

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

APRIL 24, 2007

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

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:36 A.M.]

P.O. LINDSAY:

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

MR. LAUBE:

Good morning, Mr. Presiding Officer.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

(Not Present)

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

15. (Not Present at Roll Call: Legs. Caracappa, Alden and Mystal)

P.O. LINDSAY:

Could everyone rise for a salute to the flag that will be led by Legislator Browning?

(Salutation)

I'd like to call on Legislator Eddington for the purpose of introducing our visiting clergy.

LEG. EDDINGTON:

Thank you, Mr. Presiding Officer. I represent Patchogue and I've had the privilege to meet Reverend Walter, who's taken over the Congregational Church in Patchogue. And I can truly say, after talking to him a number of times, that he has a progressive approach, which is interesting in an historical Congregational Church. And he truly appears to be, what I think we've looked for in our community for years, a spiritual man. And I'd like to introduce the Reverend.

REVEREND WALTER:

Have a seat. That was your job. Okay. I'm always upstaging people. I'm ordering people around already. You can tell why I'm in the ministry.

Hebrew scripture, Old Testament, First Testament some people call it, tells us there was a time in ancient Israel, which was a time when people were no longer listening to the prophets, because their prophecies weren't coming true, Abraham -- not Abraham. Amos, Jeremiah, Ezekial. But the time of the Kings hadn't come yet either, the great King Saul, David, Solomon. So there was an in-between time and that was the time of the Judges. It was a time when people were governed by people, and it was this Legislature of sorts, because some rules had to be done. So people came forward to a body such as this at a time such as we face now. And so now I ask you, whether you call God Yahwey, Allah, Jesus, or to whom it may concern, that we take a moment to pray.

God of all creation, creator of a time for everything, draw near to us now in this time of governance. Empower your trusted servants gathered here. Grant them the serenity necessary to embrace opposing views and positions with open minds and empathic hearts. Grant them the courage necessary to stand firm when the need arises, to decide what shall be granted and what shall be disavowed. Grant them the wisdom they shall need to study their jurisdiction from a wide and deep perspective. May they serve as advocates for both the powerful and the disempowered, the strong as well as the frail, and those without voice, vision, or even vote. Grant them a sense of justice, so that equity and fairness prevail throughout our County and our land. Grant them kindness and compassion, so their hearts are never hardened or calloused to the needs of any of our citizens. May you be such a real presence in this place that the very air we breathe is permeated by your spirit. Be with, guide and govern these trusted servants you have set aside to guide and govern others. May your spirit of wholeness and healing stay with these, our leaders, and may they be worthy of the awesome duties, responsibilities and trust you and we have placed in them. Amen. Shalom.

P.O. LINDSAY:

Thank you very much, Reverend Walter. While we're in the spirit of prayer, I would ask everybody to please rise for a moment of silence for the 32 people who were killed at Virginia Tech last week, as well as the men and women who are in our armed services that lost their lives with -- since our last meeting and are in harm's way this morning.

(Moment of Silence)

Thank you. We have a number of proclamations this morning. The first one, I'll call on Legislator Stern for the purpose of a proclamation.

LEG. STERN:

Good morning, and thank you, Mr. Presiding Officer. And I suppose it's fitting to make this proclamation right after we take a moment of silence and remember a terrible tragedy, and our brave men and women fighting for our freedoms overseas, to turn our attention to something that is so very good in our community. It is with great pleasure that we recognize Caitlin Dwyer this morning. Caitlin comes to us with a very special story, and I'm going to have her take just a couple of moments to further elaborate. But Caitlin, like so many of us watching television, seeing stories of a terrible tragedy, and I think watching, like I do, the Discovery Channel so often and seeing tragedy, particularly in the country of Mozambique, and particularly the young people that have such a difficult time in that troubled part of our world. And Caitlin has a fondness for making jewelry, and making jewelry and decided that she was actually going to do something, take it upon herself to try and make a difference in her own way, and continued to make jewelry and selling jewelry, and using the proceeds to adopt a child with the organization Save the Children. And, again, I'm going to have Caitlin tell us a little bit about that. But I think it is wonderful that she serves as an example to all of us, particularly to our young people, to show us the way and what could be so very good in our community. And so, Caitlin, on behalf of your neighbors in the Sixteenth Legislative District in the Suffolk County Legislature, let me say thank you, congratulations, and it's wonderful to see your commitment, your passion, and continue, please, to show us all the way, and continue to be a shining light within our community. And we all wish you every success in the future.

(Applause)

MS. DWYER:

Hello? Hi. First off, I'd like to thank Legislator Stern for presenting me with this proclamation, and I'd like to thank my parents and my little brother for always supporting me.

Save the Children is a very worthy organization that -- where you can adopt a child in an underprivileged country and give them education, food and medicine for an entire year. I decided to start a jewelry business to adopt a child in Mozambique, because I've seen all the terrible things there, you know, the HIV/AIDS breakout, all the poverty. And last summer, I raised \$366 to sponsor a girl my age in Mozambique with much less than I do. She lives in a wooden frame home, and doesn't go to the school, and her entire village is in poverty. And I think it's really good that we should do this, because to get into honor society, we need to do stuff for our community. I'm not saying we here don't need it, but there are people in other countries who need it so much more, because, for them, it's like life and death, sort of, if they don't get the food and medicine they need.

So, on behalf of Save the Children and myself, I'd like to thank Legislator Stern for this award. Thank you.

(Applause)

P.O. LINDSAY:

Very good Caitlin. If I was Legislative Stern, I would be afraid of Caitlin in about ten years. Next, I'd like to call Legislator Lynne Nowick for the purpose of a proclamation.

LEG. NOWICK:

Good morning, everybody. This is the Kings Park High School Basketball Team. And this is Athletic Director Ken Ferrazzi sitting next to me -- standing next to me. Today, I want to honor these young men, one of the most -- this is one of the most remarkable and successful boys basketball season in school history in Kings Park High School. These young men continue their unbelievable come-from-behind season by earning the first County Championship since 1957. Congratulations, young men.

(Applause)

They sustained their momentum by winning the Long Island Championship for the first time in history of Kings Park High School. And I just want to say to all of you, my dear friend, who is not with us anymore, Ed Hogan, would be walking around today smiling. If he was here, he would be so delighted; am I right?

MR. FERRAZZI:

Absolutely.

LEG. NOWICK:

Unfortunately, the young men did go on to try out for the State title, but that was not as successful as the County, but you guys went out there and you tried. And, hey, this is the County, so we're supporting you and we're saying congratulations, keep up the good work. And to all of you, I say keep going.

(Applause)

Come on with me, guys. We'll give you this proclamation when we stand outside on behalf of the County.

MR. FERRAZZI:

Thank you.

LEG. NOWICK:

Congratulations.

MR. FERRAZZI:

And on behalf of Coach Shouler, I thank everyone. He couldn't be here. He teaches out at Eastport-South Manor, but he coaches for us. We're lucky to have him.

LEG. NOWICK:

But, hey, look, you guys got out of three hours of school, two hours, right? Maybe school is better.

[Negative Response From Members of Basketball Team]

LEG. NOWICK:

Come on.

(Applause)

D.P.O. VILORIA-FISHER:

Next, I'd like to recognize Deputy Presiding -- I mean, Presiding Officer, I'm the Deputy, Presiding Officer Bill Lindsay for the purposes of a proclamation.

P.O. LINDSAY:

Good morning. Could I have the ladies from Catholic Home Care come up, please?

We all have jobs to do in our work life, but the people that provide health care are very special people, because they take care of us when we're most vulnerable. And too often, their working is overlooked and not praised enough. Within the last couple of years, I have a very dear friend who is from the health care field, his name is

Dr. Parkinson, who retired a couple of years ago from -- he was a Professor at Stony Brook, but was very active in preventive medicine and working on illnesses within the workplace, and I worked with him for many, many years. And he himself has become ill, and the ladies from Catholic Home Care have been administering to his very serious illness and have done a wonderful job. And Dr. Parkinson asked me if I would show some sign of public recognition for their work, and that's why we have this wonderful delegation here this morning.

Health care is a necessity to all who live in Suffolk County, and we take much pride in those selfless individuals who seek to improve the world around them through providing affordable compassionate care. Catholic Home Care originally came about in 1905, when three nuns from the Sisters of Infant Jesus migrated to the United States of America from France due to anti-religious legislation that was introduced in France. Those nurses created the Nursing Sisters of the Sick and Poor, Incorporated, and they cared for everyone at no charge. And that order has evolved to the Catholic Home Care System that tends to the needs of our sick and elderly in our community. And it's a real pleasure for me to present this proclamation to you ladies this morning for the wonderful work that you do. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Do you want me to start with the volunteers?

P.O. LINDSAY:

Please.

D.P.O. VILORIA-FISHER:

Each year the Legislature recognizes those volunteers from the various districts throughout Suffolk County on this day, and today I would like to read the names of the volunteers who have been nominated in the various districts and a little bit about them.

In the First Legislative District, Dorothy Maurer. Dorothy Maurer, 82 years of age, is a resident of Wading River since 1975, who has donated a remarkable 4,000 hours of service as a volunteer for RSVP at a local hospital since 1992. Mrs. Maurer is also the loving mother of two daughters.

In the Second District, Michael Bromberg. Michael Bromberg is a prominent Sag Harbor attorney and an 18 year veteran of the Sag Harbor Volunteer Ambulance Core, where he recently answered his three thousandth emergency call. Dedicated to his community in numerous pursuits, Mr. Bromberg has also served as a member of the Sag Harbor School Board, and is currently the Chairman of the Sag Harbor Village Zoning Board of Appeals.

In District Number Three, Donna Kakuro. Ms. Kakuro is the leader and chapter co-founder of the Suffolk County Chapter of Parents of Murdered Children and Survivors of Homicide Victims. Donna's tireless efforts have provided hope to survivors of homicide in their darkest hours. She goes above and beyond for others, making herself available to survivors 24 hours a day for counseling. Donna is also active in letter-writing campaigns that support legislation to protect victims. On the local level, she does an enormous amount of outreach to the local schools and libraries, to increase community awareness of free services available to victims -- to victims. Before her brother was murdered, Donna was a clinician at a local hospital and was employed as a Project Liberty Team Leader, providing counseling services to victims of 9/11.

In the Fourth District, Nicholas Caracappa. Nicholas Caracappa has dedicated many years of hard work to the Middle Country community. He is currently President of Local Union 393 Utility Workers,

is an active Board Member for the Middle Country School District, serves on the local PTA's, and is the Vice President of the Newfield Alumni Association. Nick has also unselfishly given his time and devotion to the children of the community as Vice President and Equipment Manager of the Selden-Centereach Little League, as well as a coach for Central Suffolk Football.

In District Number Six, Clifford McLean from Rocky Point. Clifford McLean, a long-time Rocky Point Rotary member, has been instrumental in bringing new life to the Rocky Point Rotary's Youth Exchange Program, which provides the opportunities for students to live and learn abroad for up to one year. Cliff has been instrumental in matching local youth with host families, and remains the focal point of the program's related activities. In addition, he is a Paul Harris Fellow, serves as Chairman on various District 7260 committees, and is a member of the Rocky Point Club and the Rotary Leadership Institute Faculty.

In the Seventh District, Joseph Themann of Medford. Mr. Joseph Themann of Medford is an active member of the Suffolk County VFW, the Medford VFW, and the Medford American Legion. In this capacity, he helps organize the annual Medford Memorial Day Parade. Mr. Themann is also a member of the Medford Taxpayers and Civic Association and the Medford Chamber of Commerce. Joe is well-known throughout the community and is always willing to participate and contribute to any activity that promotes and improves Medford. It could be said that, "If it happens in Medford, then Joe Themann is involved."

P.O. LINDSAY:

Okay. From the Eighth Legislative District, Harvey Sandurs, and Harvey's here. Stand up, Harv. Mr. Sandurs is the President of the Sachem Youth Advisory Group, Incorporated since 1999, a youth volunteer since 1987. His group has over forty-five hundred boys and girls playing youth sports and over seven hundred volunteers. It's the largest such organization on Long Island. He has put many new programs into place, such as background checks for all coaches, the Smart Start Program, certification of coaches, and scholarship awards to needy Sachem college-bound seniors. He is a member of the Holbrook Advisory Board, and has joined the Sachem Youth Advisory Group into both the Holbrook and the Ronkonkoma Chamber of Commerce. Thank you very much, Harvey, for your dedication to our community.

From Legislator Montano's District, Sergio Colon. Is Mr. Colon here? No. Okay. Sergio Colon is from Central Islip. Mr. Colon has been an active Board Member of Adelante of Suffolk County for over eight years, and is always volunteering his time and energy in the community. At Adelante of Suffolk County, he is extremely involved in their cultural and civic events. Mr. Colon was the President of the Friendly Community Center and founded CASA Puerto Rico. At the present time, Mr. Colon is President of the Hispanic-American Senior Citizens Club in Brentwood. It is with great pride and pleasure that the Suffolk County Legislator Rick Montano recognizes Mr. Sergio Colon for his ongoing and outstanding community service and his unselfish volunteer spirit, thereby making the Ninth Legislative District a better place to live.

From the Tenth Legislative District, Legislator Alden has submitted the name of Nina Cooley of East Islip. Is Nina here? Mrs. Nina Cooley of East Islip is this year's Tenth Legislative District volunteer. Mrs. Cooley has been a member of the AmVets Auxiliary for over 50 years and is the Chairperson for the Annual Americanism Contest for children from Kindergarten to the 12th grade. In addition, since World War II, Mrs. Cooley has sent several packages and letters to members of our armed forces stationed overseas. She is an active member of the Association of Children with Down Syndrome, and the East Islip - Islip Athletic Boosters Clubs.

Submitted by Legislator Kennedy, Samantha Ianucci. Samantha is an 8th grade student at Hauppauge Middle School who twice a week goes to the Hauppauge High School where she sews coats for puppies in training for the Guide Dog Foundation for the Blind in Smithtown. Samantha has made over 50 coats for these special puppies who some day will become guide dogs for the visually impaired.

Submitted by Legislator Nowick, we have Scott Posner of Saint James. Legislator Nowick would like to recognize Mr. Posner for his outstanding service to his community. Scott is the President and co-founder of Deep Wells Farm Historical Society, past President of Saint James Chamber of Commerce, past President of Smithtown Rotary, and a member of the Rotary's Gift of Life Gala Committee. He is on the reader's list on the school's "Parents as Reading Partners", and he participates in his school district's career days. Scott and his wife have two children.

Submitted by Legislator Horsley, Evelyn Chivvis of Lindenhurst. Evelyn is a Chairperson of the Mayor's Beautification Society of Lindenhurst. She is a lifelong resident of Lindenhurst Village, and selflessly dedicates her time, talents and expertise to the Village. Evelyn has also spearheaded many fund-raising events to support Beautification Society programs. Her tireless efforts have helped to beautify Lindenhurst throughout the year. Evelyn is the proud mother of one son and seven grandchildren.

And Deputy Presiding Officer Viloría-Fisher is going to do the rest.

D.P.O. VILORIA-FISHER:

In Legislative District Number Fifteen, Pamela Isabell from Amityville. Ms. Isabell is a member of the Holy Trinity Baptist Church since 1962, where she has served in many capacities, including, but not limited to, Sunbeam Choir Mother, Women's Ministry Coordinator, Women's Day Chairperson, Secretary and Community Liaison of the Board of Christian Education, and countless other committees. Currently, she is a Sunday School Teacher, First Vice-President of the Deaconess Board and Scholarship Committee, member of the Baptist Training Union and Women's Discipleship. She is active in her community, belonging to and being involved in many groups, including UNAYO, the NAACP, Weed and Seed, Witness Walk, APA/APTC and the Anti-Violence Task Force. She has over the years been actively involved in the Amityville School District where she has served on committees, including the Advisory Committee for the High School, and the Discipline, Hiring and Alumni Committees, and has helped author policies and books for the school district. She is presently a member of COMPASS. Among the awards she has received for her community service are Lady of Distinction-Holy Trinity Baptist Church; NAACP Service Award, National Black Family Achievement Award for 2000, Amityville Parent Teacher Award and COMPASS Award. Busy woman.

Legislative District Sixteen, Patty Matos. The volunteer from the Sixteenth Legislative District is Patty Matos. Patty dedicates a great deal of time to Elwood PTA and Library. She coordinated the district's Wellness Fair, "Healthy Days and Healthy Knights", and that's with a "K", ran a parent education program on protecting children from sexual predators called "Apple of My Eye" with Parents for Megan's Law, and also serves as community liaison to the Elwood Public Library. She devotes a great deal of time to community service, belongs to the Elwood Taxpayer Civic Association, and always places her community first. Whenever anyone needs help with anything, Patty always is there to help out.

Legislative District 17, Millie Novak of Huntington Station. Our Volunteer of the Year is Millie Novak of Huntington Station. A longtime member of the Friends of the South Huntington Public Library. Ms. Novack has logged thirty-seven hundred miles over the past seven years delivering library materials to the homebound. Also, for the past 25 years, she has been a volunteer at the Huntington Historical Society working in the museum shop.

Legislative District 18, Shirley Hardy Reeves. Mrs. Reeves has always made a point of giving back to her community. She's a very active congregant of the Central Presbyterian Church in Huntington Village, where she taught Sunday school and currently serves as a Deacon, and the Vice President of the Women's Christian Council. She has always been generous with her time outside of her church as well. In 1982, she joined the Huntington Community First Aid Squad, and volunteered for 15 years as a voluntary ambulance driver. For the past 15 years, she has volunteered at the Huntington Food Council in Huntington Station, and she currently serves as the Volunteer Coordinator for the Family Service League's Huntington Interfaith Homeless Initiative at Central Presbyterian Church.

Congratulations to all the volunteers, and thank you for your service to the community.

P.O. LINDSAY:

Thank you very much, Legislator Vioria Fisher, for your help with that. I know that although Suffolk County is a huge area and we have almost 1.4 million people, it's the volunteers that provide the impetus within our communities that make our region a great place to live.

Now we're going to go to the public portion. And if all of my fellow Legislators pay attention, because we don't have many cards and we have a short agenda today, so we're going to get through this pretty rapidly. First speaker is Richard Amper.

MR. AMPER:

Mr. Presiding Officer, Members of the Suffolk County Legislature, I came here this morning to commend you for your work on open space. As you may have followed, the Pine Barrens Society has produced a white paper that documents the history of open space preservation and indicates that Suffolk is second to none in this nation in terms of protecting drinking water, preserving open space and farmland.

I had also made specific recommendations as to how we can, in the eight years that remain, complete the acquisition process and the preservation of farmland. We just have about eight years and we have a big job ahead of us, but if each entity of government, and we need a little bit of help from the State -- they've been very effective in the early days of Pine Barrens preservation, but have fallen off a little bit and are not equalling what the towns and the County of Suffolk is doing, so we are going to be on the State's case to make sure that they do their part. We don't have to do anything that hasn't been done before, we simply have to do as well as the County, the Towns and the State have ever done for a limited period of time.

We will be out of the land-buying business by roughly 2015, so your extension of the quarter penny sales tax and the proper allocation of it will be before you soon, and we'd like to be helpful in terms of crafting that and making sure you get the prompt support you need from the New York State Legislature.

And we are absolutely persuaded that what we agreed to a year ago among most Long Island leaders, that we can preserve 25,000 acres of open space and 10,000 acres of farmland before we're done will help us economically with tourism, and farming, and fishing, and so much of that, and also to protect drinking water, preserve open space, maintain a little quality of life. So you've done a great job. We're looking for a big finish, and we'd be very, very happy to help.

