative body, it falls upon you to take the hard look and make the ultimate policy determination. It falls upon no one else. As the elected representatives, that policy determination is yours.

As far as timing goes, ordinarily I'm here in December when we're on the verge of a problem. We have a plan in effect, we have the 2007 Vector Control Plan in effect that was approved by this body, so we do have a plan in effect. If we're going to proceed tonight with the Long-Term Plan, you do it tonight; if you feel that you need more time to take the hard look, by all means, take more time to take the hard look. Avoid the challenge that I know will come as a process challenge. Take the hard look at everything, if you feel presently, tonight you're in that position, you've taken the hard look, you're ready to make the vote on what will happen for the future of vector control, then please do. If you feel that you need more time, please take it. I take no position, the County Attorney's Office takes no position on advocating one roll over another; our roll here is litigation prevention. Hopefully that answers your question, Legislator Kennedy.

LEG. KENNEDY:

Yes, it does, Counselor. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay? Everybody okay?

LEG. ALDEN:

I have one question.

LEG. SCHNEIDERMAN:

There's a motion to table and a second.

LEG. ROMAINE:

Motion to table with a second.

P.O. LINDSAY:

Okay, Legislator Alden. The motion to table is before us.

LEG. ALDEN:

On the Methoprene, and I don't know who can address this, but there was reference to recent studies that would show a little bit different effect, and are there other alternatives?

*(*The following was transcribed
By Kim Castiglione - Legislative Secretary*)*

MR. DAWYDIAK:

Walter Dawydiak again for Health. I want to first say to Legislator Kennedy, I attended all the committee meetings and I'm not aware of any study or data-set that was raised anew at any of those committee meetings that was not fully discussed as part of the FEIS as well as on a CEQ record. And I conferred with our consultant, some of our other experts who were here and they agreed.

In terms of Methoprene, the studies which were cited are either irrelevant or not analogous to the methods, applications, timing and concentration. Orders of magnitude, higher concentrations for a longer time may have an impact on the aquatic ecosystem. Most anything could be toxic in terms of pesticides if the dose is high enough for a long enough period of time. The fact remains that we have information -- and a letter was submitted by Professor Ann McElroy at SUNY Stony Brook to independently corroborate this and some of her work as well as the research that's out there. It's all been fully discussed in the FEIS.

What I want to mention is that nobody, nobody who spoke before you tonight brought up any literature, data set, event, which refuted or questioned any of the science and we're comfortable that that's because we've used the best science there is. A study was just done unparalleled. We used every method from literature to field work to monitoring to risk assessment. We use them independently and the results are just irrefutable. We've not documented any impacts. That doesn't mean that we don't have concerns about Methoprene if used judiciously, and we want to use it because County policy appropriately is to reduce pesticides. No pesticide could ever be deemed to be 100% safe, but it does not exceed any thresholds of risk that are well established in the literature. I hope that answers your question.

LEG. ALDEN:

Are there alternatives?

MR. DAWYDIAK:

Are there alternatives to Methoprene?

LEG. ALDEN:

Yes.

MR. DAWYDIAK:

In terms of larvicides, the two that are in our long-term plan are {bacillus thorengensis}, BT, which is a bacterial and Methoprene. In terms of the long-term plan no other alternatives were deemed to be environmentally viable as a substitute for these two agents. And again, removing Methoprene from the arsenal would dramatically increase mosquito breeding, potentially threaten public health, and probably result in more adultciding, which has greater ecological consequences potentially.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. Legislator Mystal.

LEG. MYSTAL:

Walter, just one simple question. Do we, in fact, have until December to do this?

MR. DAWYDIAK:

Do you have until December to do this?

LEG. MYSTAL:

Yes, according to the previous speakers here, you know, we already have a --

MR. DAWYDIAK:

I have no power over you whatsoever.

LEG. MYSTAL:

We have a Vector Control in place until December '07. Do we, in fact, have until December to do this, '07?

MR. JEFFRIES:

Legislator Mystal, by Charter the Vector Control Plan has to be approved by December 31st of the year that it's actually enacted, so the 2007 plan is effective from January 1st, 2007, to December 31st, 2007. The Charter also provides provisions that the Annual Plan of Work, to the extent that there is one, has to be presented to this body by October 1 the year prior. So the 2008 plan will be presented to you on or before October 1, 2007. The long-term plan is not a plan in and of itself, it develops the way that annual plans of work will work for the future.

So to answer your question, we have a plan in place. To answer what would be the follow-up question, you will be seeing a 2008 plan, whether it's an independent plan, which we have been trying to avoid. We tried to avoid it with 2007 by getting the long-term plan completed, but there will be a plan presented. Whether we can say at that point it's an independent plan or a plan that's fully consistent with the long-term plan, we won't know. That's up to you folks.

MR. DAWYDIAK:

Legislator Mystal, if I could just add to that. I think I know where you are headed. I'm not trying to influence a decision of whether you've taken a hard look or not. I just want to let you know what it means operationally from a Vector Control perspective. Indeed, from an Annual Plan of Work it will have no effect, but from a program perspective our contract is already overextended in terms of time and money and we're pretty much running on fumes. We promised to finish this program this past year. We failed mainly due to a lot of procedural delays, but we've been pretty well on time.