There was just one other issue I wanted to touch on, and I'll be very brief about that. There need be no concern. I think about the proper use of farmland and I think the Legislature -- I'm eager for this issue to come to the Legislature apart from some of the committees and the Administration. I think what we really need to do is to understand what the purposes of those votes were when the public goes out and pushes that lever and says, "We want to preserve the development rights on farms." I think they're not merely supporting farmers, I think they're concerned about the landscape. I think they have reason to believe that that land won't -- that they thought was being preserved will not, in fact, end up developed. So I think what we really need to do is say what is reasonable for a farmer to be allowed to do in terms of permanent industrial kinds of structures on our landscape. We have to protect those soils. Clearly, if the farming industry is not healthy, we're not going to preserve farms either. So this is just a question of getting the rules, so that when the public does push a lever put up, as they have, 1.2 billion dollars to preserve open space and farmland, they know that the land that they have spent their money on to preserve and to see undeveloped doesn't end up, in fact, developed.

So that's something that I think that will get worked out. I'm very optimistic about this. The public needs to continue to support open space and farmland, and thank you for leading the way to help

them to be able to do that. Thank you very kindly, appreciate it.

You'll all get a copy of this document in the mail within the next 48 hours. Your staff can read the whole thing. I think it's very interesting, and my associate, {Alina Allyaba}, who did the research really made a contribution, because the information was all over the place, now we have a real good document. There's an executive summary that will allow you to digest this in about 15 minutes. You're doing the right thing, we just got to finish the job. Thank you very much. Applause note/note.

P.O. LINDSAY:

Mr. Amper, you finished with about 15 seconds left. I was going to say, "Do you want to say anything else", but you used that up in another 15 after it.

MR. AMPER:

I lost my mind, I apologize.

P.O. LINDSAY:

David Sprintzen. This is like "Old Home Week", you know, Richard Amper, David Sprintzen, Peter Quinn, Laura Ahearn.

MR. SPRINTZEN:

Yes. Presiding Officer, we've spent many years building the Labor Religion Coalition. Working with you, it's always been a pleasure. I've always much appreciated your deep humanity, your sensitivity and concern, which has always been a source of inspiration to me.

P.O. LINDSAY:

As long as you keep praising me, the clock doesn't start.

MR. SPRINTZEN:

But I must say, as a -- besides -- I'm here, obviously, representing the Long Island Progressive Coalition.

P.O. LINDSAY:

No, I'm only kidding you.

MR. SPRINTZEN:

My training is as a philosopher. And I'm always impressed with the statement of Emanuel Cont. And Cont said, "I never say" -- "I don't say everything I believe, but I never say anything I don't believe." And that is true in this case, too.

And I can also say, as I begin, I look around the table and I see many friendly faces with whom we have worked on all three political parties, from our working -- well, I don't see -- Jay is there. We worked with Jay with our South Fork Chapter, both when he was a Supervisor and now as a Legislator, and that spans all the way to our Huntington Chapter, we work with Cooper and Stern, so it's across the aisle. Of course, we worked with Kay back from in her campaign and since then. So it's a pleasure to be here. I see many pleasant faces.

I hear -- I want to speak very briefly in support of the proposal for Legislative redistricting. I think that one of the real, real scandals of American democracy, going back to Governor of Massachusetts in 1812, Eldridge Gerry, who designed a district which looked like a salamander, from which we get the word gerrymandering. That comes from Eldridge Gerry designing a salamander-looking district. We have many salamander-looking districts across the country. And it is really one of the scandals of democracy. Instead of having a situation in which the public chooses their officials, we have situations in which the officials choose their public, and that creates, therefore, this -- the tremendously destructive sort of "Incumbent Protection Act". And that's the reason why, for example, you end up with movements that are -- that establish term limits. Actually, I'm not in

favor of term limits, but term limits is a very heavy-handed way of trying to address the lack of representation, representativeness that is built into a system in which you have gerrymandering districts.

Understanding that no system that you can develop is totally free of partisanship, you want to -- what you want to do is, as much as possible, limit the partisanship and increase the capacity of people to have districts which represent -- maintain communities with their integrity, all right, have reasonable boundaries, and don't keep switching, so that people don't know who they belong to, where their Legislative representatives are.

I think the proposal that the County Executive is putting forth is a reasonable one. It seems relatively balanced. If you need to tweak it someplace here or there, that's fine. But take the opportunity, as you've done -- as this Legislature's done in many occasions over the past, and take a leadership role on Long Island and in the state and the nation, and establish as impartial as possible fair process for Legislative redistricting. And thank you very much.

P.O. LINDSAY:

Thank you, David. Peter Quinn.

MR. QUINN:

Good morning, Mr. Presiding Officer, Members of the Legislature. I'm just curious, Bill, if I genuflect in praise, I get an extra three minutes?

I'm here today to address you about the National Grid/KeySpan merger. And you all know that the principal cost is 11.8 billion dollars. But what has gone under the radar screen, both by the media and by the Wall Street pundits who are determining what the interest costs will be, hasn't told us. And yet, a few years back, I talked with Pat Foy. You know him as an investment banker, former Deputy of LIPA, and currently working for the Governor as the Economic Development czar for the Southern State of New York, and he admitted in an unguarded moment that the cost of interest is two-and-a-half to three times the principal. National Grid plans on mortgaging or leveraging all 11.8 billion dollars. That translates to 30 to 35 billion in interest, so that the cost is not 11.8 billion, it's over 42 billion. And I submit to you that you need to take a public stand and bring in the principals, mainly the Wall Street people who are guiding this, and get them to disclose to you what -- I mean, I know when the takeover took place in 1998, nobody wanted to disclose -- we said we have to wait until after the deal is closed before we can decide what the interest on the bonds is. Well, in that instance, the 7.2 billion dollars, add in two-and-a-half to three times or 18 billion dollars, and that meant that the total transaction for the takeover of LILCO by LIPA was 25 billion dollars. Now how do you account for that? Well, the utilities go before the Public Service Commission and you get guaranteed rates of return. The money is taken from ratepayers' pockets. And that means we have paid already each year 550 million dollars for -- in debt service amortization and interest, and who's that gone to? Bondholders, investment bankers, and Wall Street bonding firms. I submit to you that that's over 20% of ratepayers' bills. And if you have any concern, as you all do, about taxes, I submit to you that you need to take serious concern about ratepayers' costs. And I would hope that you would investigate, determine what the numbers are in the ballpark and then come out in your opposition to the National Grid/KeySpan merger. Thank you very much.

(Applause)

P.O. LINDSAY:

Thank you, Peter. Laura Ahearn.

MS. AHEARN:

Good morning.

P.O. LINDSAY:

Good morning.

MS. AHEARN:

I'm concerned. That concerns me. But actually, Legislator Stern, I wonder if Caitlin's available for workshops. She was wonderful, inspirational, actually.

Later today, a CN for 1323 is being delivered. It's modifying County policy in connection with medical providers at the Suffolk County Correctional Facilities. When a nonemergency medical exam is being conducted on a person incarcerated and the exam doesn't involve personal areas of the body, there will be an additional medical person present, unless that's waived. In instances where an intrusive exam, as highlighted in the policy, is conducted, there will be a medical person of the same sex of the incarcerated individual present. The County Executive, Presiding Officer Lindsay and Legislator Schneiderman have demonstrated not only fiscal responsibility with this policy, but a clear understanding and sensitivity towards the dignity of all women, whatever their station and situation. Parents for Megan's Law and the Crime Victims Center fully supports this policy.

P.O. LINDSAY:

Thank you.

MS. AHEARN:

Thank you.

P.O. LINDSAY:

Jan McDonnell.

MS. MC DONNELL:

Hi. Good morning.

P.O. LINDSAY:

Good morning.

MS. MC DONNELL:

I own the property at 21 Charles Court in Lake Ronkonkoma, which has been flooded, and the water is now coming in our house four inches in the front and back door for about a year now. It has been uninhabitable. We bought this property 20 years ago.

We bought it May 18th, 1987, when I just got engaged with my husband. We fixed the house up. It was a HUD home and it was a wreck, and we put a lot of love and time and money into it. And my family grew, so we had rented it out. It was only a two bedroom and we rented it out. My husband is self-employed, just him and one worker, and we figured he won't get a pension, so it would something for us to have, a little nest egg later on. The house is totally uninhabitable.

I know Steve Levy mentioned the house, it was an act of God and that's -- there's nothing you can do. We had gone, my husband and I, have been doing homework and we know this problem -- we found out since then that this house has -- had a history of flooding, and the whole neighborhood, and that there was a proposal put on the books in 1986 stating, excuse me, that something should be done back then. The document was prepared by Suffolk County Planning Department in 1986. It concludes that development in the 1960's disturbed the natural hydraulic system around the lake. It goes on to say that the pumping station erected in the early 1970's would likely at sometime impact those living near and along the lake.

The report then recommends that the County acquire the properties around the Great Bog and this property is among them. The pumping station adds an additional 13% inflow of the water into the lake. This calculation was based on two recharge basins, there are now three. This is not an act of God or nature. This is an excess of water being pumped mechanically in toward the Great Bog and a failed attempt to correct this problem. And our house, 50 years of history that the house has been

there, the first 25 years went flood-free. Since the construction of the pumping station, it's been flooded four times. Suffolk County concluded back then that it would happen and recommended that this parcel be purchased. We are requesting now that you make it so. Thank you.

P.O. LINDSAY:

Ms. McDonnell, we don't -- under the public portion, we don't have the ability to question you or to talk -- to have a discussion about this. But if your schedule allows, I would ask you to hang around and maybe we could take it out of order, if that's -- if Legislator Kennedy would like to do that, because I know there is a lot of interest in this resolution and the veto, and I know there'll be a few questions. So, if you could just hang around, it won't be too long.

MS. MC DONNELL:

Okay. Thank you.

P.O. LINDSAY:

Thank you. Gina Previte.

MS. PREVITE:

Good morning, honorable members of the Suffolk County Legislature. My name is Gina Previte. I would like to first say thank you for holding these meetings, which provide the forum for everyday people like myself to voice our concerns.

I am a resident of the Gordon Heights Fire District. I'm here today to convey to you the extreme pain and frustration that prevails among the homeowners of our fire district who feel victimized by the unjust fire tax crises that we alone are faced with. We also feel somewhat abandoned by our government, who we believe should be providing protection from such an injustice, and who should find a way to act upon the truth.

The residents of the Gordon Heights fire district are paying an outrageous tax rate of \$64 per hundred in home value, compared to the Brookhaven's Town average of 15 and a national average of 11. My latest personal tax bill reveals an absurd and unmanageable amount of \$2,589.17. I would like to repeat that. I pay \$2,589.17 for volunteer fire protection --

D.P.O. VILORIA-FISHER:

Wow.

MS. PREVITE:

-- while my Suffolk County paid Police Department taxes run me eleven hundred dollars. Therefore, I, along with the residents of my community, are paying more than double for so-called volunteer fire services than we are for those provided by the highest paid municipality, God bless the Suffolk County Police Department, in the entire nation. Ironically, if my house were located down the block, literally down the block, it would fall into a neighboring fire district and I would be paying an appropriate amount of \$670.

So I'm sure you will all agree that this nearly \$2,000 per year burden is obscene for any family to bear, and that the disparity that exists is simply too great to be ignored or to be accepted. Consequently, the taxpayers have reached the end of their rope, and feel we have been more than gracious, patiently waiting year after year for our beloved fire district to resolve their financial problems to no avail. What we hear is the same lame excuse, "We're working on it," as we watch our tax rates skyrocket 400 and 600% on average every year, more so than the other fire districts.

We're not interested in any temporary band aid solutions or any ridiculous ones like the most recent, dreamed up by one of our commissioners who told me that we should contact Oprah or Bill Gates for a donation. It is also not enough to trim the possible excess from this budget or award small temporary grants in an effort to appease us. Our issue is so much deeper than that. The bottom line is we have insufficient tax base, a very small population, no room left to grow, and no

commercial property at all to absorb these costs. This is a problem that cannot be fixed. Changing Commissioners is not going to solve our problem. The only thing that will is the other "C" word, consolidation. Gordon Heights fire district really is the poster child for this, a 1.7 mile district, which most of us could walk during lunchtime, with one of the smallest call volumes in Suffolk County, yet is carrying a 1.5 million, 1.5 million dollars yearly of taxpayers' hard-earned money. This is nothing short of a wasteful disgrace.

Fire districts were created to save lives and serve communities, not destroy them. It is absolutely ludicrous to expect 850 middle and low income families -- you all know Gordon Heights, right?

LEG. CARACAPPA:

Don't we all?

MS. PREVITE:

Okay. Including the many single working moms and the seniors on fixed income, no? To solely support the increasing cost of operating the fire district by today's high standards. I'm almost done.

P.O. LINDSAY:

Okay.

MS. PREVITE:

If you look at the chart that I submitted to all of you, you will see that as far back as 20 years ago, in 1987, our tax rate was 35.8 while the Town's average was 4.9. Even today in 2007, no other fire district has this tax rate. Unfortunately, this abuse has been allowed to go on too long without concern and has been treated with a blind eye. It has been conveniently been dismissed year after year in favor of not rocking the boat and has sent a very poor message as a result. Have we pandered to -- with all due respect, but have we pandered to and privileged our fire district to the point where there is no off switch?

I beg you to find the political will, I beg you to find the political will to support our endeavors on this issue and ensure that this problem is solved in a nonpartisan way. Times have changed and so must we. Dissolving this district is inevitable, so why prolong the financial agony for a community who simply can't sustain it. The right and responsible thing would be for the Gordon Heights Commissioners just to step down and surrender, allow their half of the Gordon Heights community to join the other half that's already being serviced by the larger districts in the area at a much more affordable rate. Unfortunately, our Commissioners, they cannot see beyond themselves.

P.O. LINDSAY:

You have to wrap up, Ms Previte.

MS. PREVITE:

So I'm here today to ask you, rewrite the laws, if that's what it takes. This situation is a travesty and a permanent solution is long overdue. Thank you.

P.O. LINDSAY:

Thank you, Ms. Previte.

(Applause)

Rosalie Hanson.

MS. HANSON:

Good morning. My name is Rosalie Hanson. This is my husband, Alex.

MR. HANSON:

Good morning. Good morning.

MS. HANSON:

We have lived in Gordon Heights for over 20 years. The residents in Gordon Heights want to thank Kate Browning for addressing the sex offender problem plaguing our community. Even though the landlord bill has been tabled, we support any bills that will help protect us.

I'm also here to ask if there are any grants available for the Community Baptist Church on Granny Road. They need new windows, paint and some work done in the kitchen, so anything that you could give to them would be greatly appreciated.

The third thing I'm here about is the tax burden put upon us by the Gordon Heights Fire District. I would like to give all of you a copy of the signed petition to dissolve the Gordon Heights Fire District, which was signed by over 70% of the taxpayers in the Gordon Heights Fire District.

In today's newspaper, Governor Spitzer is setting up a commission to consolidate districts. We are the poster children for this commission, and we would appreciate all of your support in helping the Gordon Heights Fire District residents that have been burdened to the point that we are losing our homes. Thank you. Applause.

(Applause)

P.O. LINDSAY:

Thank you, Ms. Hanson. Eva Haughie. Am I mispronouncing your name. I'm sorry.

MS. HAUGHIE:

No, that's okay. It's Haughie.

P.O. LINDSAY:

Haughie?

MS. HAUGHIE:

Haughie.

P.O. LINDSAY:

Okay.

MS. HAUGHIE:

Good morning. Thank you very much for this opportunity to speak. I represent the Empire State Lyme Disease Association. We have a number of issues that we have been lucky to have Ed Romaine bring probably to your attention sometime today or within the next few weeks.

First of all, we are interested on the State level with OPMC reform. I have a paper. I don't have copies for everybody. Is it possible to hand this in and then maybe copies will get -- okay. So this is just about OPMC reform. There will be two bills. The one that we're really interested in is the OPMC reform as pertaining to the treatment of Lyme Disease, that's Senator Leibell, Vincent Leibell.

And this is also another handout that I have. It's one doctor's story. He committed suicide from the pressure and persecution due to the Lyme Disease controversy, and that was Dr. John Bleiweiss, and this is his story. He also did have Lyme Disease and he saved a lot of people.

This is a handout about -- now I'm on another topic. This is a handout, because we need Lyme adopted by everyone as -- May as Lyme Awareness Month. Brookhaven Town has already adopted this, and I have word yesterday that Riverhead and Southampton Town will be adopting it. New York State does adopt it, but what we -- I would like to see every single house on every single street in every single town in every single County in the world adopt it; okay?

And this is a graph and it's a picture of a little girl, and we actually -- Lyme Disease is the most common in ages 5 to 9. There are 22 cases per 100,000 children.

This is a slide that I was sent by a doctor, and it's of a young boy with Asperger's Syndrome. Asperger's Syndrome is autism. In his blood cells, Babesia was found in -- nearly every singly erythrocyte is infected. And then I have lupus, Babesia in a lupus patient's blood cells. Babesia is a Lyme -- a tick borne illness. And it all kind of goes under the heading now of Lyme Disease. So that's lupus and autism, and now we have Babesia in a rheumatoid arthritis patient, in her blood cells, and also, Babesia found in the blood cells of a patient with longstanding fibromyalgia. And we also have Bartonella, which is another tick borne illness, and this is Bartonella found in a patient with fatigue, myalgia, and arthralgia.

Now, you would ask why these aren't found in testing. Well, we need more money, and we need more research, and we need more testing, because what I'm talking about, we have tests right now for one out of thirteen strains of Babesia, and one out of nine strains of Bartonella. So, if you have eight of the other Bartonella, they're not going to find it, and if you have twelve of the other Babesia, they're not going to find it. So here's more of that.

I don't mean to belittle what happened, I definitely -- we're all very, very concerned about what happened in Virginia. This is from the Washington Post, and Kim Yang Soon, a great-aunt in Korea, said Cho's mother told her the boy had autism. That's another from the New -- from the Washington Post.

This is an article, an article from a doctor, a psychiatrist who is very -- has written a lot articles on Lyme Disease.

P.O. LINDSAY:

Eva, your time is up, if you could wrap up, please.

MS. HAUGHIE:

Okay. This is cognitive impairments with Lyme Disease. This is neurological manifestations of Lyme Disease in children. This is from a woman whose IQ went down. She was an investment banker. Her IQ went down to 60 when she was very sick with Lyme Disease.

This is my invitation to the opening of the Lyme and Tick Borne Research Center at New York, at Columbia University Medical Center, which opens April 30th. And Dr. Fallon began as a psychiatrist treating mental patients, and found that many of his patients had Lyme Disease. He treated them for Lyme Disease and they got better.

So, while respected psychiatrists have discovered that some mental illness is due to tick borne infections, doctors and scientists have also discovered that some case of oftentime terminal illnesses, MS, ALS, Parkinson's, Alzheimer's, lupus and the debilitation chronic fatigue syndromes and fibromyalgia Lyme Disease. Many patients who eventually get diagnosed with tick borne infection, instead of one of these other illnesses, have recovered and now lead good functional lives.

The latest topic being discussed is that autism may also have infectious causes. There is an LIL, Lyme-induced autism is the -- you can look it up online. And if Bartonella is a cause of autism --

P.O. LINDSAY:

Eva, you have to wrap up.

MS. HAUGHIE:

Okay.

P.O. LINDSAY:

You're way over your time.

MS. HAUGHIE:

We may have one key towards helping our children. I heard from two -- I have this one last thing. This past week, incidentally, I heard from two separate families dealing with their children's severe mental illness-causing tick borne infection. One was to be institutionalized for life at the age of thirteen because of irrational, uncontrollable rage, but was saved at the last minute when they discovered that he had tick borne infections. The other hasn't been as lucky and he is institutionalized right now, but we are hoping. So we need help raising children and we also need help with tick borne illness.

P.O. LINDSAY:

Eva, you're way, way over.

MS. HAUGHIE:

Okay. Well, we need so much help, I can't help it.

P.O. LINDSAY:

Yeah, I know, but you have three minutes, you went about ten.

MS. HAUGHIE:

Okay, well.

P.O. LINDSAY:

Okay?

MS. HAUGHIE:

I'm sorry. These are our fliers.

P.O. LINDSAY:

Bennetta Dosiak.

MS. HAUGHIE:

Okay?

P.O. LINDSAY:

Bennetta Dosiak.

MS. HAUGHIE:

Thank you.

MS. DOSIAK:

Good morning. My name is Bennetta Katherine Dosiak. I'm here from Empire State Lyme Disease Association. Thank you for letting us have this opportunity. I am here to talk about Lyme Disease. I have a couple of handouts for you.

Lyme Disease -- Lyme Disease exists throughout the world, and, in fact, Great Britain has a huge grass roots community for Lyme Disease awareness.

Three recent deaths due to Lyme Disease in the past six weeks, Karen J. Rosen. Rose was one of the first people who educated people for Lyme Disease. God bless you, Rose. Well-known as a Lyme Disease advocate in Texas, passed away Wednesday, April 18th, 2007, in Hershey Park, Pennsylvania. Scott Brazil, 50 suffered from ALS and Lyme Disease from Los Angeles. Scott Brazil, an executive producer and director of FX series, The Shield, he died. Two-time winner of both the Emmys and Golden Globe died Monday, April 19th, 2006. Bill Chinnock, 59, founder of the E Street Band, Yarmouth, Maine. Musician Bill Chinnock, founding member of the Bruce Springsteen E Street

Band died Wednesday at his home. He was 59, March 9th, 2007. Three children died from the Rocky Mountain Spotted Fever. Eighty-six percent sought medical care, only four received therapy. Thank you.

We attended the November demonstration last week, demonstration in Westchester Medical Center, regarding the new and potential harmful ISDA guidelines. Chronic Lyme Disease sufferers feel that patients, with the aid of their health care practitioners alone, should not have the sole right and responsibility to chart their own course of treatment without impedance from medical, pharmacological and insurance companies. We attempted to provide emotional, physical, and educational opportunities of Lyme Disease patients and their families in New York. It is all too common and fact of life to see someone suffering painfully who at the same time is being marginalized and often abused by our current health care system.

D.P.O. VILORIA-FISHER:

Benetta, can you wrap it up, please? Your time is up.

MS. DOSIAK:

Okay. Regrettably encourage remedies of these wrongdoings, and we're primarily attempting to change the picture of Lyme Disease, and hope to be a part of the national and even global efforts to rid ourselves of this disease. Please, support all of Legislature Ed Romaine's resolutions for Lyme. And please accept May as "Lyme Awareness Month". Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Christine Costigan.

LEG. ROMAINE:

Before Christine comes up, a point of personal privilege. I just want to let -- first of all, I want to thank the two ladies, and let the Legislature know that the County Executive will be bringing forward my resolution on CN to declare May as "Lyme Disease Awareness Month". So thank you.

D.P.O. VILORIA-FISHER:

Thank you. Christine. Good to see you.

MS. COSTIGAN:

Good morning Ms. Nowick. It's a pleasure to be before you again. I worked with many of you when I was the County Director of Real Estate. I'm not back because I miss you so much. I do miss you, but that's not why I'm here. I'm here representing my dearest friends, and I'm asking for your support for I.R. 1260. I.R. 1260 concerns the abandonment of ten lots in North Bellport. They were taken many years ago by the County, and we're here today to seek them to be restored to this fine family in whose ownership they once were.

Sometime ago my friends were coming over for dinner and they came with these ten registered letters that they had received that day from the Division of Real Estate, and they said, "What is this? What do we do?" I took a look at them. The letters were standard notices to them saying they had the right to redeem these properties. I said to them, "I'm not the Director of Real Estate anymore, but it's a pretty simple process. Fill out the forms, pay the applications and you can restore the property to your family's name." They did that. Now, in doing that, that's \$200 an application, they paid \$2,000 in application fees, they paid the -- they reopened the estate in Florida. That took \$3,000 to get the letters. They paid the fifty -- excuse me, \$45,000 in back-taxes. The County has had all that money now for almost two years. The applications were processed, they landed their way into the Ways and Means. It was a busy day. It got tabled, because there wasn't time to consider it. It never went anywhere.

This got -- it just is one of those things that got enmeshed in the system and we'll say no more about that. They asked me to help. I tried to reopen it. And many of you have been very helpfully. I talked to Mr. Romaine, Ms. Browning, Mr. Barraga, Mr. Alden, and it just -- it just is one of those

things that was stuck. Anyway, we finally got it going again and, at that point, the County decided they'd made a mistake and they never should have sent out the letters in the first place, because they decided there's an applicable three years statute of limitations, this was news to me, on redemptions.

More talk, more talk, more talk. Finally, Mr. Alden, in whose district these folks live, the Glasses, looked over everything, took it, you know, from top to bottom, and said, "This is nuts." These people lost the property because the aunt was 83 years old and died. That's why she didn't pay the taxes, she was dead. When the County's notice went to her to pay the taxes, it bounced back because she was dead. Nobody ever even knew the aunt owns the property.

So here we are today and Mr. Alden said, "Justice demands I'm going to abandon" -- "put in to abandon the claim to the property," that's why we're sitting here today. 1260 is an I.R. to abandon the County's claim to the property on -- they still have to pay all the taxes, which they've already done. It will clear the title to the property, restore it to good title. Right now, the County does not have good title. There's a cloud on the title, because there was no notice. This will restore it. It's a fine affordable housing candidate, and that's what they intend to do. And it will continue to have bad title forever if this I.R. is not approved. So I desperately ask your support of I.R. 1260, and that's to abandon the County's claim to the title to these ten lots in North Bellport.

D.P.O. VILORIA-FISHER:

Thank you, Christine.

P.O. LINDSAY:

Thank you, Christine.

MS. COSTIGAN:

Thank you.

P.O. LINDSAY:

It's nice to see you again,

MS. COSTIGAN:

It's nice to see you, sir.

P.O. LINDSAY:

And the last card is Mary J. Finnin.

MS. FINNIN:

Good morning.

P.O. LINDSAY:

Hi, Mary.

MS. FINNIN:

And thank you for the opportunity of speaking this morning. I'll be very brief.

I'm a retired public health nurse from Suffolk County, and I would like to just briefly address my concern about recruitment and retention of professional nurses, and particularly public health nurses in our County health facilities.

I was pleased that you recognized the nursing group here today. And I want to say that May 6th is "National Nurses Week". I would like to see the Legislature recognize the professional nurses employed by Suffolk County. But more importantly, I would like to see you address the wage discrimination between the nurses employed by the County and the nurses that are paid in County facilities by private -- through private agencies. There's a 15 to \$20,000 difference in pay. Some of it was in the paper. I won't go into that today, but I can give you data.

I am a member of the New York State Nurses Association, I am the treasurer. I'm familiar with the wages throughout the state and county. And we're really having difficulty recruiting for our public facilities because of the wage disparity between public and private sector.

Thank you very much, and don't forget your nurses on "National Nurses Week". Thank you.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Okay. Thank you, Mary. That concludes any cards I have. Is there anybody else in the audience that would like to speak under the public portion? Seeing none, I'll close the public portion and make a motion. Do I have a second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. All in favor? Opposed? Abstentions? Could I -- we have all Legislators at the horseshoe?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We're going to start on the agenda. And I am going to recognize Legislator Kennedy for the purpose of taking something out of order.

LEG. KENNEDY:

Thank you, Mr. Chair. I'm going to ask that we, at this time, take a veto override for adopted Res. 282, I believe it is, 1232. That's the planning steps resolution for property at the end of Charles Court. And in an effort to try to accommodate the property owner, who's here, if it pleases the chair, I'd appreciate it on her behalf.

P.O. LINDSAY:

Okay. So we have a motion to take the veto -- the attempt to veto override out of order.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Okay, the veto is before us.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair. I'm going to make a motion then to go ahead and override the County Executive's veto.

LEG. NOWICK:

Second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

We have a motion to override the veto and we have a second by Legislator Alden. It's Resolution No. 282 of 2007. Okay. The matter is before us. Does everyone have a copy of the veto message? It should be in the folder, they're telling me. Okay. I'm having extra copies made in case you don't have one. Just raise your hand.

LEG. KENNEDY:

Mr. Chair, just for a moment then, I guess, while we wait for correspondence.

P.O. LINDSAY:

I recognize Legislator Kennedy.

LEG. KENNEDY:

All right. I want to thank you and I want to thank all of my colleagues. As each and every one of you knows, I have communicated with you both by E-mail and by letter, and also with the opportunity to personally speak with each and every one of you. Despite what we saw in the veto message and what was in Newsday, for those of you who know me, I don't believe in legislating by media.

The property in question shares a common border with County park property. It is uninhabitable. And, as a matter of fact, as you just recently saw, the Smithtown Town Assessor has dropped the assessment on this property to vacant land in recognition of the fact this is uninhabitable. I think planning steps is reasonable, prudent, and engages the Division of Real Estate to do what we oftentimes have looked at for a whole variety of different types of unique properties here in the County of Suffolk. So I'd ask my colleagues to go ahead and join me on this. I see it as nothing more than just allowing reasonable prudent steps to go forward to hopefully give these folks some opportunity to get some relief and expand our park property. Thank you, Mr. Chair.

LEG. CARACAPPA:

Mr. Chair.

P.O. LINDSAY:

Okay. I'm going to ask Deputy County Executive Paul Sabatino to comment on the override.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Thank you, Mr. Chairman. Just a brief comment. The County Executive urges you to read the veto message carefully and to sustain the veto, because this is going to establish a precedent that will convert and create a new Open Space Program in Suffolk County. The new Open Space Program in Suffolk County is going to be you demolish houses to create open space and you bankrupt the County in the process, because there is not enough money in Suffolk County to pay for all of the personal human tragedies that are out there in Suffolk County when there's no County responsibility, no County nexus to the situation in question.

Presiding Officer Lindsay has a very, very difficult situation in his district called Bishops Lane. There are numerous homes there that have flooding in their basements. There is no way that the County of Suffolk can go into that community and buy up all the houses.

Now I know the new argument that's been raised is that if property is adjacent to parkland, somehow that magically transforms the property into eligibility for county acquisition. That is categorically absolutely untrue. There are hundreds, if not thousands, of parcels that are adjacent to County parkland. Just by virtue of being adjacent to the parkland, you don't then automatically

become eligible to be acquired. You've got to fit into other environmental, other programmatic criteria. But to take this to its logical extreme, think what's going to happen.

This particular parcel in question is adjacent to County parkland. You go out and you buy the parcel. Well, guess what? The domino doctrine kicks in. The property next to it is now adjacent to County parkland. You buy that house. Well, guess what? The next property on the street is now adjacent to County parkland. You buy that property. Guess what? The next property is adjacent to County parkland. The 3.2 billion dollars that Dick Amper is talking about for the traditional Open Space Program will have to be quadrupled just to buy these types of houses in these types of situations. So I would urge you to seriously reconsider your position and sustain the veto. Thank you.

LEG. MYSTAL:

Cogent argument.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I just want to put on the record where I'm coming from. I actually shouldn't have even voted for the planning steps resolution, and shame on me for not having read the resolution, seeing that it was a home. And I just want to stay consistent, and I don't know if my colleagues intended to be consistent as well. And when I say that, I'm talking about our past votes, when trying to use open space monies to purchase a home, whether it be in Huntington at 1 Tower Street, or in this case. I believe it does set a very dangerous precedent, as the Deputy County Executive said. And if we start this process, where does it end? We should be very careful. And I understand there's a serious situation there, but using open space dollars to start buying structures, whether it's for, you know, dilapidated homes, or whether it's a past crack house, whether it's flooding, it's the wrong program for doing just that. So that's why I want to stay consistent and I'll support the County Executive's veto.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I also would like to stay consistent. And when I see something like the County of Suffolk going and rearranging the drainage on Portion Road and causing some flooding, and in this instance, where there's a report from 1986 that states that the County is taking an action and allowing water to be pumped into a wetlands, that they know eventually, and '86 happened to be I guess pretty much of a drought area or a drought time, that in the future, if we had more rain fall, that was going to cause major problems. So I think that, to be consistent, if the County knew that by doing the pumping and increasing that wetlands area that there was going to be problems going into the outlying areas, that we should have taken action back then and we shouldn't have waited for whatever it's been, almost 21 or 22 years.

So, to stay consistent, if the County takes action and it causes people to flood out of their house, or other types of what we're going to try to call natural disasters at this point is inconsistent. So the consistent thing would be to allow these people some kind of relief that we should have given them 20-something years ago.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have tried to go ahead and distinguish each and every one of the points that the County Executive included in his veto message. First, let's go to the funding source. The funding source is Old Drinking Water Preservation money. It is Smithtown specific. I believe, as a

matter of fact, BRO will share with me, there remains only three hundred, four hundred thousand dollars left in that account at this point. Under the original Drinking Water Quality Protection Program, monies that were accrued to that account through sales tax transactions can only be expended in the Town of Smithtown. So my funding source is finite and limited and property specific.

Secondly, as Legislator Alden has pointed out, not only did the 1986 Clean Lake Study, conducted by our Suffolk County Planning Department, make a recommendation that properties adjacent to the Great Bog be acquired where possible, but that was preceded by the H2M 1980 Capital Project 5013 study as well. There has been 27 years worth of planning that has indicated that this is an impacted area, and where possible, acquisition of adjoining properties would make sense.

Third, we acquire properties quite often that do have structures on them. This body just supported me not too long ago in the acquisition of the {Commadinger} property, a 200 year old house on five-and-a-half acres. And, as a matter of fact, in the appraisal, there was a \$30,000 figure included by Division of Real Estate earmarked for demolition. So to speak now that we are contemplating some act that is precedent-setting, that has never been engaged in before, and now would lead us down the path of unfettered woe I think is just wanton and specious. It is defined, it is limited, it is an act set to acquire this structure only, and I ask my colleagues to see.

I did not put in planning steps for the rest of the block at my own peril. The rest of those residents are not happy with me at all, and I did it specifically because I said we could only do so for property that was contiguous and adjacent to a particular County park. So I'll ask my colleagues to support me on this. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Legislator Kennedy raised the point of structures on properties, and having served as Chairman of the Environment Committee in the past, and still serving as a member, I was just going to bring that point up, that we often have properties come before us that have multiple structures on them. Demolition of those structures is part of the process, so long as we reach the end goal of having a property that we can then have control or management over for environmental purposes. So well stated, John.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Anybody else want to comment? I got a couple of questions. First of all, much of the flooding problems that we've been experiencing around the County I think -- I know, can be tracked back to building permits that were issued by our respective towns to build in areas that really should have never been built on, and I think we can all agree to that. And I would -- if you haven't done it already, Legislator Vioria-Fisher has authored a letter that she's inviting us all to sign to send out to all of our ten Town Supervisors asking them to review the practice from hence forward in any properties that could be affected by flooding, particularly, or other environmental issues, that will not go forward and issue the building permits there.

The other point that I really wanted to make, and I don't know whether Deputy County Executive Sabatino or maybe Budget Review could answer, but when this originally came before us, our Planning Department usually scores acquisitions. And does anybody know what the score was on this acquisition?

LEG. KENNEDY:

Thirty-five, I think.

P.O. LINDSAY:

Thirty-five.

LEG. KENNEDY:

Yeah.

D.P.O. VILORIA-FISHER:

That's a very high score.

P.O. LINDSAY:

Which is a very high score. So, evidently, at some point, Planning must have thought this was a good acquisition.

LEG. KENNEDY:

Specifically because of it being adjacent to County parkland.

P.O. LINDSAY:

Okay. And the other thing that I just would mention is, you know, even -- and to Mrs. McDonnell who's here, if the veto is overridden today, that doesn't mean that we're going to acquire the property. What it simply means is that the planning steps will be upheld and we have to -- we will appraise the property and start the negotiations. This is the first step of a lengthy process that's going to take awhile, so I don't want to build up your hopes; all right? Is there anyone else that would like to speak on this subject? Legislator Cooper.

LEG. COOPER:

I just wanted to correct something for the record. I have a copy of what I believe is the latest rating form from the Planning Department, and it shows that the parcel has a rating of 24 and not 35. So I don't know whether it was originally 35 and it was downgraded, but the latest one shows is 24. And also my last conversation with Tom Isles was that Planning Department did not recommend acquisition of the parcel. So I just thought we should have that on the record as well.

P.O. LINDSAY:

Okay. But is -- the 24, was that the original paperwork that came before us when we approved this resolution?

LEG. COOPER:

I don't know. That's the current form.

D.P.O. VILORIA-FISHER:

I'm having my office check up on it. But it had been recommended by Planning at the time that it appeared before my committee.

P.O. LINDSAY:

Okay. And the point that I'm making is that I don't think this body operated frivolously in approving the original resolution, you know.

LEG. COOPER:

Of course not.

P.O. LINDSAY:

And I should reveal to my colleagues that I visited this house in this block maybe six or eight months ago at the request of Legislator Kennedy and Town Councilwoman Biancaniello, because of the extreme -- I mean, this house is literally under water, and it -- you know, the bog has extended beyond their property lines, there's no doubt about that. Legislator Nowick.

LEG. NOWICK:

I just want to make a comment. While I understand what Mr. Sabatino was saying about buying one, you'll buy another, you'll buy another, and I understand what he's saying about the money that's preserved for -- that's put aside for land acquisitions, but we are looking at a real face, a real person who sits behind -- in front of us with their entire life savings in jeopardy. This is a real person. Yes, we have to worry about acquiring farmland and all sorts of land, but why -- but we also, I believe as a County Legislature, need to worry about saving and helping our residents. This should be at the top of our priority list now to try to help the people that we were elected to help. So I think it's money well spent.

D.P.O. VILORIA-FISHER:

May I just say --

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. It's interesting that Legislator Nowick should be speaking to this in regards the face before us, because Legislator Nowick and Legislators Browning and Losquadro and I all sit on ETRB, and how often do we sit there and say we're buying this property that is clearly wetland which should not be developed. Shouldn't there be some kind of assurance to the people of Suffolk County that the towns will step up and not permit the building on these wetlands? This is part of what prompted me to write the letter that I wrote, not to in any way usurp the authority of the County, because that's a Home Rule issue and we don't want to step -- I mean, did I say County? The Towns. We certainly don't want to usurp the authority of the Towns. They have that ability, that zoning ability, the building permits. However, it must be underscored that there is a shared responsibility here, and these houses should never have been built in the first place.

We're experiencing a water table level that we haven't experienced in Suffolk County for at least 20 years. I certainly know in my neighborhood, there are people's basements that are being pumped out on a 24/7 basis. We've seen the people from Smithtown come before us and, obviously, we can't buy all those properties. We can't own every piece of wetland in Suffolk County, but we need to have more circumspect decision-making on the Town level, and this is what we're asking for as a companion to what we're doing today in protecting this particular wetland property.

By the way, going back to Legislator Caracappa, we have bought properties that have had structures on them. We see it all the time before us.

LEG. CARACAPPA:

Partners, mostly.

D.P.O. VILORIA-FISHER:

Well, they become part of our parks, but --

LEG. CARACAPPA:

No, partners.

D.P.O. VILORIA-FISHER:

Oh, partners, oh.

LEG. CARACAPPA:

Municipalities.