We have two issues coming up very quickly. One is the need to address Fire Island National Seashore Vector Control and another is to get a permit for Vector Control on DEC lands. We made representations to both the State and Federal Government that this process would be completed, all the risk assessment and impact assessment work would be adopted by this spring and we're at a point where Vector Control does need to move ahead with this planning as well as with this permitting. Unnecessary delay will cause problems, I think, is one answer that you need to know.

D.P.O. VILORIA-FISHER:

Through the Chair. Legislator Mystal, I would also -- we also need to pass the first step before we go on and put together the Wetlands Stewardship Committee and that's where we have very great oversight about what's going on in the wetlands. So it would be good to get the process going, get this in place so we can protect the wetlands as they should be protected.

P.O. LINDSAY:

Legislator Schneiderman, last word.

LEG. SCHNEIDERMAN:

Through the Chair, I would like to invite Dr. Potente and Ms. Stiles from CEQ who are here. They are representatives from the County.

P.O. LINDSAY:

Out of order. Nope -- I'm not going to open the public portion again.

LEG. SCHNEIDERMAN:

No, they're our CEQ representatives.

P.O. LINDSAY:

I am not going to open the public portion again.

LEG. SCHNEIDERMAN:

We have been asked to take a hard look, in which case I am going to defer to the Counsel who just spoke whether we are not allowed to ask questions of our CEQ members as a body. Because if we're being asked to take a hard look at this, we have two members from the body who has advised us to make a different decision than the one that we seem to be poised to make, and I'm not allowed to ask those individuals questions, it seems like it's going against the advice of Counsel.

P.O. LINDSAY:

You've heard from those people over and over again. They've talked at the public portion extensively tonight about this issue.

LEG. SCHNEIDERMAN:

I'm not looking at them as the public. I'm looking at them as appointed County representatives of this body on the Council on Environmental Quality, not the public. I'm not asking for additional public portion.

LEG. MYSTAL:

You get the big bucks to be the boss.

P.O. LINDSAY:

I'll allow it, but I'm going to limit this. I'm going to limit this. We've had much discussion. You have a tabling motion. If you can persuade this body to table it you can continue the discussion, but you are not going to carry this on all night long.

LEG. SCHNEIDERMAN:

Thank you. If I could have Dr. Potente and Ms. Stiles come forward. I would like to give both of you an opportunity to refute some of the things that have been just said by Mr. Dawydiak.

P.O. LINDSAY:

Short opportunity.

LEG. SCHNEIDERMAN:

Short opportunity. He's saying that there's no science supporting some of these claims. If you have evidence of some science that do support these claims and any other information that would lead -- should lead this body to a different conclusion.

DR. POTENTE:

I'm just going to address the issue on Methoprene.

LEG. MONTANO:

Speak louder.

DR. POTENTE:

I'm just going to address the issue on Methoprene. Methoprene is used in our tidal salt marshes. It's also used in recharge basins, catch basins, and roadside areas.

LEG. MONTANO:

We can't hear you, speak right into the mike.

DR. POTENTE:

Hello. Methoprene is used in a variety of situations. It's used in freshwater wetlands, it's used in recharge basins, sumps and tidal wetlands. It's the tidal wetlands that concern us. Many of the past studies that have been done have been done inappropriately in the scientific literature and it's only -- Methoprene has been in use since 1995, and when they first had concerns about it they tested it on adult -- on crustacean such as adult crabs and adult shrimp and they weren't finding any immediate results. More recently they're testing it on some of the larvae because the insects are related to the crustaceans and that's where the problem is concerned.

One thing I want to point out is when this plan, this government study took place, what did they do? They went and they tested the Methoprene on adult shrimp. Was this done deliberately to show that Methoprene is safe?

And in 2005, a study came out on Methoprene showing that there's actually a bioaccumulation that occurs. So when they're checking on dosages, it's actually not just an immediate response with these short-term tests where they did them for 24 or 48 hours. Methoprene affects it over a long period of time. When you get this bioaccumulation, you're getting higher and higher concentrations that are affecting some of these animals.

LEG. SCHNEIDERMAN:

Can I ask you, did the mosquitoes that are vectors for West Nile Virus live in salt marshes?

DR. POTENTE:

The salt marsh mosquito is a {cleratatis sollicitans}. That's the salt marsh mosquito. It has not been found to carry West Nile Virus in the salt marshes. There have been no West Nile Virus -- no salt marsh mosquitoes collected with West Nile Virus in the salt marshes. There was one pool or one mosquito collected inland in Dix Hills which happened to be a salt marsh mosquito but --

P.O. LINDSAY:

The question asked and answered. Continue.

LEG. SCHNEIDERMAN:

Thank you. Yes, Miss Stiles?

MS. STILES:

The scientific evidence --

LEG. ALDEN:

You have to speak right into it.

MS. STILES:

Sorry. The scientific evidence was --

LEG. LOSQUADRO:

You've got to get really close.

MS. STILES:

Sorry. The scientific evidence was reviewed and debated very thoroughly in CEQ, so it might -- it's probably fair to say it's not new information to the County as a whole, but that -- that scientific information is what CEQ based its recommendations on. And so just touching on the comments made earlier that the best management practices will be -- there's going to be further environmental review of them in the future. That is not an entirely inaccurate statement, but the perception that you may be getting from that is not necessarily the full picture.