D.P.O. VILORIA-FISHER:

We've also bought open space that might have a barn on it that -- where we had to remove the cost of demolition from the price that we were paying for the piece of property. We've seen that quite a

number of times, so it's not unprecedented. And we just have to see this as a piece of wetlands that's adjacent to a County park and that it's an extension of that. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. Anyone else? We have a motion and a second. Mr. Clerk, call the roll, please.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

No.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

No.

MR. LAUBE:

Fourteen.

LEG. KENNEDY:

I want to thank my colleagues for this. Thank you.

LEG. ALDEN:

Can I bring up something?

P.O. LINDSAY:

I recognize Legislator Alden.

LEG. ALDEN:

Yesterday I was over at Town Hall in Islip and there was a number of residents that had come to my office and they're talking about flooding also. And what we're trying to put together is, at least the three towns that join over there at Lake Ronkonkoma, so that would be Smithtown, Islip and Brookhaven, because it seems that there's a corridor of major flooding. And then there was a whole bunch of things that were thrown out as far as probable or possible causes, and one of them was the difference between 25, 30 years ago, people used to have their own wells and they would pump and, you know, we might have allowed the water table. When those people went on to the Suffolk County Water Authority, their water table might have risen up. But also, if you look at some construction that took place by New York State, and that's the L.I.E., we found that there was -- there's only one, and I believe it's 24 inches, a conduit that comes under the L.I.E. to allow the -- like the Connetquot River, the head waters and the Nissequogue River to actually drain in their normal fashion. So that would be from the Lake Ronkonkoma area, wherever the highest point of the moraine is there, down into the Great South Bay. So there might have been some manmade obstacles to interfere with, so to speak, the natural drainage of Long Island, in that section of Long Island.

So this is a bigger problem, and we're involved in it, because, as I mentioned before, we redid Portion Road and we did the drainage. And it seems that after we redid the drainage, we created -- in a different area, we created a whole bunch of flooding, because we dumped the water from the road into a bog and that overflowed. And then we have the problem with Lake Ronkonkoma overflowing into not only the County Park, but into people's houses there, too. So I think that it's something that we have to be aware of, that -- and I like what Vivian just did with the letter that was passed around, because the towns use a funny standard. When they go and allow you to go and build a house, they tell you to dig a test hole, and the test hole was basically a snapshot, and it's on the day that you submit the application. How about in the 20-year cycle where the water table rises five to eight feet and it might dip five to ten or fifteen feet. So they do have to come up with modern day standards that would prevent this, problems in the past. So that's a good first step, but we're going to be doing a lot of work on this I believe in the near future.

LEG. KENNEDY:

I'll just add one other piece to that, if I can.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

And I thank what Legislator Alden has shared. And I'll also add that on May 16th, our Lake Ronkonkoma Advisory Task Force is being advised by the USGS as well to try and give us some logical rationale as to what's going on with the groundwater table. And, you know, Legislator Alden points out a good point, I think you know this as well, Mr. Chair, we all do. This is not something that's going to be solved hamlet by hamlet, it really is going to take more of like a macro type of an application. And, you know, I welcome the support in going forward for solutions. But I thank my colleagues. Thank you.

P.O. LINDSAY:

I recognize Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just to get this other item off of the agenda before we move forward, I'd like to make a motion to take Resolution 295, which is I.R. 1051, out of order for purposes of overriding the veto.

P.O. LINDSAY:

I have a motion. Do I have a second? The one on the polygraphs.

LEG. CARACAPPA:

Oh, I'll second.

P.O. LINDSAY:

The veto.

LEG. CARACAPPA:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The veto is before us.

LEG. LOSQUADRO:

Thank you. And just I will be very brief on the motion, because I know this --

P.O. LINDSAY:

I need a motion. Okay.

LEG. LOSQUADRO:

I will make the motion. And I just very quickly will say that this has been before us, unfortunately, a couple of times. And I know there was some discussion about expanding this, but I thought that was premature prior to this becoming the law of the land. And somehow I had this sneaking suspicion that this would be back before us for a veto override. So, if my colleagues will join me again in overriding this, I will be putting forward another bill to expand it, as we had discussed previously.

P.O. LINDSAY:

Okay. So I have a motion from Legislator Losquadro to override the veto; is that correct?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

I need a second.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. The veto is before us. Is there any questions? Seeing no questions, motion and a second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes to override.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes to override.

LEG. D'AMARO:

Yes to override.

LEG. STERN:

Pass.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Pass.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

MR. LAUBE:

Eighteen. No, Legislator Nowick, excuse me.

LEG. NOWICK:

You did me.

MR. LAUBE:

Oh, I thought you said pass.

LEG. NOWICK:

Oh, no, no, I said yes.

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

Thank you for a third time to my colleagues on this.

P.O. LINDSAY:

Okay. I direct your attention now to Page 4, the Consent Calendar. I need a motion.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher to approve the Consent Calendar, seconded --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

RESOLUTIONS TABLED TO APRIL 24, 2007

P.O. LINDSAY:

We go to Page 7, Resolutions Tabled to the April 24th, 2007 meeting. ***2022 - Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment***

of Long Island Jet Center East, Incorporated, Town of Southampton. Make a motion to table.

LEG. SCHNEIDERMAN:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1885. Did you read the vote?

MS. ORTIZ:

You did, I'm sorry. *1885 - Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate Memorial Day Holiday, Thanksgiving Day Holiday, and Labor Day Holiday.* I make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1952 - A Local Law to require proper supervision at hotel and motel swimming pools.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper, I'll second the motion. All in favor?

LEG. SCHNEIDERMAN:

Mr. Clerk, list me as recusing on this, please.

MR. LAUBE:

Yes, sir.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2290 - A Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders. Legislator Browning?

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1120 - Amending the adopted 2007 Operating Budget and transferring funds in connection with provision of Mercury-Free Vaccines. Motion to table.

LEG. STERN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Stern, I'll second the motion. All in favor?

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. STERN:

Thank you. I'm wondering if there's, I guess, a representative from the administration or someone from the Health Department that we can discuss this resolution with. If not, I can certainly ask questions of BRO. Anybody? Anybody?

P.O. LINDSAY:

Why don't you start with BRO?

LEG. STERN:

All right. Thank you. Gail, we've discussed this resolution at length now, because I guess we're still

really awaiting some additional information from the Health Department. But maybe, I guess, for starters you could take us through what some of the alternatives here, you know, may be. And I'm particularly interested in maybe looking at the Health Department, you know, coming back to us, you know, maybe at some later date, if some additional funds are required for the program as it's ongoing. But as of right now, isn't it true that we've already budgeted 1.425 million dollars for the vaccination program?

MS. VIZZINI:

That's absolutely correct. This is the largest line item, and it's also the Health Department's first year of experience being required to purchase the Thimerosal-free vaccines. So we were suggesting that we get a better idea of -- get some history in terms of how frequently they have to replenish, how frequently they have to straight-out purchase, as opposed to getting something from the State or other sources to give us some experience, some expenditure experience, so to speak, to go by.

LEG. STERN:

And in 2006, there was -- the County Health Department had gone over their budget for the vaccines by \$300,000. Would you have any idea as to why that was? And that was actually prior to the enactment of this new policy. Was there something going on during 2006 to cause that kind of significant increase?

MS. VIZZINI:

I'm not sure about the detail as to why they over expended the budgeted amount. The Thimerosal-free vaccines are not the only item that is purchased through this particular budgeted line item.

LEG. STERN:

So, in 2006, they had gone over by \$300,000, and last year this Legislature put in an additional \$300,000, particularly for the perceived increased cost because of the Thimerosal-free vaccines. So there is \$300,000 over in 2006, and we've already put in an additional \$300,000, and now this resolution comes to us requesting an additional \$400,000. I'm wondering, you know, what the need is for that type of significant cost, particularly when we look at -- you know, by adding another \$461,000, I mean, that would be a total of 40% increase over the 2006 expenditures.

MS. VIZZINI:

That's correct. When we spoke to the Health Department and they gave us preliminary information, which we based our March 19th memo to all Legislators, they were depicting a worse case scenario based on the limited historical experience they had, adding the requirement for the mercury-free vaccines to what they need to purchase out of this line item. They made some assumptions, which would be, you know, what we call a worse case scenario, in other words, if they had to buy the maximum from the vendors. We've since asked for, and I believe you have asked as well, for them to review some of their assumptions and to determine whether this is -- this additional amount is required now, or whether, you know, we can have some update in terms of how much is in their inventory, how frequently they have to purchased, once they've actually had the experience of doing it.

LEG. STERN:

Well, I have concerns, particularly because, you know, several of the vaccines that are on the list are supposed to be provided, to a large extent, free pursuant to a Federal Vaccines for Children Program.

The other issue that I see here is with the different vaccines, if you go through an analysis of the cost and then you take a look at the CDC vaccine price list, that it's quite possible that with some of them, particularly because of the different combinations and different antigen combinations that we have under this new schedule, that it's possible that some of the costs are actually lower than what we had experienced in the past.

So I think there are still significant questions, particularly as to what the wholesale and retail price would be, because, again, according to the CDC list, it's quite possible it's actually less. And we still don't have an answer to the question as to what percentage of those vaccines are actually provided free of charge through the Federal Vaccine for Children Program.

So I guess the question now is whether there are significant funds that are already allocated, how the Health Department is doing in providing those vaccinations, and what the need is for this kind of significant increase in expenditure, particularly when the Health Department doesn't yet have sufficient information on how best to go forward.

P.O. LINDSAY:

Okay. Yes.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I would recommend that you table the bill. Understand, there's only two realities here. Number one reality is that our Budget Office with career experts have done the analysis about five times. This is their best guesstimate as to what the actual cost would be. The only way that that cost is not going to materialize is if the immunization rates go down, which is one of the concerns that the doctors had raised at the Health Department. But I would view this bill as an insurance policy.

So why don't we table the bill. If you continue to look at the numbers, maybe there'll be some reconciliation. If it turns out that the immunization rates goes down and you don't need as much money, there'll be no need to pass the resolution. And in the alternative, if immunization rates stay the same, if our technocrats are correct in the assessments to date, and I've asked them to do it five times, because I've shared the concern that you've got, it's a lot of money, we'll have the bill out there to appropriate the money. But, I mean, don't -- you know, don't feel compelled to pass the bill today.

P.O. LINDSAY:

Okay. We already have a motion to table, am I right, Madam Clerk?

MS. ORTIZ:

Yes, and a second.

P.O. LINDSAY:

And a second.

LEG. STERN:

One other issue, because the Deputy County Executive raises it, we're going to insist on some kind of analysis from the Health Department as to what those immunization rates, you know, are ongoing, because, obviously, that's a critical factor. Nobody here wants to see immunization rates go down. I'm assured by every single doctor and pediatrician that I've spoken with that that should not be the case. So I think time will tell and we'll need to keep our eyes on that.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Just to add, it was whispered in my ear by the Budget Office, that the Health Department already has two months of experience in the new year and they'll have one more month, so we'll be able to report to you in the next cycle.

LEG. STERN:

Thank you.

P.O. LINDSAY:

And the other thing, Legislator Stern, is, you know, we have a new Health Commissioner that just

took office Monday, I believe, and once he gets his feet on the ground a little bit there -- he seems like a very well versed man, and especially in this subject. I would suggest that you have some discussions with him about the whole thing, you know.

LEG. ALDEN:

The rates have gone down significantly over at the Bay Shore Health Center.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just wanted to get clarification that we are now, in fact, using the mercury-free vaccines, or is that being held up until this matter is resolved; do we know? We are using --

P.O. LINDSAY:

We are.

LEG. SCHNEIDERMAN:

We are, okay. And there was a question about the offset here on this bill. Just, Gail, where is the money coming from?

MS. VIZZINI:

The offset is the DPW rental account. This was money that was included in the omnibus in anticipation of unanticipated cost escalations of one form or another.

LEG. SCHNEIDERMAN:

Okay.

LEG. ALDEN:

Maybe we should table it.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

It is. We have a motion to table and a second before us.

LEG. ALDEN:

That's a good move.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

I like that.

P.O. LINDSAY:

Yeah. We're trying to find out to get a handle on the true cost, and then, of course, the issue is where does the money come from. Okay. We have a motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Moving right along. *1202 - 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. I am going to -- before I get a motion on this, I know there was some questions about this the last time, that's why we tabled it. And maybe Budget Review could weigh in on this.

MS. VIZZINI:

Just what number are you on?

P.O. LINDSAY:

1202.

LEG. LOSQUADRO:

No, you're on 1203.

MS. VIZZINI:

Yeah. You skipped over 1202, which is the renting to sex offenders. 1203 basically is a --

MR. LAUBE:

No, no, no, no.

P.O. LINDSAY:

Wait a minute, wait. No, I'm not. 1202 is the pedestrian enhancement traffic signal improvement.

MS. VIZZINI:

Okay. I'm sorry, I have the draft agenda, so --

P.O. LINDSAY:

I have a series of bills here that we're accepting Federal funds, 1202, 1203 and 1204, I think.

MS. VIZZINI:

Yes. These are -- there's a similar theme in all three of these. We're accepting the Federal funds. There was a County share of -- okay.

P.O. LINDSAY:

That's what we objected to last time is where the County share was coming from.

MS. VIZZINI:

The good news is that the County share is a small amount of money, it's pay-as-you go money. The source, however, of the pay-as-you-go is the DPW rental account. So the money is being taken from the rental, transferred to pay-as-you-go, then transferred --

P.O. LINDSAY:

Okay.

MS. VIZZINI:

-- as the match.

P.O. LINDSAY:

And my question to you and the question last month, we have money in pay-as-you-go now?

MS. VIZZINI:

We do, we have two point --

P.O. LINDSAY:

So why don't we just use that instead of -- that's the question. Okay. Maybe we could get some clarification from the Administration on why we're doing this.

MR. ZWIRN:

Mr. Presiding Officer, this -- we changed this bill, because originally this was going to be bonded. And it's a very small amount. I think the total is \$24,000. And the pay-as-you-go money, we were hoping we would wait until the end of the year before we dip into and make sure that there's some -- there's actual money there. That's why it was set aside, because we're not sure -- you know, even though your budgeted revenues are -- they're not necessarily coming in. Sales tax revenues are down. So we took it from the DPW rental account. It's \$24,000. It's an 80%, I think, reimbursed from the Federal Government. This is our -- this is the seed money to get it started. As I say, it's only \$24,000. And I think it affects I think 39 intersections across the County.

P.O. LINDSAY:

Okay. Being that it's such a small amount of money, I'm going to make a motion to approve. But I would ask the Executive Branch that we go through the pay-as-you-go money first before we start raiding other funds for this purpose; all right? So I have a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just so we know what we're talking about when we get through this whole series, and I'm sorry to jump a little bit ahead, but --

P.O. LINDSAY:

That's all right.

LEG. ALDEN:

-- '02, '03 and '04, Budget Review, how much, if we add all those up, roughly?

MS. VIZZINI:

I think it's about 18,000. It's 6,000 for this, 3,000 for one of the other ones, and 9,000 for the other one.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1203 (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 mobility improvements on CR 97, Nicolls Road, at Purick Street, Town of Brookhaven (CP 5407). Same motion, same second, same vote. Is that all right with everybody?

[Affirmative Response From Legislators]

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1204 (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 installation of sidewalks on CR 58, Old County Road, from the Long island Expressway to CR 73, Roanoke Avenue, Town of Riverhead (CP 5408). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor for 1204?

P.O. LINDSAY:

1257 - Appropriating funds in connection with the reconstruction of Central Plaza - Ammerman Campus. Do we have a --

D.P.O. VILORIA-FISHER:

There's a corrected copy.

P.O. LINDSAY:

There's a corrected copy. We have the corrected copy? Then it's eligible. I'll make a motion to approve. Do I --

LEG. ALDEN:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Ms. Vizzini, did you want to weigh in on this?

MS. VIZZINI:

No, just if there was any questions. This is \$750,000 the Legislature put in the Capital amending omnibus to complete the facades at the Selden Campus. The amended copy specifies that the College will submit requests for State funding for these local dollars.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

One question.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Is that just for the facades? This does not include the money for the fountain, then?

P.O. LINDSAY:

No. It includes for everything.

D.P.O. VILORIA-FISHER:

I thought it did.

LEG. LOSQUADRO:

Yeah, it does.

P.O. LINDSAY:

Yeah.

LEG. LOSQUADRO:

All right. I just wanted to make sure. Thank you.

P.O. LINDSAY:

Yes, yes. Okay. We have a motion and a second. I'm going to vote on 1257A first, the bonding resolution. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. 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:

Eighteen.

P.O. LINDSAY:

And on 1257, same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Go to the agenda on Page 8. The first one, **1245**, I believe we've been in discussions with the Executive Branch and we're going to get a CN on it later on, so -- is that correct? Yep. Okay. So we're going to pass over 1245.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

1189 - A Local Law amending the Suffolk County Empire Zone Boundaries to include C&N Packaging, Incorporated.

D.P.O. VILORIA-FISHER:

Motion.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Horsley. All in favor?

LEG. COOPER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cooper.

LEG. COOPER:

I was wondering if there was someone from Economic Development here. I had one question.

MR. ZWIRN:

Carolyn Fahey is on her way. She should be here any second.

P.O. LINDSAY:

Okay. Would you like to skip over this, then?

LEG. COOPER:

If we could, please.

P.O. LINDSAY:

All right. I mean, we have a series of -- we have three bills, all on this. You want to skip over all three until Ms. Fahey gets here?

LEG. COOPER:

It's the same question on all three.

P.O. LINDSAY:

Okay. So let's jump down to 1277. We're skipping everything. We're going to run out of agenda soon.

(1277) Appropriating funds in connection with the renovation and construction of facilities at Gabreski Airport.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

-- Eddington. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

There's a bond.

P.O. LINDSAY:

Oh, yeah, we have a bond on this. Same motion, same second on the bond, is that all right with everybody? 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:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

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:

Eighteen.

P.O. LINDSAY:

Okay. I.R. 1307 - Authorizing Cultural Affairs agreement Funding --

MR. LAUBE:

Just a second. We didn't call -- you didn't get a first and second on the 1277, because you had to vote first on the bond.

P.O. LINDSAY:

No, no, backwards. We did 1277. I used same motion, same second on the bond.

MR. LAUBE:

Okay.

P.O. LINDSAY:

And the motion was by --

D.P.O. VILORIA-FISHER:

Eddington and --

MS. ORTIZ:

We got it.

MR. LAUBE:

Right, I got it.

MS. ORTIZ:

We got it.

P.O. LINDSAY:

Yes. It was Cooper as the prime and -- okay? ***1307 - Authorizing Cultural Affairs Agreement Funding for 2007.***

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

And I would ask if anyone reviewed this as to -- is it approximately the funding levels as last year and the same organizations or --

MS. VIZZINI:

The backup to the resolution identifies each of the agencies receiving the funding, what they got in '06 and what they're getting in '07.

LEG. ALDEN:

I don't have it right in front of me, though.

MS. VIZZINI:

Okay.

LEG. ALDEN:

Oh, Legislative Counsel does, though. Okay, thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. I see Ms. Fahey has joined us, so if you could approach the microphone. We have a motion and a second on 1189; am I correct, Mr. Clerk.

MR. LAUBE:

Yes.

P.O. LINDSAY:

And Legislator Cooper, Ms. Fahey, had a question.

LEG. COOPER:

Good morning, Carolyn. This applies to 1189, 90 and 91. In all three cases, there's a commitment on the part of the company to retain a certain number of jobs and to create new jobs. In the case of C&N Packaging, they pledged to retain 89 jobs and to create 55 new jobs. But my question is what if they don't fulfill this obligation? How does the County get back the expenditure of tax incentives?