The bill as it's drafted calls for best management practices. I believe it's six through 15, which is the more aggressive, invasive techniques of going into the wetland and using heavy machinery and

whatnot. It says that those will go undergo further environmental review. But the other language in the bill states that these techniques are mitigated to the maximum extent practicable and that they're not harmful to the environment. So any time Vector Control or any other County agency comes to the CEQ for their environmental review, the CEQ will not be able to perform a substantive environmental review. They'll be to neg dec these projects based on the plan you're going to adopt tonight.

LEG. SCHNEIDERMAN:

Did you in your findings recommend that the Department of Energy and the Environment would have to approve these as well? Am I reading that correctly or no?

MS. STILES:

That I believe was part of our findings and I think that might also be part of Legislator Viloría-Fisher's bill. But what I'm trying to clarify, it's a very technical SEQRA point and to say that there'll be further environmental review is true, but will it be substantive? Will CEQ or this body or anyone else be able to look at, you know, the site specific impacts, potential problems with a certain marsh and this technique or that technique? No. You'll have to rubber stamp these projects because of the language and the wording in this bill. So there really is no further environmental review.

P.O. LINDSAY:

Okay?

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

All right. Could I get all Legislators back to the horseshoe? Is this on? Is this on?

LEG. LOSQUADRO:

It's on, but I can't hear it.

P.O. LINDSAY:

This thing seems like it is turning --

LEG. KENNEDY:

Here, try one of these.

P.O. LINDSAY:

Let's go. We have a motion to table. Could some check the mike system in the back here?

D.P.O. VILORIA-FISHER:

It's the Cinderella law on the mikes.

P.O. LINDSAY:

Okay. I'm going to speak up. We have a motion to table and a second. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes to table.

LEG. COOPER:

No. Abstain. No --

LEG. D'AMARO:

Pass.

LEG. STERN:

Pass.

LEG. MYSTAL:

Oh, come on guys, no. I don't want that thing back in the Health Committee.

LEG. HORSLEY:

(Absent)

LEG. NOWICK:

No.

LEG. BARRAGA:

What's the --

D.P.O. VILORIA-FISHER:

To table.

P.O. LINDSAY:

To table.

D.P.O. VILORIA-FISHER:

On the Vector Control.

LEG. BARRAGA:

Tabling it?

LEG. SCHNEIDERMAN:

Just pass and it will come back around.

LEG. BARRAGA:

I'll pass.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Fine. I'll pass.

LEG. EDDINGTON:

Ditto.

LEG. LOSQUADRO:

Yes to table.

LEG. CARACAPPA:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes to table.

D.P.O. VILORIA-FISHER:

No to table.

P.O. LINDSAY:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. The tabling fails. Motion to approve. Roll call.

We have a motion and a second.

MR. LAUBE:

Yes, you do.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:
(Absent).

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Abstain.

LEG. CARACAPPA:
Yes.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

P.O. LINDSAY:
Yes.

MR. LAUBE:
13.

P.O. LINDSAY:
1167. Still no mikes. Is it on now?

MR. LAUBE:
It sounds like it is.

P.O. LINDSAY:
1167, Designating week of April 22nd as "Crohn's Disease and Ulcerative Colitis Awareness Week (Cooper).

LEG. COOPER:
Motion to approve.

D.P.O. VILORIA-FISHER:
Second; cosponsor.

P.O. LINDSAY:
Motion by Legislator Cooper, second by Legislator Viloría-Fisher. All in favor? Opposed?

Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1240, Declaring April as "Minority Health Month" in Suffolk County (Horsley). Legislator Mystal?

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator Vilorio-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. EDDINGTON:

I want to cosponsor that.

P.O. LINDSAY:

1248, Designating the month of April as "Autism Awareness Month" in Suffolk County (Horsley). Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. BROWNING:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

MR. LAUBE:

Just a second. Seventeen (Absent: Legislator Horsley). Who was the motion and the second? Everybody was talking, I couldn't hear.

P.O. LINDSAY:

On the autism?

MR. LAUBE:

On 1248.

P.O. LINDSAY:

1248 was Legislator Stern made the motion, Legislator Losquadro make the second.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

We 1255 earlier out of order.

(Labor, Workforce & Affordable Housing)

1175, Approving the appointment of Candace J. McCready to Evidence Control Clerk III in the Suffolk County Police Department (County Executive).

D.P.O. VILORIA-FISHER:

The person was here earlier.

P.O. LINDSAY:

Okay. Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Vioria-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

(Parks and Recreation)

P.O. LINDSAY:

1165, Authorizing the use of Smith Point County Park property by Mastic Beach Fire Department Inc., for Fourth of July Fund Drive (Browning).

LEG. BROWNING:

I make a motion.

P.O. LINDSAY:

Legislator Browning makes the motion. I'll second the motion.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1172, Authorizing use of Smith Point County Park property in 2007 by the Mastics-Moriches-Shirley Community Library's Family Literacy Project (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Legislator Browning makes the motion. I'll make the second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1205, Approving a License Agreement for Ed Rigney to reside at Miller's Cottage, Unit 117 at Southaven County Park, Shirley (County Executive).

LEG. BROWNING:

I guess I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator D'Amaro.
All in favor.

LEG. ALDEN:

Explanation, please, on that one.

P.O. LINDSAY:

Yes, explanation.

MR. NOLAN:

This is a County employee living at a County park facility. Pursuant to resolutions passed in the last couple of years, the amounts charged have to be market value. The appraisals have been done. This basically approves that agreement. He'll be paying 1,086 a month to begin, then it will increase to 1,575 a month by September 1, '08.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

(Public Safety)

P.O. LINDSAY:

2290, Adopting Local Law No -- 2006, A Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders (Horsley).

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Legislator Alden.

LEG. ALDEN:

This applies to anything as far as a two family home where the owner's living in it to a multiple apartment complex?

LEG. BROWNING:

This applies to a landlord who wishes to rent a home to more than one sex offender, who wants to -- if it's an apartment complex, no more than 10% of the residents can be sex offenders. I did speak with Probation on this, I have worked this out with Probation. They have a training program that they will put in place and they will present it to Public Safety, and I have spent quite a few months working on this and I believe --

LEG. ALDEN:

My question really focuses on does this apply to two family homes or multiple family homes where the homeowner is an owner occupant also?

LEG. BROWNING:

Counsel?

MR. NOLAN:

If the owner is living there and he's renting to multiple sex offenders then it would apply whether he lives there or not. Well, he can't knowingly rent to multiple sex offenders; if he does, then he has to register with Probation.

LEG. ROMAINE:

How do you know whether he knows it?

D.P.O. BROWNING:

Okay, Paul, you're standing there. How is the Probation Department with this? You said you were going to be in touch with them.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, Madam Chair, just the opportunity to make a few quick points. One is that we would just ask that the bill be tabled for one cycle so we can have an opportunity to sit down with the sponsor, try to craft something that will be a workable piece of legislation.

A year ago when we had a meeting with several Legislators, including the sponsor, in my office, we had indicated that two major initiatives that would actually make an impact and would be workable would be the Civil Confinement Statute at the State level and also the trailer concept which we recently implemented.

So, the first point is that we've been very proactive and we thanked everybody for working with us to make those things happen. It took a year to accomplish that, but we think we're making inroads now with two pieces of a puzzle that actually can be implemented and have an impact on the sexual predators that you want to keep off the streets.

The second point is that contrary to what may be the perception, and I confirmed this directly with the Commissioner of Probation, this is not an initiative that the Department of Probation requested, advocated for, endorsed, supported, created, crafted, developed.

Number three, it's got some technical legal issues that go to the ability to regulate in a landlord/tenant situation. There are three possibilities. One possibility is that if you get enabling

State legislation, obviously that's the easiest situation to try to regulate a landlord/tenant relationship. The second category, when you don't have enabling State legislation, is to try to draw some nexus or link between County funding, for example, and a particular activity that you're trying to regulate or restrict at the particular facility. The third possibility is that if you can try to create some kind of a relationship between the crisis or the public safety issue that you're trying to address and the actual provisions or restrictions that you're trying impose, maybe you have a fighting chance.

But this bill has -- without getting into, you know, five or six of the details, it's just got -- it's got some problems with all three of those categories. There's no enabling State legislation. There's no modification of the Real Property Law which would be the relevant State statute. There's no County funding provision. There are no criteria as to who's going to be doing the training. For example, is this going to be Parents for {Megan's} Law? I mean, it's not going to be County employees, because I don't know who the County employees would be that would be providing the training. Plus, what's the training going to consist of? The training itself should be linked to like what the goal and the objective is.

The telephone issue. I don't know how you can tell a landlord to have a working active telephone and a landlord/tenant relationship on a couple of levels. One, legally how do you impose it, but secondly, if the phone plug is pulled out, has the landlord made a good faith effort? There are no good faith provisions in the statute.

So the point is that if we want to try to get something that's workable, we'd be more than happy to sit down, as I offered a year ago, with the sponsor of the legislation and let's try to get things that can actually accomplish goals and results. We had two major successes last year when we sat down and worked together. Civil confinement just happened a few weeks ago, and the trailer concept, which we discussed with a vary of Legislators, came to fruition. So I would again just ask for a tabling, not a defeat of the bill, but a tabling to try and sit down and make it a workable bill.

LEG. LOSQUADRO:

Question.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I had a couple of questions regarding this bill in looking more in-depth at the language. The term knowingly is in there. How -- what is the mechanism by which the landlord is going to have to inquire with an individual prior to renting to them? Is that going to be -- do you see that as part of a standard lease agreement in the future?

LEG. BROWNING:

Counsel, would you prefer to answer that? But I mean, knowingly if -- he's not going to be held harm, right, if he doesn't knowingly do it. Go ahead.

MR. NOLAN:

The law does not impose any requirement on a landlord, any affirmative obligation to make inquiries, so anything like that. If he knows he's doing it, then he needs to be licensed. If he doesn't know, he can't be held.

LEG. EDDINGTON:

How do you know if he knows?

LEG. LOSQUADRO:

Is a registered sex offender required under law to disclose that information to a prospective landlord?

MR. NOLAN:

No, I don't believe they are.

LEG. LOSQUADRO:

I don't see a mechanism by which --

MR. NOLAN:

But you have to put knowingly in there.

LEG. LOSQUADRO:

-- a landlord is going to be able to ascertain that information the, because I don't see a -- especially with this -- if this bill were to move forward, I don't see that a sex offender would willingly give that information if they weren't compelled to do so. And if a landlord isn't compelled to ask that information, for that information, then they're not going to want to pay the fee to be licensed. It seems like --

LEG. CARACAPPA:

Don't ask, don't tell.