MS. FAHEY:

Out of the incentives that are available through this program, 99% of them are State Income Tax Credit Enhancement Program. So, in order to access the credits that are available, they have to create and maintain their job. The credits are given the year after the jobs are created and maintained. So there's no worry that if they don't create them, they're not going to get the credit. They claim it on their corporate income tax credit the following year. So they have to create their job and maintain it for a certain amount of time in order for them to claim that credit for that employee the following year.

LEG. COOPER:

Okay, very good. Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah. I just wanted to add that in committee, all three of the recipients of this program were at the committee and spoke at large -- at length.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

What was the time period you mentioned? They said they'd have the job in place for a certain time period. What is that time period?

MS. FAHEY:

I believe it's in excess of six months, a full-time employee in excess of six months in order to claim

the credit.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

So there's no long-term requirement for a benefit, and there's no long-term review, yet these economic development designations last forever, basically.

MS. FAHEY:

The credits available through the RSP Program are available for five years. The 50 jobs that they guarantee to create are spread out over those five years. So during the first year, if they create ten, they get the credits for those ten employees. The second year, if they create another ten, then they get the credit for the first ten, as long as they maintain them, and the second ten. So it's spread out over five years.

LEG. ALDEN:

There's benefits to being in the Empire Zone that last basically for the life of the business, so there's no long --

MS. FAHEY:

Not the RSP Program. The RSP Program is -- the benefits are specifically tied to the 50-plus employees that they're going to create for the five years.

LEG. ALDEN:

All right. But what's the other benefit, then, for them being in an Empire Zone designated --

MS. FAHEY:

There's investment tax credits --

LEG. ALDEN:

Right.

MS. FAHEY:

-- if they do investment. There's wage tax credits on those new employees. There's a whole slew of State income tax -- corporate income tax credits based on upon the employees.

LEG. ALDEN:

Okay. But the action we're taking today expands the Empire Zone to include these people, which would make them eligible for all those benefits.

MS. FAHEY:

On the employees that they create, only on the employees that they create.

LEG. ALDEN:

That's not the only benefit you get with the Empire Zone, though.

MS. FAHEY:

This is the RSP Program. They can get the property tax abatement on the County portion only if they do the actual expansion, if they're actually going to expand, but all the other credits are corporate income tax credits on the employees created. Excuse me.

LEG. ALDEN:

So you're saying the only significance to including them into the Empire Zone designation today with this resolution is this one RSP Program, that's it?

LEG. MYSTAL:

No.

LEG. ALDEN:

Or do they get all the benefits by this -- by us voting on this legislation?

MS. FAHEY:

They get the benefits arrived from the RSP Program, which is the corporate tax benefits for the employees. They get the State sales tax abatement only the State's portion of the sales tax on any expansion that they do, and they get the -- they could opt for the County real property abatement on any increased assessment that they do.

LEG. ALDEN:

And then the only thing we monitor is that increase in jobs that they've guaranteed for five years?

MS. FAHEY:

And the investment that they've promised, yes, we monitor both.

P.O. LINDSAY:

So, if I could just pick up this line of questioning. So, if I apply to be in the Empire Zone with a new business, the only benefit to me is if I hire employees, or else I physically expand my building.

MS. FAHEY:

Correct.

P.O. LINDSAY:

Right? If I just bought an existing building there and didn't hire anybody or expand anybody, there's no benefit to me.

MS. FAHEY:

There's two different divisions to the Empire Zone, there's the zone proper, which is the twelve hundred and eighty acres, then there's this RSP Program, which applies most of the benefits to a specific company at its specific site. The RSP Program is -- the foundation of that is the creation of new employees. In order to receive that designation, you have to create a certain number of employees and that's where the benefits are derived from.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. MYSTAL:

Tim, co that one, the first one. Cosponsor on that.

MR. LAUBE:

Cosponsor. Seventeen.

LEG. MYSTAL:

On 89.

LEG. HORSLEY:

Tim, add me in there, too.

LEG. MYSTAL:

On 89.

P.O. LINDSAY:

1190 - Adopting a Local Law amending the Suffolk County Empire Zone Boundaries to including Air Techniques, Incorporated.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second --

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen.

LEG. D'AMARO:

Clerk, please add me as a cosponsor as well.

LEG. COOPER:

And me as well, please.

LEG. STERN:

Tim.

P.O. LINDSAY:

J.R. 1191 - A Local Law amending the Suffolk County Empire Zone Boundaries to include Custom Woodwork Ltd. Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Viloría-Fisher. On the question? I don't see anybody. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor on that resolution?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Okay. Let's go down to ***1308 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 84% reimbursed by State funds at Suffolk County Community College.***

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1311 - Accepting and appropriating a grant proposal to the New York State Education Department for a 2007 Teachers Summer School 74% reimbursed by State funds at Suffolk County Community College.

LEG. COOPER:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. LINDSAY:

1131 - Appropriating funds in connection with planning for restoration of wetlands.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

And the Commissioner is here.

P.O. LINDSAY:

Yeah, I see that Commissioner Gallagher is in the office -- in the audience. Would you just come forward? I just have one brief set of questions.

COMMISSIONER GALLAGHER:

Sure.

P.O. LINDSAY:

This resolution goes hand in hand with the long-term plan that we approved last month, is that the case?

COMMISSIONER GALLAGHER:

Yes.

P.O. LINDSAY:

Okay. So does anybody else have any other questions of the Commissioner?

LEG. ALDEN:

How much?

LEG. LOSQUADRO:

Two hundred and twenty thousand.

D.P.O. VILORIA-FISHER:

Two hundred and twenty thousand.

P.O. LINDSAY:

Two hundred and twenty thousand.

COMMISSIONER GALLAGHER:

Oh, I didn't -- I'm sorry, I didn't hear the question.

P.O. LINDSAY:

No. There was a question, it wasn't addressed to you.

COMMISSIONER GALLAGHER:

Oh, okay.

P.O. LINDSAY:

It was kind of through the background of how much, and the answer came floating through as well, you know. All right. Legislator Romaine.

LEG. ROMAINE:

Yes. Commissioner, how would this 220,000 be spent, for what specific activities?

COMMISSIONER GALLAGHER:

Specifically to hire consultants to develop the actual wetlands management strategy.

LEG. ROMAINE:

Including ponding?

COMMISSIONER GALLAGHER:

The ponding is one of the best management practices, that is a possibility, but that would be looked at as part of this strategy as to whether or not it might be recommended. Each marsh is different, so it's not necessarily something that would be recommended for every marsh. That's the importance of having a strategy and looking at all the different types of marshes we have in Suffolk County.

LEG. ROMAINE:

By appropriating this, we hire consultants only?

COMMISSIONER GALLAGHER:

Yes. It's only for planning purposes.

LEG. ROMAINE:

Right. And I would assume the product of their work would be shared with every member of this Legislature before any further decisions were made regarding management of the wetlands.

COMMISSIONER GALLAGHER:

Absolutely.

LEG. ROMAINE:

Thank you very much.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Just a quick follow-up question. Good morning, Commissioner. Thank you for being here. It's my recollection, when we spoke about this in committee, you also indicated that there is some type of a 36-month min. or a three-year time period that will run before there would be any contemplation for any recommended work in any marsh?

COMMISSIONER GALLAGHER:

For any of the major BMP's that are recommended through the long-term plan. I believe that there are some minor repair work that could happen, but anything major would not be able to happen, because DEC requires us to do three years of preimplementation monitoring.

LEG. KENNEDY:

And, in all likelihood, anything that would go beyond just maintenance of existing ditch network or minor things would, in essence, trigger a pos. dec. on the SEQRA, which would come to us as well, then?

COMMISSIONER GALLAGHER:

Right, it would go through CEQ, SEQRA, require DEC permitting.

LEG. KENNEDY:

So we can be fairly confident, then, that this money will be solely for the actual plan with recommendations, which, as Legislator Romaine has said, we'll have an opportunity to see when completed?

COMMISSIONER GALLAGHER:

Yes. It will go through many layers of review.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying bond, 1131A, if it's all right, I'll use same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1264 - Approving planning steps for the acquisition of Farmland Development Rights - February 2007. I don't know what's that significance.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Okay. Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Could the Clerk please list me as a cosponsor, please?

LEG. COOPER:

Cosponsor, please.

LEG. NOWICK:

Tim.

P.O. LINDSAY:

J.R. 1271 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program for the Stein Property - Doxsee's Creek addition, Town of Islip. Who is that? Is that you, Cameron.

LEG. ALDEN:

Nope. This is actually using --

D.P.O. VILORIA-FISHER:

I'll make a motion, then.

P.O. LINDSAY:

Is that yours, Rick?

D.P.O. VILORIA-FISHER:

Is that yours, Rick, Doxsee's Creek, Islip?

P.O. LINDSAY:

Okay. I'll make a motion.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Because I'm not on this -- on this committee, and I thought you were asking if this was my resolution, but --

D.P.O. VILORIA-FISHER:

No, if it was your district.

P.O. LINDSAY:

I just don't know where that is in the Town of Islip.

LEG. ALDEN:

Yeah, this one's in my district, but I didn't really know that they were bringing forward this resolution. And I would just ask Budget Review, how much money is actually left in the Islip portion of the old -- because this is the Old Drinking Water Protection Program.

MR. REINHEIMER:

Yeah, the update I have here, though, is from December of 2005, I've got to get a better update, and that was 1.3 million dollars as of the end of '05.

LEG. ALDEN:

And this is for how much?

MR. REINHEIMER:

This is for \$190,000.

LEG. ALDEN:

All right. But just to bring everybody up to speed, traditionally, the Legislators were consulted from the different towns that had this money in it and that's how we developed the strategy of which properties to purchase and which ones to go with open space and the New Drinking Water Protection act. But, you know --

D.P.O. VILORIA-FISHER:

I thought you were listed as a cosponsor. I thought you were a cosponsor.

LEG. ALDEN:

Well -- oh, yeah, list me as a cosponsor, that's great, but --

D.P.O. VILORIA-FISHER:

You already are, yeah.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1272 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection - open space component for the Froehlich property - Mastic/Shirley Conservation Area Number 2, Town of Brookhaven.

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1278 - Donation and dedication of certain lands now owned by the Westmoreland Farm, Inc. to the County of Suffolk.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Want any cosponsors on this? I mean, the people are giving us land, you know.

LEG. ROMAINE:

Absolutely, I'd be happy to cosponsor this.

LEG. ALDEN:

Cosponsor.

LEG. ROMAINE:

I love when people on the East End --

P.O. LINDSAY:

I figured that.

LEG. ROMAINE:

-- kick in and give us land for free.

P.O. LINDSAY:

1291 - To extend the deadline for the Homestead A-Syst Task Force.

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Okay. Just on the question. Legislator Viloria-Fisher, would you please tell us what this Task Force does?

D.P.O. VILORIA-FISHER:

Okay. And, actually, it's moving along really well. It's educating the public and creating awareness on the reduction of pesticides and fertilizers by home used by residents, and we've had three very well attended public hearings.

P.O. LINDSAY:

Okay, thank you. I knew that, but I just figured I'd ask.

D.P.O. VILORIA-FISHER:

Exactly, just checking.

P.O. LINDSAY:

Did we take the vote?

MR. LAUBE:

(Shook head no).

P.O. LINDSAY:

We didn't take it, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1305 - Authorizing planning steps for the acquisition of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, the Jill Estates property, Town of Huntington.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question, anyone? No? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, cosponsor, please.

MR. LAUBE:

Yes, sir.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

1162 - Establishing the Suffolk County Multi-Level CPEP Working Committee to address Suffolk County's emergency psychiatric needs.

LEG. KENNEDY:

Mr. Chair, I'll make a motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy, second by Legislator Losquadro. Okay. We have motion and a second. Legislator Kennedy, in brief form, would you just tell us what you'd like this working committee to establish.

LEG. KENNEDY:

Certainly, Mr. Chair. As a matter of fact, I have to thank the Chair of the Health Committee, Legislator Mystal, who's provided critical support for this.

This goes to an ongoing issue, and, as a matter of fact, my cosponsor, Legislator Losquadro, knows this firsthand. More than 20,000 hours were expended last year of Suffolk County Police Officer time in transporting County citizens who are known as EDP's, Emotionally Disturbed Persons. In other words, it's a 911 call that results in an officer coming to somebody's home or to some location as a result of some kind of a distress. They are then -- the officers then transport these people to Stony Brook, where they're evaluated by -- at the CPEP Unit, Comprehensive Psychiatrist Emergency Program. It is a hardship that's being worked on the patients, it is distress that's being applied on the staff, and it is questionable. It is causing a shortage of officers within precincts to perpetuate this system.

So my initial attempt at this resolution was to establish CPEP as a precinct site. That was met with an overwhelming cost estimate by the department in excess of four million by Commissioner Dormer. So, in an effort to achieve some outcome, I dropped back, sought to form a working group with a tight 45-day time frame, and we have a number of good appointees identified, and, hopefully, we're going to be able to bring forward solutions to the issue. That's it in a nutshell.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

First, let me just clarify that my firsthand knowledge of this issue doesn't come from being a -- it comes from doing a --

LEG. KENNEDY:

Ride-along. I'm sorry.

LEG. LOSQUADRO:

It comes from doing a ride-along with our police officers and transporting prisoners up to CPEP, and I did get see it firsthand the --

P.O. LINDSAY:

Did you ride in the front or the back?

LEG. KENNEDY:

The lights and siren on.

LEG. LOSQUADRO:

I hear the new policy is in the front. But there's a tremendous amount of time expended by our officers being there, and a credit to Legislator Kennedy for working so hard on this. And, hopefully, we can come forward with a workable solution here to really facilitate more man-hours on the street, which is our goal.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1266 - Appropriating funds for the purchase of automated external defibrillators for County facilities. I'll make a motion.

LEG. ALDEN:

Second.

LEG. EDDINGTON:

Second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:

On the accompanying bond resolution, 1266A, I'm going to do same motion same second, roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes. Cosponsor.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes. Cosponsor.

LEG. LOSQUADRO:

Yes. Cosponsor.

LEG. ALDEN:

Me, too.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes. Cosponsor.

LEG. SCHNEIDERMAN:

Yes. Cosponsor.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Let's make it easy. Who doesn't want to cosponsor? That's what I thought.

1267 - Appropriating funds for the addition of the -- to the Maxine S. Postal Tri-Community Health Center located in Amityville. Legislator Mystal makes the motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution, 1267A. Roll call.

(Roll Called by Mr. Laube, Clerk).

LEG. MYSTAL:

Yes, co.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

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:

Eighteen.

P.O. LINDSAY:

J.R. 1300 - Authorizing the extension of the lease of premises located at 45 West Suffolk Avenue, Central Islip, New York for the use by the Department of Health Services.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden. On the subject?

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'm looking at the resolution. If someone from the County Exec's or the Health Department. It looks like the extension is for one year; am I accurate in that? If I can get someone from the County Exec's Office.

LEG. ALDEN:

I think they only need a year, because they're going to do the Bay Shore Health Center.

LEG. MONTANO:

That's why I'm asking.

MR. KOVESDY:

It's one year.

LEG. MONTANO:

Do you know why it's only one year? I mean, what happens after one year?

MR. KOVESDY:

There's a six-month extension, if the County wants to do it built into that.

LEG. MONTANO:

So the County has a six-month option at the end of the one year to extend it?

MR. KOVESDY:

Right. It's only funded in the budget for one year also, so we'd have to fund it again next year, but there's a six-month extension built in.

LEG. MONTANO:

Even though it's only funded, would that prevent us from signing a long-term lease or longer term lease?

MR. KOVESDY:

I'm not sure of that answer, but the --

LEG. MONTANO:

I see the County Attorney jumping up. Just give me an explanation on that, if you would.

MS. BIZZARRO:

Good morning. Thank you.

LEG. MONTANO:

You want to --

MS. BIZZARRO:

I've taken a look at this. This is -- these are premises that we have -- we have an assignment from the prior lessee, South Side Hospital, to run this facility. We don't want to stay there for any long-term time, so we're going out to RFP. We're looking for this extension in order to extend the RFP process. It's just to give us a little time, so we're not looking to stay there for any long amount of time. So we're looking for the one year. There's a small increase, 3% increase, for the Year 2007. If we need to, we'll stay there in 2008, and we'd be looking for a 3% increase then. So we basically have a lease that we've, you know, taken on the responsibilities of that was previously in the hands of South Side Hospital.

LEG. MONTANO:

All right. I understand that the RFP just went out. All right. I'll --

MS. BIZZARRO:

It may have, or it's in the process of going out. So we're just looking for a very short time here.

LEG. MONTANO:

I'll take a look at that. Thank you very much.

MS. BIZZARRO:

You're welcome.

LEG. ALDEN:

Just --

LEG. MONTANO:

Before you go, Lynne.

P.O. LINDSAY:

Lynne.

LEG. ALDEN:

Just through the Chair.

P.O. LINDSAY:

Sorry.

LEG. ALDEN:

And, Lynne --

P.O. LINDSAY:

Legislator Alden has a question.

MS. BIZZARRO:

Yes.

LEG. ALDEN:

What's the RFP for?

MS. BIZZARRO:

The RFP is for a new -- for a provider and a facility.

LEG. ALDEN:

A new provider and facility.

MS. BIZZARRO:

Correct.

LEG. ALDEN:

Is that linked with the Bay Shore Health Center? Because a long time ago, we did a, or we were supposed to be doing a search in Space Management for a new building for the Bay Shore Health Center, but it doesn't seem to be going anywhere. Plus this Legislative body actually passed at least one resolution, I believe, it might have been two, that directed the County Department of Real Estate to find a new center for Bay Shore.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Those RFP's are finally going out. My understanding is the Space Management Committee I think voted at their last meeting or the meeting before, and the documents I think are close, if they haven't actually been circulated, very close to being circulated. So it's finally progressed.

LEG. ALDEN:

So, Paul, that would include an RFP for the Bay Shore as well?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The RFP that you're talking about for the Bay Shore Center, the RFP pursuant to that resolution has finally progressed to a point where it will be going out, if it, in fact, has not already gone out.

LEG. ALDEN:

I'm impressed, because that was only like three or four years ago, right, that we past that?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

2005, right. If you recall, in between, there was the alternative, the roller skate, you know, rink site that we all thought was going to come together. It seemed to be --

LEG. ALDEN:

Well, I didn't think that was, so some people did, but okay. I'm becoming dizzy with the speed that this is going now.

D.P.O. VILORIA-FISHER:

Ooh, ouch.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

Okay. *1280 - Transferring and appropriating living wage contingency funds to the Federation of Organizations for the NYS Mentally Disabled, Incorporated, Respite Fee Subsidy.*

LEG. KENNEDY:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. On the question, no one? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

PARKS AND RECREATION

P.O. LINDSAY:

1259 - To waive the fee for the use of the County showmobile for the Suffolk County Volunteer Firemen's Association Annual Parade.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MYSTAL:

Romaine.

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

Seconded by Legislator Losquadro. On the question, anyone?

LEG. ALDEN:

Slippery slope.

P.O. LINDSAY:

Slippery slope.

LEG. ROMAINE:

We've done it before.

LEG. COOPER:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. COOPER:

I am -- someone mentioned slippery slope and that's my concern, Legislator Romaine. I'm sure that we receive dozens of requests, if not hundreds of requests, on an annual basis for the showmobile. And there is a cost to the County to provide this vehicle, there are additional costs beyond that, and I'm very concerned that if we make an exception in this case and waive the fee, it's going to set a precedent for all the other nonprofits, the breast cancer advocacy organizations and Crohn's Disease and autism walks, etcetera, etcetera. How would you address that concern of setting a precedent?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I share your concerns. However, this is for all of the fire departments, volunteer fire departments in Suffolk County. They have one annual parade. It is my understanding that this fee has been waived in the past. I don't know how you voted on it in the past. I haven't done that research, Mr. Cooper. However, they came to me simply because the parade is in my district this year, but it alternates amongst all locations in Suffolk County. And the only reason I'm sponsoring this is as a request from the volunteer firemen. The fee lost, I believe the Parks Commissioner said at the time, it was about \$750. I did not think that was a considerable loss to the County, and I thought it was the one way that the County government, as we've done for many other things through FRES and a number of other training courses we offer, etcetera, could offer the firemen of Suffolk County one small contribution from the County to have their annual parade, which they have every year, and creates some economic development for wherever it's held.

LEG. COOPER:

And how would you respond to other County-wide nonprofits, the Girl Scouts? There must be dozens of them that likewise may well have approached the County for a similar event and we turned them down?

LEG. ROMAINE:

My response is that I've been here for almost 18 months and this is the first time I've sponsored this type of resolution, and I don't anticipate doing so again in the future.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Budget Review, when I asked Commissioner Foley whether or not this had a precedent, he didn't

seem to recall our doing this. Do you have any record of our waiving the fee for the Fire -- the County-wide Fire Department Parade before?

MS. VIZZINI:

We could search that for you, but we weren't able to come up with anything, but we can certainly do a search.

D.P.O. VILORIA-FISHER:

But in the -- so in the immediate past, you haven't found any resolution, any such resolution waiving the fee, for example, last year it wasn't done, or the year before?

MS. VIZZINI:

We'll do a quick search.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

I think Legislator Montano might have the answer to your question, because he was on the Parks Committee.

LEG. MONTANO:

If I recall, back in 2003, when I was elected, I was on the -- I recall that. But, specifically --

LEG. LOSQUADRO:

Sort of like the first --

LEG. MONTANO:

Exactly right. Make sure you get that. But the bottom line is that I understood that we had stopped waiving fees for organizations at that time. Commissioner Foley came before the committee; am I correct in that?

LEG. NOWICK:

I'm not sure.

LEG. MONTANO:

And I believe we followed that. And I'm just trying to get a sense of whether or not we waived any fees in the last couple of years.

And the other question, the compound question to Legislator Romaine is, is there a particular need from the organization to waive this fee? Or what's the basis of asking for the waiver other than that they're firemen?

LEG. ROMAINE:

A request.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Nowick, you want to weigh in on this?

LEG. NOWICK:

I'm trying to think if it was the same thing, but I do remember waiving a fee --

LEG. SCHNEIDERMAN:

I remember a fee.

LEG. NOWICK:

-- when Legislator Caracciolo had something in Riverhead.

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

The Riverhead Festival?

LEG. SCHNEIDERMAN:

The Riverhead Festival.

LEG. MONTANO:

Right, the Riverhead Festival.

LEG. MONTANO:

And we had a big debate about that.

LEG. SCHNEIDERMAN:

We ended up with 50-50 at the end.

LEG. NOWICK:

Right.

LEG. SCHNEIDERMAN:

We didn't fully waive it.

LEG. NOWICK:

Didn't we --

D.P.O. VILORIA-FISHER:

We didn't fully waive it.

LEG. MONTANO:

We didn't fully.

LEG. NOWICK:

Okay. I wasn't sure. Something -- that was for the showmobile?

D.P.O. VILORIA-FISHER:

The showmobile for the Blues Festival.

LEG. NOWICK:

We discounted it?

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Fifty percent.

MS. VIZZINI:

That resolution was actually withdrawn, the Caracciolo -- waiving the showmobile for the Riverhead Blues Festival. While doing the search it came up.

LEG. NOWICK:

That never went.

LEG. MONTANO:

It was withdrawn, okay.

P.O. LINDSAY:

Legislator Schneiderman, did you want to weigh in on this pressing subject?

LEG. SCHNEIDERMAN:

No. Just my recollection is we didn't waive the 100%, but then there was another resolution at 50%, and I thought that did go through.

P.O. LINDSAY:

I don't think so. I don't think so.

MS. VIZZINI:

You're right, it's Resolution 587. It was vetoed, overridden. We're getting the details.

P.O. LINDSAY:

Right.

LEG. SCHNEIDERMAN:

But we did.

D.P.O. VILORIA-FISHER:

But it wasn't waived.

P.O. LINDSAY:

My recollection --

LEG. SCHNEIDERMAN:

At fifty percent.

P.O. LINDSAY:

-- of what happened here goes back to -- I agree, 2003, and we had a long discussion with Commissioner Foley when he first came on board, because we had a request for the showmobile for the Breast Cancer Walk in Legislator Browning's district, which was -- was it then Legislator Towle's? No, it was --

LEG. ALDEN:

It wasn't Towle, it was --

D.P.O. VILORIA-FISHER:

O'Leary.

LEG. ALDEN:

Pete O'Leary.

P.O. LINDSAY:

O'Leary, and Towle was right on the border. And after that long discussion, we adopted a policy that we wouldn't waive it for anybody, that it was a discounted price as it is. I think we charge \$450. It costs us more than that in salaries to move it, stay with it and move it back. I mean, we have two people on -- it isn't just the showmobile, it's a manned vehicle. We have two people on the vehicle

that set up the sound system and truck it there and truck it back. And so I believe that they get a discount at what we charge them now, that's my recollection.

LEG. COOPER:

Mr. Chair.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I just wanted to add one final thought. For those of us that are not going to be supporting this resolution, has nothing to do with our not supporting volunteer fire fighters. I for one -- I for one was back in the days when we had sense resolutions, if anyone remembers that, I sponsored a sense resolution a couple of years calling upon New York State to allow Suffolk County to grant property tax exemptions for volunteer firefighters, which was ultimately done and overwhelmingly approved by the Legislature. So I strongly support my local fire departments, I provide them with grants, but I'm very concerned that this would set a dangerous precedent and break with recent tradition.

P.O. LINDSAY:

So that's a no vote with a disclaimer.

LEG. COOPER:

Yes. Underline under disclaimer, please.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Could just -- could we get an answer, did we --

D.P.O. VILORIA-FISHER:

They're working on it.

LEG. NOWICK:

I wanted to know if we have a resolution to set a new policy.

MS. VIZZINI:

Yes, your recollection is correct. Resolution 587 of 2005 partially waived the showmobile fee for the Riverhead Blues Festival. The Blues Festival was Friday night, all day Saturday, and most of Sunday. The total fee would have been nineteen-fifty. The resolution basically halved it, there would be a fee of \$975, considering it was a three-day event.

LEG. NOWICK:

But did we then have a resolution to change our policy?

MS. VIZZINI:

No. We searched --

LEG. NOWICK:

We didn't.

MS. VIZZINI:

-- '04, '05 and '06 and --

P.O. LINDSAY:

I don't think it was done by resolution, I think it was done when the new Parks Commissioner came

in that we -- and we concurred, I believe.

LEG. MONTANO:

Mr. Speaker.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, question. If you recall, Gail, and I have a recollection of that debate, but one of the issues there was that this festival was actually going to make money; am I correct?

P.O. LINDSAY:

Correct.

LEG. MONTANO:

And that's why we were at odds to waive a fee, when, in fact, the organization or the activity was going to generate revenues; do you have any recollection of that?

MS. VIZZINI:

That was certainly part of the discussion, because it had to do with the Downtown Business District, it had to do with the Business Improvement District, there was some profit involved.

LEG. MONTANO:

Since that time, I don't recall that we waived any fees; am I accurate in that?

MS. VIZZINI:

We did a search on showmobile for the -- since 2003, and, so far, nothing has come up.

LEG. MONTANO:

I don't recall waiving any, to be honest with you.

P.O. LINDSAY:

Just keep in mind that even the fee we charge now is a discounted fee. It costs us more money than the \$450 we charge; am I correct about that, Ms. Vizzini?

MS. VIZZINI:

Since most of these events occur on the weekend, if he's using existing staff, more than likely, they are working on an overtime basis. So what goes into it is the \$450 for the first four hours covers the gasoline, wear and tear, and whatever salary to the operator, and whether or not he has an assistant, I'm not 100% sure, and then \$100 for every hour thereafter.

P.O. LINDSAY:

Legislator Mystal has been very patient.

LEG. MYSTAL:

Legislator Romaine, this is for you. Novel idea, get somebody in your district to sponsor this 450 bucks.

LEG. NOWICK:

No, it's more than that, it's every hour.

LEG. ROMAINE:

There is, I'm going to use member item money.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And just to weigh in on that, going back to 1998, the debate has always been, as far as what the -- and this is with waiving the park fees, too, because a lot of these organizations run fundraisers in our parks, and the balancing act was whether they were going to make money on it and what their cause was, and whether it was pretty much a legitimate government concern. And for -- and that's how we've always debated it, basically, even the user fee on this, when we went and bought the new showmobile, because then we had -- we had one that we junked, I believe, or we gave it away for junk.

So the argument can be made that -- and to point out some of the other examples that Legislator Cooper gave, I would hardly argue that, you know, it's a worthy cause to waive the fee for a breast cancer organization such as the Long Island Two-Day Walk, because no one gets paid out of that. All the money goes to breast cancer survivors, people that are being treated for breast cancer at that point in time. So, if we wanted to do something, you know, noble and what we pretty much were elected to do, and that's serve the people, you know, those type of decisions should be made with that type of a debate. And, in this instance, I think the debate should focus on, you know, can these fire departments afford to pay that fee, whatever the fee is, and it's a couple of thousand dollars, I think, if it's going to be used for a few days. And do we have a situation as what was brought to us or to our attention a little while ago where the one fire district, they're paying more for the fire district for volunteers than they are for police, and are we going to be adding to those people's woes if we charge on something like this?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Let's -- I think we should just either move ahead and approve it or defeat it, and then everyone can decide what we can do. But one thing I am going to do is wonder why the County does have a showmobile, when it's used, for what purpose it's used, probably at the next Parks Committee, because I'll do some correspondence between now and then with the Parks Commissioner to ask for a listing of all the uses. First of all, ask for the full expense, and whether it was bonded out or how it was paid for, for the showmobile, how many showmobiles Suffolk County has, when it has been used, for what purpose it has been used, because, quite frankly, if we don't allow community organizations with some standard or set some standard for, and you're absolutely right, I think we should set some standard. I'd like to see who used it. Hopefully, it's not used to promote people in office. Hopefully, it's used for the right purpose, but we'll see. I'd like to see, and I'll be asking for a list of how it's used. I think it's important. And I'm sorry that some people think this bill is dangerous.

P.O. LINDSAY:

Okay. Nobody else wants to weigh in on this vital subject. We have a motion and a second to approve. I'm going to ask for a roll call. Go ahead.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Nah.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Surprising.

LEG. LOSQUADRO:

You're a dangerous man, Ed.

LEG. MYSTAL:

Veto.

P.O. LINDSAY:

That surprises me. All right. *1265 - Appropriating funds in connection with the purchase and installation of mobile data terminals for Park Police vehicles.*

LEG. LOSQUADRO:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond, 1265A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1270 - Authorizing license agreement with the Atlantis Marine World LLC.* Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. LOSQUADRO:

Just very briefly, on the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Just an explanation of what the -- since I'm not on that committee, the discount for the tours.

D.P.O. VILORIA-FISHER:

Can I respond?

P.O. LINDSAY:

Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Whoever has the information.

D.P.O. VILORIA-FISHER:

Legislator Nowick, did you want to respond?

LEG. NOWICK:

What? I'm sorry.

D.P.O. VILORIA-FISHER:

You want me to -- I'll respond. It gives Atlantis permission to use Hubbard County Park, but it's nonexclusive.

LEG. LOSQUADRO:

There was a discount.

D.P.O. VILORIA-FISHER:

But they provide discounts to Green Card holders as an exchange.

LEG. LOSQUADRO:

Green Key.

D.P.O. VILORIA-FISHER:

Green Key, not Green -- very quick, Dan. Okay. Green Key holders.

LEG. LOSQUADRO:

Okay. That's what I wanted to know.

D.P.O. VILORIA-FISHER:

Counsel, I think that's the discount, right, that --

MR. NOLAN:

Twenty-five percent discount on the tours, 10% discount at the Aquarium itself, and they're going to allow the County to post some exhibits at the Aquarium.

LEG. LOSQUADRO:

Great.

D.P.O. VILORIA-FISHER:

It's a good deal.

LEG. ALDEN:

Well, wait a minute.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

So they get to dock for free.

MR. NOLAN:

There's no money exchanged in consideration or the discounts to the Green Key holders.

P.O. LINDSAY:

The other thing that I thought we could do, if we could have Zabby film this, so we could show it out there next to the shark tank.

LEG. MYSTAL:

Whatever happened to Zabby?

P.O. LINDSAY:

Oh, don't bring that up. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Could the Clerk please list me as a cosponsor?

LEG. SCHNEIDERMAN:

Myself as well.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1279 - Authorizing use of Blydenburgh County Park by the Care Center for the Annual Walkathon Fundraiser.

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. The only question is what is the Care Center? Does anybody know what the Care Center is?

LEG. KENNEDY:

A worthy not-for-profit group, Mr. Chair.

LEG. MYSTAL:

A center that does care.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

It's a place for old Legislators.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just as a point of information, I assume we usually charge people money if they use our parks grounds, and we're waiving the fee for a not-for-profit for this purpose?

MR. NOLAN:

No, we pay the fee.

LEG. ROMAINE:

Is that my understanding of this resolution?

LEG. D'AMARO:

It sounds like a slippery slope.

D.P.O. VILORIA-FISHER:

No.

LEG. ROMAINE:

Slippery slope again. It must be a dangerous resolution.

MR. NOLAN:

There's a fee in the resolution.

LEG. ALDEN:

Ed, there's a fee.

LEG. ROMAINE:

Oh, there is a fee, okay.

P.O. LINDSAY:

Legislator Romaine, your resolution got approved, gees.

D.P.O. VILORIA-FISHER:

Yeah. You've got to read the reso, Ed.

P.O. LINDSAY:

Okay. We have a motion and a second for this very worthy cause. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

1285 - Authorizing use of Blydenburgh County Park for Habitat for Humanity of Suffolk for its Annual Walk Fundraiser.

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. ***1292 - Designating week of June 29th as "Clean Beaches Week" in Suffolk County.***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Legislator Romaine makes the motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

PUBLIC SAFETY

P.O. LINDSAY:

2514 - Requiring a detailed report on progress of civilianization within the Suffolk County Police Department.

LEG. EDDINGTON:

Motion to table, and an explanation.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. EDDINGTON:

I've prided myself as a good communicator until I put in this legislation. I have asked Commissioner Dormer to meet with me, and there was a scheduling error that I had scheduled the day before and I've clarified that with him. I realized it. I had met with the PBA and I had asked for a written critique of a couple of items, which I did not get, and then I realized that I totally left AME out of the whole process of civilianization review. So I'm going to try one more time over this next period to get clarification from everybody that is impacted by this amendment.

LEG. ALDEN:

Good move.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1268 - Accepting and appropriating 75% Federal pass through grant funds from the New York State Division of Criminal Justice Services in the amount of \$177,812 to enhance the web based implementation of Probation's Automated Caseload Explorer System, and authorizing the County Executive to execute related agreements.

LEG. BROWNING:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. On the question, nobody? All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1314 - Appropriating funds for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building.

LEG. BROWNING:

I make the motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution, 1314A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Losquadro? Losquadro?

LEG. BROWNING:

Say yes.

LEG. LOSQUADRO:

Yes. Sorry.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1316 - Donating of decommissioned body armor vests to the United States Department of Defense to protect our civilian (citizen) soldiers.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington? Was that Eddington.

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes, okay. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

LEG. HORSLEY:

Tim.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. COOPER:

Cosponsor, Tim.

MR. LAUBE:

Eighteen. Who doesn't want to cosponsor?

LEG. COOPER:

Vivian.

D.P.O. VILORIA-FISHER:

No, I want to.

LEG. COOPER:

I'm joking.

LEG. MYSTAL:

Co.

PUBLIC WORKS AND TRANSPORTATION

P.O. LINDSAY:

Public Works and Transportation. *1301 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2007 Operating Budget, amending the 2007 Capital Budget and Program and appropriating funds for Suffolk County Sewer District No. 15 - Nob Hill.* Do I have a motion?

LEG. COOPER:

Motion to approve.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1302 - Amending the 2007 Adopted Operating Budget, amending the 2007 Capital Budget and Program, and appropriating funds for the purchase of sewer facility maintenance equipment.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. On the question.

LEG. ALDEN:

Just first, how much is this for?

MS. VIZZINI:

There's \$750,000 currently in the adopted Capital Program. This adds an additional 250,000 to make it a million dollars to purchase the equipment.

LEG. ALDEN:

Which Capital Program, the sewer district capital program or -- okay. So then, if it goes into the sewer district capital program, the choice there is to go out and bond it or borrow it from the Sewer Assessment Stabilization Fund, right?

MS. VIZZINI:

This is all Assessment Stabilization Reserve monies. This equipment is used by the Public Works staff that works on all the sewer districts.

LEG. ALDEN:

Okay. But we're not going out -- we're not going to Wall Street and bond it.

MS. VIZZINI:

No. It's all "A" money, which is Assessment Stabilization Reserve cash.

LEG. ALDEN:

We're just borrowing it. It's an interfund borrow, or we're going out on a capital market --

MS. VIZZINI:

Well, it is a loan and it is paid back over 20 years, apportioned based on, you know, how the -- where the work is done, apportioned to the sewer districts.

LEG. ALDEN:

But are we going to -- are we going to Wall Street and borrow this money?

MS. VIZZINI:

No.

LEG. ALDEN:

Or this is just coming out of the Assessment Stabilization Fund?

MS. VIZZINI:

Correct.

LEG. ALDEN:

Okay, good.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Right. Just a quick question, either to Legislator Alden, then to BRO. This is a significant amount of work that's being done in this district. And, as a matter of fact, this district is being utilized right now as a comparison district for SD4, the Galleria up in the Smithtown area. And I'm just curious, either what is the annual rate that the residents are paying in this district, or how does this affect what the annual rate would be there?

LEG. ALDEN:

Through the Chair, you're going back to 1301.

LEG. KENNEDY:

Yes. I'm sorry, I thought -- we moved past that?

LEG. ALDEN:

Yeah, we approved 1301 and we're going into 1302.

LEG. KENNEDY:

Oh, okay. I'm sorry. I apologize. I'll take the question off.

MS. VIZZINI:

I can get that information for you after the meeting.

LEG. KENNEDY:

Okay, thank you. I apologize.

P.O. LINDSAY:

Okay. Is everybody okay now?

LEG. KENNEDY:

Thank you. I'm sorry.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1318 - Supplementing Resolution Nos. 801-2006 and 1059-2006, which authorizes the commencement of Eminent Domain Proceeding and public hearings for the Plaza Theater by the addition of related property known as -- I don't know, a big long number.

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Explanation, please.

LEG. MONTANO:

Yeah, explanation.

P.O. LINDSAY:

Wait. Let me get a motion and a second first. Motion by Legislator Eddington and I'll second the motion. And Legislator Losquadro would like an explanation.

LEG. EDDINGTON:

I'd like to have the County Deputy come up and just go over that.

P.O. LINDSAY:

Well, Counsel was ready to give an explanation, too, if you want.

LEG. EDDINGTON:

Oh, really?

P.O. LINDSAY:

Okay, go ahead.

LEG. EDDINGTON:

Oh, I'm sorry.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, Mr. Chairman. This is a follow-up to the Plaza Theater condemnation proceeding that was authorized last year. This is the municipal parking lot, which is adjacent to the Plaza Theater and is part of the overall taking.