LEG. LOSQUADRO:

Yeah. All right.

LEG. BROWNING:

I can respond.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Thank you. There are currently -- we have landlords, and Legislator Eddington knows about them in his district also, where there are multiple sex offenders living in homes and this is where this bill was tailored from and that's where this came about. These are people who are making a ton of money, bringing them into their homes and not being held accountable for what they're doing to a community. This is why this bill has been put together. Yes, when they register their address is registered if they're level two's and three's. And, yeah, maybe there is something more that we could do about it, but like I said, I did go through Probation. I gave this bill to Probation, I had them look at it, and they have no problem with it. As far as the training is concerned they have no problem with it and, you know, for someone to come now from the County Executive's Office at the last minute, no one came to the committee meeting and objected to it, and they're here today to object to it. I want to move it.

LEG. LOSQUADRO:

Through the Chair. Is there a mechanism by which -- believe me, I understand this completely. You and I split the Coram community and you know this is a source of great concern for the Coram community, so it's something that my constituents have talked to me extensively about. But in looking at this piece of legislation, how those landlords -- I mean, you're making a statement that they're renting to multiple sex offenders. How, through this bill, could you say that they were knowingly doing that other than through hearsay? I mean, you say that, she knows, but from a legal standpoint, Counsel, I don't know what the -- I mean, we have a penalty clause in this piece of legislation. How -- is that determined by the courts?

MR. NOLAN:

It would ultimately have to be determined by a court.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Cooper, why don't you -- you have the floor. Why don't you ask Mr. Sabatino to respond before you --

LEG. COOPER:

Mr. Sabatino, would you please respond?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I just want to correct one point on the record. The County Executive's Office through the County Attorney's Office on at least two occasions had reached out well in advance of today to deal with the legislation. And again, I'll make the same offer I've made to all 18 Legislators. You know I always have an open door policy to sit down and try to develop legislation. Legislators Caracappa and Eddington met with me in the County Attorney's Office three weeks ago to try to get a workable bill. I thought we did an outstanding job of reframing the legislation so that at least the bill that you're voting on has a fighting chance of being successful, not just in the court of public opinion, but also in a judicial form. So I make the same offer again to the sponsor of the legislation. We'll sit down, in the County Attorney's Office, in my office, and try to get something that's workable.

P.O. LINDSAY:

Legislator Cooper, you still have the floor.

LEG. COOPER:

Thank you. Question for Counsel then the sponsor. I had been operating on the assumption that it would be incumbent upon the landlord to check to see whether a tenant was a registered sex offender, that they had to visit a website or what have you. So that's not the case. It would only be based on voluntary information from the sex offender?

MR. NOLAN:

Well, however they would obtain the knowledge. Again the law does not impose a duty on landlords to check websites or take affirmative steps to gain that information. If they have the information, they have the knowledge that they're renting to multiple sex offenders, they can only do so if they register with Probation.

LEG. COOPER:

The second question is for, I guess, the sponsor. Was there a rationale for limiting this only to rentals -- Legislator Browning, only to rentals to more than one sex offender. Why would a landlord renting to one sex offender not have to comply with, but if it is two they would have to comply.

LEG. BROWNING:

Well, one of the things that I've -- is it on.

LEG. LOSQUADRO:

Yeah.

LEG. BROWNING:

One of the things that I've heard often, and I'm sure your familiar with the Mastic situation where there was the intent to move four sex offenders and to put an additional two on top of that. The concern of the community is, is you're putting these multiple sex offenders in a residential community. There are many children in the community. You're just exposing them to more dangers they believe when you're putting more than one in a home. And that's why it's important that when a landlord does rent that they know who they're renting to and that they take the necessary training so that they know the traits of a sex offender and what to look for. Did that answer your question?

P.O. LINDSAY:

Okay. Before we vote on this issue I am going to make a motion to extend the meeting until 1:00.

LEG. LOSQUADRO:

I'll second that, Mr. Chairman.

P.O. LINDSAY:

We need two-thirds vote. The alternative, well, we have a couple of alternatives.

LEG. NOWICK:

What are the alternatives?

D.P.O. VILORIA-FISHER:

I'm going to be in Hauppauge for CEQ tomorrow. Lucky me.

P.O. LINDSAY:

Well, one of the alternatives, we can come back tomorrow morning at 9:00 and resume.

LEG. NOWICK:

Here?

LEG. ROMAINE:

Absolutely.

P.O. LINDSAY:

Okay. I have a motion to extend the meeting to 1:00.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. It needs 12 votes. Okay. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Reluctantly, yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Reluctantly.

D.P.O. VILORIA-FISHER:

Oh, say no, Lynne, say no.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Oh, yes to extend the debate. Why not?

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

No way.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

We're just warming up here, yes.

LEG. ROMAINE:

We love to hear our voices of course, yes.

D.P.O. VILORIA-FISHER:

No.

MR. LAUBE:

Fifteen (Opposed: Legislators Caracappa & Viloría-Fisher -
Absent: Legislator Horsley).

P.O. LINDSAY:

Okay. Let's get through it, maybe we can get out of here before 1:00. All right. Legislator Browning, if I might, I think everybody has talked about this. And I don't think there's anybody here that doesn't understand the problem and think that it's a good idea to do something to rein in some of these landlords that are making money off of this unfortunate situation. I think the problem is it seems a little loose about who's going to do the training, how do we confirm, by the honor system, that you are renting to multiple sex offenders? I just think -- I think the bill needs a little more work.

LEG. BROWNING:

Oh, more work.

P.O. LINDSAY:

What are the answers to those questions?

LEG. BROWNING:

I reluctantly -- I understand the questions now that are coming up on the landlord issue. However, as far as Probation is concerned, I have spoken with Probation. They have people that are approved by them to do the training. They actually have one of their Probation Officers also that does sex offender training. So -- and, again, Probation will present how they're going to do the training. And it's going to cost the, you know, the landlord. The landlord has to pay for it. So it's not at the cost to the taxpayer either. So I reluctantly will table it and --

LEG. CARACAPPA:

Second.

LEG. BROWNING:

-- talk with George.

P.O. LINDSAY:

Thank you. We have a motion to table -- do we have a motion to table before us? No, we don't. We have a motion to table now by the sponsor.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1012, Amending the 2007 Capital Program and Budget and appropriating funds for the purchase of speed indicator signs for the Police Department (CP 3100) (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second; roll call on the bond, 1012A.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1022 we did already.

1051, Adopting Local Law No. 2007, 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). Legislator Losquadro.

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do we have a second?

LEG. CARACAPPA:

I'll second it.

P.O. LINDSAY:

Second by Legislator Caracappa. On this issue.

LEG. LOSQUADRO:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I had gotten a couple of questions and I just wanted to point out that the Corrections Officers are part of the Sheriff's Office. I know there was some concern that this wasn't being applied evenly; that is not the case. The only office that is not included in this right now is the Probation Department, quite frankly, and I just, have to say --

P.O. LINDSAY:

How about Parks Police?

LEG. LOSQUADRO:

That is -- they are also not included in this. But, quite frankly, as I -- when I spoke to Legislator Cooper I did not want this to be a typical case of let's not do it because it doesn't go far enough. I'm more than happy to file another bill extending that right to other departments. I will be approaching the Commissioner of Probation and I'll speak with Commissioner Foley from the Parks Department. If this is something that they are interested in and they feel would be a useful tool for them, I will certainly put it in.

The District Attorney and the Sheriff both feel it will be useful tools in their department. We've heard from the Police Department, but as this has been talked about many times, this merely gives them the option to do it. It's at the discretion of the department head. So if you actually feel like hearing more about polygraphs you'll be seeing a bill from me in the future relating to the couple of law enforcement and peace officer agencies that are not covered in this current legislation. But I would like to give those departments that wish to use this as a tool in their investigatory process the ability to do so sooner rather than later.

P.O. LINDSAY:

Anybody else? Do you want to go again, Dan?

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

We have a motion and a second.

LEG. LOSQUADRO:

I just wanted to cover all my bases.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1184, Accepting and appropriating a grant in the amount of \$65,600 from the State of New York Governor's Traffic Safety Committee, to target speeding and aggressive driving with 84.5% support (County Executive).

MR. LAUBE:

You skipped 1100.

D.P.O. VILORIA-FISHER:

There's a CN.

MR. LAUBE:

We have a CN?

P.O. LINDSAY:

Yeah. Motion to approve on 1184.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Seeing that we're going into Public Works and Transportation, we do have a veto. I'm wondering if now would be an appropriate time to deal with it, seeing that it's a Public Works issue?

LEG. ROMAINE:

Okay, what's the veto?

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

LEG. CARACAPPA:

It's a veto on -- well, first let me get your opinion. Do you want to wait until the end or you want to do it during Public Works?

P.O. LINDSAY:

We'll address it before we leave here tonight, even if we don't finish the agenda.

LEG. CARACAPPA:

Okay.

P.O. LINDSAY:

All right? I promise.

Public Works & Transportation:

1178-07 - Appropriating funds in connection with the reconstruction of culverts (CP 5371) (County Executive). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second; roll call on 1178A, the pending bond.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yep.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second on 1178B; roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Legislator Romaine?

P.O. LINDSAY:

Say yes, Ed.

LEG. ROMAINE:

Yes, yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, *1179-07 - Appropriating funds in connection with the reconstruction of drainage systems on various County roads (CP 5024) (County Executive)*. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second on 1179A, the pending Bond Resolution; roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay. *1180-07 - Appropriating funds in connection with the strengthening and improving of County roads (CP 5014) (County Executive)*. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second on 1180A, the pending Bond Resolution; roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MONTANO:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yeah.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay. ***1181-07 - Authorizing Public Hearing pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of the intersection at CR 19 Patchogue-Holbrook Road and CR 90, Furrows Road, Town of Islip, Suffolk County, New York (CP 5128)(County Executive).*** I'll make a motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Moving right along, ***1182-07 - Approving determinations and findings made pursuant to Section 204 of the Eminent Domain Procedure Law and directing the Commissioner of Suffolk County Department of Public Works to prepare and file with the Clerk of the Suffolk County Legislature acquisition maps in accordance with the selected alternative for the acquisition of lands in connection with the acquisition of properties for the reconstruction of CR 16, Portion Road from the vicinity of Ronkonkoma Avenue to the vicinity of CR 97, Nicolls road, Town of Brookhaven, Suffolk County, New York (CP 5511 Phase I, PIN 0755.98) (County Executive).*** Do I have a motion?