What's going to happen is the reconstruction of the adjacent roadway, which was a separate Capital Project authorized by the Legislature, was going to result in the need to go out and purchase about three or four parcels of land to do municipal parking up and down County Road 80. What happened was in the course of sitting down with Public Works, we ascertained that it would be smarter and more cost effective to take this one municipal parking lot at the Plaza Theater and eliminate the need to do the other three parking lots on CR 80. So about four weeks ago or two Legislative meetings ago, you discontinued the condemnation proceedings that would have picked up those three municipal or four municipal parking lots along CR 80 in anticipation of substituting this one parking lot for those three.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Paul, could you tell us where the condemnation is right now on the Theater itself, what stage?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Where we are is we're waiting for this resolution to be adopted, because we've now gone to court and discontinued the other three that are on CR 80, which will save us money on that road project. And then once this resolution is adopted, we'll be able to then go to the next stage, which is to hold a public hearing and then prepare the petition and file it. So I would say that the target is to try to get title vested by September or October 1st of this year.

LEG. ALDEN:

So we're modifying our original filing for eminent domain for the Theater?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Are we what? I'm sorry.

LEG. ALDEN:

We're going to modify our original filing to include the municipal parking lot.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, what's going to happen is -- that paperwork has been held up. What happened was we were on the verge of going forward with the economic redevelopment plan that you have to have in place in order to do the acquisition, and we were on the verge of filing the petition when, by happenstance, and it was good for the County, we happened to be having a meeting on a Friday afternoon with Public Works officials on CR 80, and when we looked at the map and we saw the configuration of the four parking lots that were going to be taking place up and down the same street, disrupting a lot more property and we had this alternative, we put the condemnation proceeding for the Theater on hold, so we could get the opportunity for this to catch up. So it's not a question of modifying, it's a question of that's on hold, this will now all be one filing instead of two filings.

LEG. ALDEN:

Okay. And this municipal parking lot, I'm just guessing, that's the Village of Patchogue owns it?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's what?

LEG. ALDEN:

We're condemning a municipal parking lot owned by the Village of Patchogue.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No. I apologize. It's a private parking lot that we're going to convert into a municipal parking lot, as opposed to building one from scratch. I apologize, I used the wrong terminology.

LEG. ALDEN:

No, that's all right. Thanks.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. I'm going to choose to break now until 2:30. Before we leave the auditorium, the -- I have a request that the Democrats have a short caucus. I'd like them before lunch, because it makes it short. And I want to just exercise a point of personal privilege before we leave the room, is my sister and my brother-in-law is in the audience. They've joined me today and I appreciate that. Thank you, sis.

(Applause)

P.O. LINDSAY:

So, with that, we stand adjourned until 2:30.

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

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

*(*The meeting was reconvened at 2:31 PM*)*

P.O. LINDSAY:

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

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

I'm here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

(Not present).

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Here.

MR. LAUBE:

Twelve (Not Present: Legislators Romaine, Caracappa, Losquadro, Eddington, Kennedy & Viloría-Fisher).

P.O. LINDSAY:

Okay, Mr. Clerk, have the Public Hearings been advertised properly?

MR. LAUBE:

Yes, they have.

P.O. LINDSAY:

Okay. With that, the first *Public Hearing, IR 2431-06 - A Local Law to reduce emissions of pollutants from diesel fuel motor vehicles operated on or behalf of Suffolk County (Cooper)*. I don't -- Yes, I have Mary Kennedy.

D.P.O. VILORIA-FISHER:

Tim, I'm here.

MS. KENNEDY:

Good afternoon. My name is --

P.O. LINDSAY:

Mary, you've got to talk into the mike.

MS. KENNEDY:

Okay. My name is Mary Kennedy, I live in Huntington. And on the bio -- I'm talking about the diesel and I read an article a week ago in the newspaper about the bio-fuels that they're using now made out of waste from restaurants, the fat, and they're more polluting than other types of gasoline. I wonder if you're aware of this and if any testing has been done on this from Suffolk County. Because in Europe they use diesel quite a lot in their vehicles and they're very, very strict there and they seem to manufacture a lot of diesel vehicles, and I'm wondering if you're going to do any comparison with the new bio-fuels and the grease.

P.O. LINDSAY:

The Chairperson of our Environmental Committee is Legislator Viloría-Fisher, she has some comments, Mary, that might help with your questioning.

D.P.O. VILORIA-FISHER:

There are a number of different bio-fuels, and so the article that you read might have been referring to one specific type; I'm not familiar with the study that you're talking about.

By the way, in Europe they do use a great many bio-fuels, I know that in Germany a lot of the heating, home heating is done with bio-fuels. But we'll continue to look at the studies and determine which would be best for the environment of Suffolk County, because we do have such a delicate and fragile ecosystem here. But thank you for coming down.

MS. KENNEDY:

Thank you.

D.P.O. VILORIA-FISHER:

Do you know where you read that?

MS. KENNEDY:

It was on television, they showed the test, how they did it in the smug from this bio-fuel. But I'm not knowledgeable enough, but I just do care what's happening to the environment.

D.P.O. VILORIA-FISHER:

Absolutely, as do we and so we're being very careful with that.

MS. KENNEDY:

I have a German scientist I know here at Cold Spring Lab and he was explaining a lot of things to me, where we're so far behind in not using diesel because they have made it so good. I don't understand enough.

D.P.O. VILORIA-FISHER:

Well, maybe he can come and speak before our Energy Committee.

MS. KENNEDY:

You never know, maybe he would. Thank you.

D.P.O. VILORIA-FISHER:

That would be great. Thank you.

P.O. LINDSAY:

Mary, before you leave the mike, you also put down you wanted to make a comment on 1056. It isn't before us now, but while you're at the mike, would you like to --

MS. KENNEDY:

I'd like to know what that is about; it's protection for homeowners.

P.O. LINDSAY:

Right.

MS. KENNEDY:

Maybe I'm misunderstanding. I'd like to be informed what it's about.

P.O. LINDSAY:

Okay. Legislator Alden, I don't see him here, but --

MS. LOMORIELLO:

We'll get him.

P.O. LINDSAY:

All right. What we'll do, Mary, is when that one comes up, I know what your question is, I'll have Legislator Alden explain it, if you're just in the audience.

MS. KENNEDY:

Well, I have wanted to make a public statement. I just thought maybe there might be something in there to help me, after nine years of litigation with the Town of Huntington on my property. I've won a lot of my cases, everything is over with, and I just received a letter from Supreme Court. They've -- oh, they've dismissed one of the charges on the Article 78, now they want me to redo it. And I think this is an outrage, because I've been through the courts and I've won my cases, and I shouldn't have to go through the ZBA again. I had already been there in 1982 and approved. I think there should be some way, some relief for me. I've struggled with this without help from anyone, except unscrupulous attorneys who also try to get me to sell my property. I'd like some relief someplace, somehow before the end of my life.

I've had some very, very -- I've lived with a devastating disease, Lupus, which has affected me and I have to stand and deal with all of this with the possibility of cancer now. And I hear all these agencies for cancer, for everything, but there hasn't been one help for me, not from Jon Cooper, not from anyone. The only one that did help me one time, and they did their job eloquently, was the County Executive's Office, they didn't hide my documents that prove my case.

I'd like to congratulate Ed Romaine and Mr. Kennedy at the time, because those documents were in the County records that prove my case. Now, they're still prosecuting me for \$45,000. What protection is there for the homeowner? I'd like to know, do I fit in any of your bills? Any of you big, powerful men there, can any of you help me protect my homeowner's rights?

There was one other thing, and that's all I have to say. I've been here and I've spoken. Do you know what my Judge has labeled me now, because he couldn't find a developer? But I went and I did a FOIL and I found a developer, Kiruv Estates. And my Judge told me, Judge Hackeling, he said, "Mary, I've made inquiries. There are no such thing." He labeled me paranoid or delusional for making stories up. It was submitted to the Town of Huntington in 2000, I believe, for Kiruv Estates from the planning, and I'm -- I need someone to be honest. They're not going to steal my property. They're not going to make -- label me paranoid schizophrenic. I'm a decent human being. I've never created any problems from anyone.

Jon Cooper, another thing. Legislator Cooper, I'd like you to look into finding out why the pond on Park Avenue is receding so much and we don't have those beautiful ducks anymore. That was interfered with Kiruv Estates also.

P.O. LINDSAY:

Thank you, Mary.

MS. KENNEDY:

Thank you. I have one more coming up.

P.O. LINDSAY:

Okay. IR -- oh, I don't have any other cards on 2431. Is there anyone else in the audience that would like to address us on 2431? Seeing none, I'll entertain a motion to close.

LEG. COOPER:

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

LEG. EDDINGTON:

Second.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Twelve ** (ACTUAL VOTE: Thirteen, five not present (Not Present: Legislators Romaine, Caracappa, Losquadro, Kennedy & Mystal).

P.O. LINDSAY:

Public Hearing on IR 2441-06 - A Charter law strengthening Legislative oversight of real property donations and transfer of development rights (Stern). And it doesn't look like I have any cards on this subject.

Is there anyone in the audience that would like to address 2441?

Seeing none, I'll entertain a motion.

LEG. STERN:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Stern, I'll second that --

LEG. D'AMARO:

Second.

P.O. LINDSAY:

-- or Legislator D'Amaro seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Twelve ** (ACTUAL VOTE: Thirteen, five not present (Not Present: Legislators Romaine, Caracappa, Losquadro, Kennedy & Mystal).

P.O. LINDSAY:

Okay, ***Public Hearing on IR 2579-06 - A Local Law to broaden eligibility under the 72-h Transfer Program (Schneiderman).*** I do not have any cards on this subject. Is there anyone in the audience that would like to address us on this subject?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

Seeing none, I'll entertain a motion from Legislator Schneiderman to recess.

LEG. COOPER:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR 2598-06 - A Charter Law to amend Section C4-35 of the Suffolk County Charter (County Executive). I do not have any cards on this subject. For everybody's edification, Counsel, why don't you tell us what 2598 does.

MR. NOLAN:
2598?

P.O. LINDSAY:
Yeah, it amends Section C4-35.

MR. NOLAN:
Presently, this Section, C4-35B of the Suffolk County Charter, requires the Department of Audit & Control to submit a management audit of every contract received by -- which receives County funding the prior Fiscal Year and whose total employed compensation exceeds 50% of the contract's -- I mean of the contract agency's full year operating budget. This law would amend that Section adding new language stating that no contract agency that has administrative expenses greater than 20% of its reported program expenditures to be eligible to receive future County funding until such time as those administrative expenses are reduced under that 20% amount or such funding is approved by a three-quarter vote of the entire membership of the County Legislature.

P.O. LINDSAY:
Okay. I don't have anyone -- any cards. Is there anyone who would address us on this subject? Seeing none, I'll make a motion to close.

LEG. COOPER:
Second.

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

MR. LAUBE:
Fourteen (Not Present: Legislators Romaine, Caracappa, Kennedy & Mystal).

P.O. LINDSAY:
Next, **Public Hearing on IR 1056-07 - A Local Law to enact the Suffolk County Homeowners Protection Act (Alden).** Mary was up at the microphone before, Legislator Alden, and wanted to know exactly what this would do, if you'd like to -- I don't know whether it applies to her circumstances, but she wants to know what it does.

LEG. ALDEN:
This is an attempt to deal with the Lien Law, where the homeowner actually has paid the contractor in full, and under New York State Law as it currently exists, a supplier or a subcontractor can still lien the house for the full amount. So this was an attempt to try to work some kind of equity out of that situation that in my estimation was inequitable.

P.O. LINDSAY:
And we have the ability to do that on a County level?

LEG. ALDEN:
We can't -- we can't actually do away with the Lien Law, but my requirement would have been, basically, that in their contracts, they're going to have to agree to supply lien waivers at some point in time, and that's what most municipalities do, they require a lien waiver. As we know, most people that -- the homeowner that goes out and has work done in their house, they really don't usually hire an attorney, so the contract that they're presented with is the contract that's drawn up by the contractor, so they're all one-sided. And they really don't mention things like the ability to

get lien waivers before they make certain payments and things of that nature, and lien releases at the end of the job. So this was an attempt to try to, you know, I guess raise the -- or level the playing field for the homeowners as opposed to just have it one-sided with the contractors.

P.O. LINDSAY:

It sounds like good legislation.

LEG. ALDEN:

But there's some major sticky problems with it, that's why I've been, you know --

P.O. LINDSAY:

Okay. Mary, does that answer your question?

MS. KENNEDY:

It answers part of my question. Then my -- this is to protect the homeowner from contractors or possibly --

P.O. LINDSAY:

Correct.

MS. KENNEDY:

-- work you have done?

P.O. LINDSAY:

Right.

MS. KENNEDY:

Then I will ask you a question. How would this protect a homeowner from their local government who has stated that they are going to keep prosecuting, keep fining, which is similar to being harassed to take their property? How would this -- would this protect in any way?

LEG. ALDEN:

This doesn't deal with intergovernment relationships or your relationship with a local municipality or government body.

MS. KENNEDY:

But yet they can prosecute you and keep fining you consistently over and over for the same thing, just twisting it a little bit, but basically it's the same thing.

LEG. ALDEN:

Right, but this doesn't deal with that.

MS. KENNEDY:

And that doesn't protect, so government is protected. Now, my -- when I said myself, this is an issue that is very special to me because of children with autism. And I've listened to Earth Day and the beautiful things on the environment, but there is one thing that I haven't ever heard anyone discuss, and that is what we are importing from China. The children's clothing are treated with a fire retardant. When you go to a department store, Marsh's or any of those, and they have the new products brought in, there is such an odor from the department stores, the baby stores that I have been, because I have a new grandson. And I made inquiries with several store people that I know and --

LEG. ALDEN:

Can I interrupt you for just one second?

MS. KENNEDY:

Okay.

LEG. ALDEN:

And just through the Chair.

MS. KENNEDY:

I have this to pass out.

LEG. ALDEN:

Your comments would probably be a lot more pertinent if you addressed us during the public portion, rather than --

MS. KENNEDY:

Oh, I thought, because --

LEG. ALDEN:

This is just -- this is just for this bill --

MS. KENNEDY:

Oh.

LEG. ALDEN:

-- comments that you, you know, either want to see included or excluded from this bill and your opinion about this specific legislation, and that's what our public hearings are for right now.

MS. KENNEDY:

So this -- I'll be called again, or I can get up and --

LEG. ALDEN:

Well, actually, I don't know if this time --

MS. KENNEDY:

I'm very brief, I've got it all there. I just would like you to be aware, to look in and see what pesticides are sprayed on the containers before they leave China. And some of this article, I saw it in today's paper, that gave me the strength to come here today, and I cut it out and I gave it to you. So could you please read it?

P.O. LINDSAY:

Okay, Mary, it's being distributed and we'll look at it.

MS. KENNEDY:

Thank you very much.

P.O. LINDSAY:

You're welcome.

MS. KENNEDY:

Bye-bye.

P.O. LINDSAY:

Okay. I don't have any other comments or cards on 1056. Anybody in the audience want to address us on 1056? Seeing none --

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Alden, and I'll --

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR 1143-07 - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers (Viloria-Fisher).

I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Okay, seeing none --

D.P.O. VILORIA-FISHER:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Viloria-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine, Caracappa & Kennedy).

P.O. LINDSAY:

Next is ***Public Hearing on IR 1170-07 - Adopting Local Law No. 2007, A Local Law to prohibit the sale of Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick).*** And I have a number of cards, first is Patrick Smith.

MR. SMITH:

Hi. How are you? My name is Patrick Smith, I'm the Coordinator of Health, Physical Education and Athletics for the Smithtown School District and I would just like to applaud Legislator Nowick and the other Legislators involved in trying to get this piece of legislation passed.

Children in all age groups are at critical ages, but at 12 to 15 years old, they're trying to get and gain their self-independence and we try to give them, at least in the school district, a sort of guided independence, and we talk about these things a lot in Health Class.

And any measures we can take as a society to try to keep kids from being at risk is a step in the right direction. So I just want to thank everybody that's involved with trying to get this passed.

P.O. LINDSAY:

Thank you, Mr. Smith. Next is Anita Fleishman; Anita?

MS. FLEISHMAN:

Yes.

P.O. LINDSAY:

Thank you.

MS. FLEISHMAN:

Good afternoon. I am here representing the Pederson-Krag Center as well as myself, as a mother and a grandmother. I am here to heartily support Legislator Nowick's resolution. I think it's high time that we try to take some control back into our hands in order to protect our children and our communities. The increase in the clinic that I see over the last few years of children who have been buying, have access to buy and use over-the-counter prescriptions is very frightening.

We have treated in our clinics -- across our clinics right now 800 children and about another 250 children in our programs for severe emotional disorders. All of these children, unfortunately -- or I should say that a large majority have access to these drugs, as demonstrated at least in literature that says that over 595,000 visits to emergency rooms, emergency departments in the year 2005 documented that people were there because of ingesting these medications.

So I heartily endorse this resolution. I certainly believe that it should be passed and this is the only way that we can reassure our own families that our -- that we are watching out for their health and safety. Thank you.

P.O. LINDSAY:

Thank you very much, Anita.

D.P.O. VILORIA-FISHER:

Michael Landon?

MR. LANDON:

Good afternoon. I'm from South Oaks Hospital. I work with adolescents there, I've been there for about 30 years now. I've been in consulting at other agencies throughout the Town of Babylon and in Suffolk County, other places. And I support this legislation, I think it's about time. Ms. Nowick took the initiative to make something like this happen and I hope you pass it. We see a lot of children who are at risk who abuse these drugs and I think it us up to the government to take an initiative and take a stand and protect people. The little inconvenience that drug stores or pharmaceutical companies would have to go through is insignificant to the harm this medication does in the wrong hands. And I thank you again.

D.P.O. VILORIA-FISHER:

Thank you, sir. Liberado DeRosa?

MR. DEROSA:

Hi. My name is Liberado DeRosa, I'm the Assistant Director over at the Daytop Village Program in Huntington Station. And the point I'd like to make is I definitely endorse this bill, it's a long time coming. I'd like to see the bill even go a little further because what the kids are doing, not only are they going into drug stores and buying it, they're also stealing it. So I don't know if the bill consists of taking this medication, the DMX off the shelves, but I think that needs to be considered in this. Because, you know, I know we can't hide everything from adolescents, and I've been working with adolescents for about 18 years now. They have -- we have a hard time helping them control the illegal drugs that are on the street right now, so now they go on the internet and they find out all these combinations of household drugs, things like DXM, that's readily available, they go in, they steal it, they buy it and they're getting high. And there's been a lot of overdoses and a lot of kids coming in to Daytop Village with this problem.

So I definitely endorse the bill and maybe you should go, you know, a little further and be taken off the shelves completely. Thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you, Mr. DeRosa.

MR. DeROSA:

You're welcome.

D.P.O. VILORIA-FISHER:

Mary DeRosa.

MS. DeROSA:

High podiums aren't too good for me, so I'm going to move over here a second. I'm Mary DeRosa, I'm the Superintendent from the Kings Park School District and I appreciate the opportunity to speak to you today.

I'd like to begin by thanking you for honoring our boys basketball team this morning -- the Long Island Champions, we're very proud of that, first time ever -- and point out to you that I'm pretty near the end of a 38 year long career in public education, 28 years of which I spent here in Kings Park in Suffolk County. I have been a middle school teacher and I was a middle school principal, among the other chairs I sat in, and I have to say that this particular legislation I think is very, very important for the younger end of the adolescent group because, as we all know, older kids find lots of ways to get their way to things that will get them high, including alcohol.