LEG. CARACAPPA:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Caracappa, seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1183-07 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of County Road 7, Wicks Road from County road 13, Crooked Hill Road to Blue Jay Drive, Town of Islip, Suffolk County, New York (CP 5539, Phase II)(County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1194-07 - Appropriating funds in connection with the rehabilitation of various bridges and embankments (CP 5850)(County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second; roll call on 1194A, the pending Bond Resolution.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1195-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the application and removal of lane markings (CP 5037) (County Executive).

LEG. LOSQUADRO:

As long as I can cross the double yellow line, yes.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Eddington.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second; roll call on the Bond, 1195A.

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

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yeah.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1196-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in a Transportation Planning Study of the Hauppauge Industrial Park (CP 5653) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

Second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator --

D.P.O. VILORIA-FISHER:

Nowick.

P.O. LINDSAY:

-- Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond, 1196A; roll call.

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

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yeah.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1197-07 - Authorizing an Intermunicipal agreement with the Town of Huntington for the maintenance of County Road 35, Mill Dam Road, Town of Huntington (County Executive).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1198-07 - Authorizing the purchase of up to 30 paratransit vans including spare parts, radios, other related equipment for Suffolk County Transit and accepting and appropriating Federal Aid (80%), State Aid (10%) and County funds (10%) in connection with this purchase (CP 5658) (County Executive).

LEG. ALDEN:

Hope they're clean fuel.

P.O. LINDSAY:

Motion by?

LEG. COOPER:

Motion.

P.O. LINDSAY:

Legislator Cooper.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay. The same motion, same second on the accompanying 1198A pending Bond Resolution; roll call.

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

LEG. COOPER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1199-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in reconstruction of CR 16, Portion Road from the vicinity of Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511) (County Executive). Didn't we just do this same one?

D.P.O. VILORIA-FISHER:

Very similar.

P.O. LINDSAY:

Very similar.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Legislator Caracappa makes a motion, Legislator Eddington makes a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying 1199A, pending Bond Resolution; roll call.

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

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1202-07 - Amending the Adopted 2007 Operating Budget, amending the 2007 Capital Budget and Program and accepting Federal aid and transferring Operating funds in connection with the County share for participation in the Pedestrian Enhancement Traffic Signal Improvement Program (CP 5406)(County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington. I will second the motion, but for the purpose of discussion. Gail, would you review the offset here? There's a slight offset.

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

MS. VIZZINI:

Yes, this accepts Federal funds and the County portion is very modest, 20%; we're using pay-as-you-go. In order to get that pay-as-you-go, we're using the rental account from Public Works, transferring the monies to pay-as-you-go and using that as an offset. We did include \$2.6 million in pay-as-you-go in the Omnibus, I wanted to bring that to your attention.

P.O. LINDSAY:

So why do we have to transfer money from a rental account if we already have money in it?

LEG. LOSQUADRO:

Me thinks that's a good question.

P.O. LINDSAY:

I'm going to make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. The tabling motion is before us.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1203-07 - Amending the 2007 Operating Budget, amending the 2007 Capital Budget and Program and accepting Federal aid and transferring operating funds in connection with the County share for participation in the pedestrian mobility improvements on CR 97, Nicolls Road at Purick Street, Town of Brookhaven (CP 5407)(County Executive).

Same situation?

MS. VIZZINI:

For this one and 1204 which follows.

P.O. LINDSAY:

Okay. I'll make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1204-07 - Amending the 2007 Operating Budget, amending the 2007 Capital Budget and Program and accepting Federal aid and transferring operating funds in connection with the County share for participation in the installation of sidewalks on CR 58, Old Country Road from the Long Island Expressway to CR 73, Roanoke Avenue, Town of Riverhead.

(CP 5408)(County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

We have a motion by Legislator Romaine. Do we have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second. I am going to make a motion to table again --

LEG. ALDEN:

Second.

P.O. LINDSAY:

-- because I believe we have the same situation.

LEG. SCHNEIDERMAN:

What was the situation?

LEG. CARACAPPA:

Proper funding, they're taking money from pay-as-you-go to a different account, they want to look into it for one cycle.

P.O. LINDSAY:

There's money in pay-as-you-go.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

They're taking money from the rental account to put in the pay-as-you-go --

LEG. ROMAINE:

I understand. I'll withdraw my motion then.

P.O. LINDSAY:

Motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1225-07 - Amending the 2007 Capital Budget and Program, accepting a gift of five (5) modular office buildings from the Sachem School District and appropriating funds in connection with the relocation and installation of these modular buildings in County property (County Executive). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

On the accompanying Bonding Resolution, 1225A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

1226-07 - Appropriating funds in connection with the purchase of highway maintenance equipment (CP 5047) (County Executive).

Motion, do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

The accompanying Bonding Resolution, same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Ways & Means:

1176-07 - Review of Auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Legislator D'Amaro makes a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation.

MR. NOLAN:

We are required to adopt the auction rules or approve the auction rules every year, these are identical to last year's rules.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

IR 1246-07 - Amending Resolution No. 2-2007, Rules of the Suffolk County Legislature (Presiding Officer Lindsay). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

Explanation.

MR. NOLAN:

This is a change to the Rules of the County Legislature. It states that no member of the Legislature may serve as a voting member of the Board of Directors of any non-profit corporation that's receiving County funding.

P.O. LINDSAY:

This was part of the package of contract items.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Can I just ask Counsel, does that preclude a member from serving in any other capacity with a not-for-profit such as Counsel or a financial advisor or any of those other roles?

MR. NOLAN:

All it says is you can't be a voting member, that's what it's limited to.

LEG. KENNEDY:

That's the only bar?

MR. NOLAN:

That's it.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

It could have a few ethical problems, too, I mean --

LEG. KENNEDY:

I know.

P.O. LINDSAY:

-- you know, on the other side of it, but that's a whole other issue. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Abstention: Legislator Alden - Absent: Legislator Horsley).

P.O. LINDSAY:

1258-07 - Sale of County-owned real estate pursuant to Local Law 13-1976 Susan Boden as to a 1/2 interest and Janet Boden as to a 1/2 interest (SCTM No. 0900-258.00-03.00-041.000) (County Executive).

Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Mystal.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Almost there, bear with me.

Memorializing Resolutions:

Memorializing Resolution No. 3 - Memorializing Resolution urging the United States Congress to enact the Medicaid County Protection Act of 2007. I'll make a motion.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. KENNEDY:

Okay, we're out of here.

P.O. LINDSAY:

No, we're not out of here, we're not out of here.

Okay, before you, you have ***Procedural Resolution authorizing funding for Community Support Initiatives.*** I make a motion.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

CN's.

If you go to the red packet, **1099-07 - Employee Incentive for donating blood (Caracappa)**.
Legislator Caracappa, you want to make the motion?

LEG. CARACAPPA:

Please.

LEG. LOSQUADRO:

Second and cosponsor, please.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Cosponsor, please.

LEG. COOPER:

Cosponsor.

LEG. STERN:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Resolution **1100-07 - Extending certain benefits to Suffolk County Auxiliary Police Officers (Caracappa)**.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

LEG. SCHNEIDERMAN:

Cosponsor, please.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

LEG. SCHNEIDERMAN:

And myself.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

LEG. CARACAPPA:

Mr. Chairman? Bill, now?

P.O. LINDSAY:

Okay, we have a veto before us.

LEG. CARACAPPA:

Motion to override *Resolution No. 200, which was originally 1034-2007.*

P.O. LINDSAY:

Okay, we have a motion by Legislator Caracappa to override IR 1034.

LEG. CARACAPPA:

Originally passed 17-1.

P.O. LINDSAY:

Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

No; don't you have to do a roll call for this?

MR. NOLAN:

Do the bonds.

MR. LAUBE:

George, roll call for a veto override, right?

MR. NOLAN:

You want a roll call? Do a roll call. I don't think you need it, but I don't want to --

P.O. LINDSAY:

Roll call.

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

LEG. CARACAPPA:

Yes, to override.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yeah, okay. Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:
(Absent).

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Pass.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes to override.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

LEG. CARACAPPA:
Thank you, all.

LEG. ALDEN:
Yes to override.

P.O. LINDSAY:
Okay, wait a minute.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
The accompanying Bond Resolution, same motion, same second; roll call.

MR. LAUBE:
Just a second.

LEG. D'AMARO:

Hold on. Tim, abstain.

MR. LAUBE:

Just a second. You abstained?

LEG. D'AMARO:

Yes.

MR. LAUBE:

I thought you said yes. Just a second, it was 16 on the last vote (Abstention: Legislator D'Amaro - Absent: Legislator Horsley).

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

LEG. CARACAPPA:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Abstain.

LEG. STERN:

Yes.

LEG. HORSLEY:

(Absent).

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Abstention: Legislator D'Amaro - Absent: Legislator Horsley).

LEG. ROMAINE:

Motion to adjourn.

P.O. LINDSAY:

No, no, you've got late starters. I make a motion to waive the rules and lay on the table the following late starters; IR 1307 is assigned to Economic Development, Education & Energy; 1308, assigned to Economic Development, Education & Energy; 1309, Economic Development, Education & Energy; 1310, Economic Development, Education & Energy; 1312, Economic Development, Education & Energy -- hold it down, come on, we're almost done -- IR 1314 to Public Safety; 1315 to Ways & Means; 1316 to Public Safety; 1317 to Health & Human Services; 1318 to Public Works; 1319 to Ways & Means; 1321 to Health & Human Services; 1322 to Health & Human Services; 1323 to Public Safety.

MR. NOLAN:

And 1311 to Economic Development.

P.O. LINDSAY:

And 1311 to Economic Development. We have a motion and a second. All in favor to waive the rules? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

We're out of here.

MR. LAUBE:

Seventeen (Absent: Legislator Horsley).

P.O. LINDSAY:

Okay, motion to adjourn.

D.P.O. VILORIA-FISHER:

Hallelujah.

P.O. LINDSAY:

Oh, before we leave the room, before we leave the room, I'd like to wish James Madore good luck on his trip to Albany. We're going to miss you around here.

Applause

Stay warm up there.

LEG. LOSQUADRO:

Best of luck to you, James.

*(*THE MEETING WAS ADJOURNED AT 12:29 AM*)*