You know, the only thing that isn't common is common sense and what I like about this legislation, Legislator Nowick, is that it recognizes the fact that you limit things like alcohol, we limit cigarettes, yet here we have a very powerful drug that's kind of, in a very sneaky way, available to the masses to get high on. So we totally support it and we hope that you'll look even further into the drug problem as the speakers before me have said. I have seen it getting worse and worse. I grew up in the 60's, so I know -- saw the beginning of the era of the during revolution. We're finding that we are spending an inordinate amount of time dealing with disciplinary matters and students being hospitalized for a variety of drugs, including heroine.

So I think we have to recognize that many communities, including the one I live in, Northport, have established anti-drug community task force groups and we have one in Kings Park, and certainly this is the beginning; I think a lot more needs to be done. And again, whatever we can do as educators to support you, Lynn, and Legislators, we're available to do that. Thank you.

P.O. LINDSAY:

Thank you very much. Nancy Loostig.

MS. LUSTIG:

Lustig.

P.O. LINDSAY:

Lustig.

MS. LUSTIG:

Good afternoon, and thank you for giving me this opportunity for my input as well. I'm Nancy Lustig, I serve as the Board President of the Suffolk Coalition to Prevent Alcohol and Drug Dependencies.

It is my understanding that the affects of DXM, when abused by minors, are not in dispute. Therefore, we are focusing on the accessibility of those pharmaceutical products containing DXM, meaning cold and cough medications that are both relatively inexpensive and very easily accessible to our youth. Protecting our youth is the responsibility, I think we would all agree, of all adults and entities in a community, and retailers are most definitely a part of each and every community. Expecting and not just hoping that retailers do their part in protecting our youth is a most reasonable expectation for the larger community to have.

Recognizing -- I recognize that the retailers will have -- will have to incorporate ID-proofing in their training and oversight of those employees involved in the retail transaction, but they're already doing so, or should be doing so regarding sale, as mentioned before, in the sale of alcohol and tobacco products to minors. And perhaps retailers will also have to mark for identity purposes those specific products for which their employees will need to proof, and they may consider doing so an inconvenience. However, in light of the serious and harmful consequences of DXM abuse, the resolution requires a relatively minor but important effort by retailers in being part of the solution rather than part of the problem.

And finally, prevention by way of limiting access -- excuse me, accessibility of the products containing DXM seems to be, as echoed previously, a common sense and responsible action. I hope you take our comments as they are intended and pass this resolution. Thank you.

P.O. LINDSAY:

Thank you very much. John Lynch.

MR. LYNCH:

Good afternoon, and thank you for affording me this opportunity to address Suffolk Council. My name is John Lynch, I'm the Executive Director of Pupil Services for the Northport-East Northport School District. I am here as a representative of our Board of Education and our Superintendent of School, Dr. Marylou McDermott.

Last August our Board of Education passed a resolution convening a Drug and Alcohol Task Force within our community. We outreached to our community and we had 65 volunteers who came forward to review the issue of drug and alcohol misuse, abuse in our community. A very comprehensive report was delivered to the Board of Education in January listing numerous proposals on how the school can join efforts with parents and community to attempt to combat this, I guess, generational problem.

I had the good fortune to address the East Northport Chamber of Commerce where I met Legislator Lynn Nowick and she informed me of the proposal, IR 1170. Our task force is looking at the illegal use of drugs, the illegal use of alcohol. We are also very concerned about the misuse of prescription medications and the misuse of over-the-counter medications, and I believe this proposal would address a part of that issue.

And on behalf of our Board of Education and our entire community who have responded in a way to our task force that I have not seen in the 32 years that I've been a member of the Northport-East Northport School District as a counselor and as an administrator, I would like to render our support for this proposal. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Lynch.

P.O. LINDSAY:

I don't have any other cards on 1170. Is there anyone else in the audience who would like to speak on 1170? Please come forward, sir, and identify yourself. Legislator Stern, did you want to --

LEG. STERN:

I will wait until after the last speaker to just ask a question.

P.O. LINDSAY:

Oh, I thought maybe you had a question of our last speaker.

LEG. STERN:

Not of the speaker particularly. No.

P.O. LINDSAY:

Okay. Yes, sir, if you would please identify yourself,

MR. OTT:

Yes. My name is Jeffrey Ott, I'm in Holbrook, I'm just here to voice my support for this bill also. I feel it's a no-brainer. I mean, there's so much legislation with liquor and cigarettes and things like that. That this is a very insidious problem and I think with just this legislation it would help overcome part of that problem and lean towards possibly solving it. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, sir.

P.O. LINDSAY:

Legislator Stern, did you want to comment?

LEG. STERN:

Yes, thank you. I just have a quick question, I guess, for Legislator Nowick, the sponsor. Obviously retailers throughout Suffolk County would have to be partners in this endeavor and so I was just wondering, Legislator Nowick, if you had the opportunity to speak with area retailers and how procedurally this would work, what their take is on it.

LEG. NOWICK:

Yes, Legislator Stern. As a matter of fact, I have met with the Grocery Store Association and I must tell you, we had a lengthy discussion in my office where we worked on several parts of the legislation and I must say that the association was very, very quick to lend their support. We made a few minor adjustments so it would be a little bit more tolerable for them.

What we're going to do, what we talked about is, of course, a bar code and software that would not allow the product to go through the scanner. So they are in lock-step with me and I would like to on the record thank them for not worrying as much about the bottom line as they do about the young people.

So we have met, we have gone over that, we've reached out to pharmaceutical companies. We spoke yesterday to a representative from Consumer Health Care Products Association, a representative came from Washington D.C. yesterday, they are in full support even though they, too, have a stake in this and represent many -- lots of pharmaceutical companies. So we all seem to be on the same page and at the end of the day, it seems to be for the good of the young people.

LEG. STERN:

Great job. Thank you.

P.O. LINDSAY:

Legislator Eddington also wanted to ask you something about the legislation.

LEG. EDDINGTON:

Yes, if I might. And I'm very supportive of it. Would it make it illegal for an 18 year old to possess it?

LEG. NOWICK:

I can't -- we are not mandating what they can do in their own home, we're only saying that it can't be sold.

LEG. EDDINGTON:

Okay, because I'm thinking of college students that go up for the first year, they get sick.

LEG. NOWICK:

This is not for possession of, I think that's probably some type of a criminal, I'm not sure.

LEG. EDDINGTON:

Okay. Because it's 19 year olds you said, right?

LEG. NOWICK:

Nineteen and under.

LEG. EDDINGTON:

Okay, thank you.

P.O. LINDSAY:

Okay. Again, I'll ask is there anyone in the audience that would like to add something to this discussion? Seeing none, I'll entertain a motion.

LEG. NOWICK:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Nowick.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And the last *Public Hearing we have is IR --*

LEG. KENNEDY:

Put me on as cosponsor for the last one.

P.O. LINDSAY:

-- *1306-07 - A Local Law to integrate Real Property Tax Service Agency and County Clerk Subscription Service Fee Program (County Executive)*. And we have one card with two names, so I'll take it as two cards.

MS. PASCALE:

Well, we're a group today, so.

P.O. LINDSAY:

You're a group, it's a duo.

MS. PASCALE:

Well, actually we're a trio; I also have with me the Director of Optical Imaging should there be any questions about --

P.O. LINDSAY:

Which one's the lead singer?

MS. PASCALE:

Well, I'll be --

P.O. LINDSAY:

Okay.

MS. PASCALE:

I'll be the lead singer right now.

P.O. LINDSAY:

Go ahead.

MS. PASCALE:

Basically what we are doing --

P.O. LINDSAY:

For the audience, this is Judy Pascale, our Clerk, County Clerk, and Penny LaValle is the head of Real Property.

MS. PASCALE:

And Peter Schlusser is the County Clerk's Director of Optical Imaging.

P.O. LINDSAY:

Okay. Go right ahead and I'll shut up now.

MS. PASCALE:

I just wanted to -- in case there is any question, I think this is a little confusing, the resolution has a whole list of things that were proposed with the original subscription service. As all of you know, the subscription service in its original format has been delayed because we went in to a redacting mode because of the personally identifiable information. So what we're proposing today is lis pendens to be merged and I'm going to have Peter just give you a real two second of where we get this information from. But I just want to let everybody know that there will be no images, just so we all understand that; there will not be any images, it will be indexed only. So I'm going to ask Peter to explain to you very briefly where we're pulling this information from so you may have a little better idea; Peter?

MR. SCHLUSSLER:

Sure, thank you.

MS. PASCALE:

Briefly.

MR. SCHLUSSLER:

Thank you, Judy. Good afternoon. Very briefly, what we're proposing to do is vend LP data and merge it with tax maps. We get a tremendous amount of calls from many different entities and businesses out there that have requested this type of information; an LP is just a precursor to a foreclosure. So what we're proposing to do with this legislation is to make available the specific data associated to lis pendens, that would include a Tax Map No., the date of the action and basically the Tax Map associated to it. It's real-time data, so the moment that it basically comes in to our four walls, we would make that available through the subscription service.

Just to reiterate Ms. Pascale's point, however, this has nothing to do with images, this is data only, so there's no personal identifiable information. The images that we are packaging with this would be the tax map themselves, which is just an image of the parcels of land themselves. It would be \$2,500 annual subscription service and it would be real-time data. Thank you.

D.P.O. VILORIA-FISHER:

I have a question for him.

P.O. LINDSAY:

Peter, before you go, Legislator Viloría-Fisher has a question about this.

D.P.O. VILORIA-FISHER:

This is a question either for you or for Judy. We've been looking at the practices that have had such an impact on our economy recently with -- what's the word I'm looking for?

MS. PASCALE:

Sub-prime, the sub-prime?

D.P.O. VILORIA-FISHER:

The sub-prime, but this is beyond that. There are a great many practices which are almost illegal but not quite and are really abusing people who are in bad financial straights. Is there a way that some of these mortgage brokers, or those who are trying to take advantage of people who might be interested in having reverse mortgages or something kind of way to get out of their financial straights, of leading,

MR. LAUBE:

Bill, she can't hear.

P.O. LINDSAY:

Conversation has to stop over there because the Clerk can't hear.

MR. LAUBE:

Well, the steno; I can hear you.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

These different practices that are abusing the poor and those who are in bad finances, is this a way to make it easier for them? I mean, would they tend to look for lis pendens to look at where people are in trouble financially and then find where they live by finding these images and tax maps and let them hone in on them more easily?

MS. PASCALE:

Well, understand there are private companies that do this for a living, I mean, they come out -- this is public information.

D.P.O. VILORIA-FISHER:

Right.

MS. PASCALE:

So there are private companies that do this for a living. You know, we would hope that, you know, their primary objective was not to try to steal somebody's house but, you know, this is basically, like I said, it's a prelude to what we wanted to do initially with the full subscription service prior to the redacting problem. So we get a lot of calls every single day from people that want to know our list of foreclosures, we don't have a list of foreclosures. We don't print that. Do you have anything? I mean, I'm --

MR. SCHLUSSLER:

Sure. Yeah, basically what we have here is a list that's being created on a daily basis on our public access currently.

D.P.O. VILORIA-FISHER:

But what I'm asking is if these predators, these financial predators can have access more easily through this?

MR. SCHLUSSLER:

It's a closed -- may I?

MS. PASCALE:

Yeah.

MR. SCHLUSSLER:

It's a closed kiosk which means that you have to have a subscription service, we have to know who you are. In addition to that, the way the technology, the architecture or the technology, I have the reverse search capability, so I know who's looking at what at any given moment in time.

D.P.O. VILORIA-FISHER:

Okay. So with that reverse search capability, would you then be able to track those subscribers who seem to come up as predatory lenders?

I don't want to use that term right off, because if you're seeing a pattern of subscribers accessing the lis pendens and accessing then the imaging and then later saying that those -- the people, the homeowners are again in default and again in default for having a foreclosure situation, can you track that; can you track that kind of pattern?

MR. SCHLUSSLER:

Very specifically, there's footprints all throughout the application. To answer your question, yes, any --

MS. PASCALE:

Also, the District Attorney has access.

MR. SCHLUSSLER:

The District Attorney has the same access, in such a way that we have a complete audit trail of everything that anybody searches in the kiosk. In other words, you log on, I know when you logged on, I know what searches you performed and then I know when you log off. So yes, if you're specifically looking for a particular parcel, I have that audit trail and I know by whom because you logged on. Does that answer your question?

D.P.O. VILORIA-FISHER:

Okay, so if a name keeps coming up that it's someone who's subscribing and that particular subscriber tends to later on have -- there's an indication that they're practicing predatory lending, you could see that pattern?

MS. PASCALE:

We can't define -- yeah. I mean, we can probably pick up a pattern. But more importantly, the District Attorney has access to our system, too, so while we're not in the, you know, the business of law enforcement, they -- that was I think one of the reasons why they wanted access to our system in which we gave them so that they could see a pattern. We -- you know, we're not in that business, so.

D.P.O. VILORIA-FISHER:

But do you alert them, Judy, when you see a pattern?

MS. PASCALE:

No, no, they monitor the system on their own.

D.P.O. VILORIA-FISHER:

Okay. So if you saw a pattern, you wouldn't alert the District Attorney?

MS. PASCALE:

The District Attorney -- we don't alert the District Attorney, okay. The District Attorney has the same system that we have, so they are monitoring it for a pattern. I could not identify a pattern. I mean, obviously, once we're monitoring this, if we see excessive usage, at that point we would probably raise a flag and refer it to the DA.

D.P.O. VILORIA-FISHER:

Well, that's what I'm saying, you would alert them.

MS. PASCALE:

Yeah. I mean, if it was something excessive, you know, but I'm not in the law enforcement business, so.

D.P.O. VILORIA-FISHER:

No, nor should you be. But you're looking at the numbers and you're looking at the patterns of behavior and, of course, one would expect that you would alert the District Attorney if you saw a subscriber who was --

MS. PASCALE:

That's why the District Attorney has real-time access to the system.

D.P.O. VILORIA-FISHER:

Okay, thank you.

MS. PASCALE:

And I just think it's important to mention that the lis pendens, originally when we had the subscription service about a thousand people were interested in it, we expect that that will be somewhat smaller because of the abbreviated version of the subscription service. But I think it's important that this body understand, I just want to give you some -- I know you all get the annual report, but in 2004 the Suffolk County Clerk filed 3,830 lis pendens. Remember, lis pendens is a prelude to a foreclosure. Those of you that are attorneys know that not all lis pendens turn in to a foreclosure, but I would venture to say probably 90% of them do. In 2005, we went up to 4,312 lis pendens; in 2006, we had 5,819 lis pendens; and so far to date, and of course April is not over, we are almost at 3,000 lis pendens. We had a record month, March of '07 we filed 708 lis pendens in the Suffolk County Clerk's Office, and that is the highest amount of lis pendens that have been filed in the County Clerk's Office since we've been taking, you know, numbers.

So understand again, and those of you that are attorneys know, that some lis pendens do get cancelled, probably around 90% of them do end up in foreclosure. So this is a very marketable item, this is something that people would like. Does anybody have any questions?

P.O. LINDSAY:

Yeah, we'll get to it.

MS. PASCALE:

Okay.

P.O. LINDSAY:

Legislator Romaine.

MS. PASCALE:

I thought you might.

LEG. ROMAINE:

I'm going to be very brief. Clearly, anyone that wants to understand the economy of Suffolk County needs only to read your annual report. And I know that you get that report every month and it eventually turns into the annual report, but quite clearly the statistics that you're talking about -- LP's, lis pendens -- is disturbing. To say that I think what was in 2004, we had 3,000 and some odd filed?

MS. PASCALE:

2004, you had 3,830; in '05 it went up to 4,312; in '06 it went up to 5,819, and we're at 3,000 already for this year and we're only in the month of April.

LEG. ROMAINE:

So it's very possible that in the first four months of 2007, we will file as many as was filed for the entire year of 2004; I think that says something about the economy. There's a lot of other factors that talk to the economy, liens, judgements, the rate of divorce, etcetera, all of which you have. But that number of LP's, you're going to be doing a subscription service that will be combining your data with that of Real Property Tax Service Agency.

MS. PASCALE:

Yes, not to be confused with the original proposal for the subscription service.

LEG. ROMAINE:

This is a different service.

MS. PASCALE:

This is a very abbreviated version. This is an --

LEG. ROMAINE:

I think I know the difference there.

MS. PASCALE:

I know you do, but I just want to make sure that nobody else is confused about this; remember there will be no images.

LEG. ROMAINE:

There's no images, it's a pure thing. And it's a combined effort between the County Clerk's Office and Ms. LaValle's Real Property Tax Service Agency.

MS. PASCALE:

Yes.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Madam Clerk, nice to see you.

MS. PASCALE:

How are you?

LEG. KENNEDY:

I'm good, I'm good. One of the things I guess I just wanted to bring out in dialogue -- and as a matter of fact, Peter and I had an opportunity to have some conversation about this as well -- just very recently I've noticed on my e-mail there is a service that's being offered by County mortgage

service that actually is identifying lis pendens being filed by township and by County, by week.

So as we had talked about for many, many years during the time that I was out there, it seems that entrepreneurs are grabbing much of the material that your office is engaging in to enter, prepare and make available and now moving it in order to go ahead and capitalize on it.

MS. PASCALE:

That's correct.

LEG. KENNEDY:

So your service that you're putting out there would be at least, I imagine, probably as competitive and as versatile as far as what's out there. And nevertheless, we would be getting some return on the millions and millions of dollars that have been invested in this system --

MS. PASCALE:

Yes.

LEG. KENNEDY:

Over the life of the Capital Project, 1751 and the other Capital Projects; correct?

MS. PASCALE:

Correct. And also, it's also -- you should also understand that unlike -- maybe to answer partially Legislator Vilorio-Fisher's question, unlike private industry, we have the ability to monitor. And also, our information is far more marketable because we will be giving this information in real-time.

LEG. KENNEDY:

And I think the other point that I heard as well that you made, and I just want to make sure I understand it and reiterate it one more time, you will know the destination of each and every one of your subscribers by virtue of the subscription agreement and the requirement of the identification of that end-use PC; is that correct?

MS. PASCALE:

That's correct. But I would also like to reiterate that I am not in the law enforcement business, so. You know, while we will monitor and any anomalies that we pick up, we would certainly alert the District Attorney, if they had not already picked it up on their own because, like I said, they do have real-time access to our system. So yeah, that's -- you're absolutely correct.

LEG. KENNEDY:

And as your office and as your predecessor has maintained a relationship with many levels of law enforcement for the various investigations that were ongoing many times.

MS. PASCALE:

Yes. We have a lot of our law enforcement, our Police Department and our District Attorney as well as, as you know, the Tax Assessors have access to our system.

LEG. KENNEDY:

Okay, thank you.

P.O. LINDSAY:

Legislator Mystal?

LEG. MYSTAL:

Good afternoon.

MS. PASCALE:

Good afternoon.

LEG. MYSTAL:

I am more interested in what Legislator Romaine was talking about.

Is it possible for us to obtain some kind of a data sheet delineating your lis pendens from 2006, let's say, and 2007 by town so we can see the progression?

MS. PASCALE:

Absolutely.

LEG. MYSTAL:

I would love to review that because that -- you know, it would tend to what this County Legislature is going to do financially in a way.

MS. PASCALE:

We'd be happy to supply that to you.

LEG. MYSTAL:

Because it's going to affect us.

MS. PASCALE:

Yes.

LEG. MYSTAL:

Thank you.

MS. PASCALE:

Sure.

P.O. LINDSAY:

Okay, that seems to be all the questions. I thank you for your presentation. Is there anyone else in the audience who would like to address us?

D.P.O. VILORIA-FISHER:

Penny wanted to --

P.O. LINDSAY:

Oh, Penny, did you want to say something?

MS. PASCALE:

She's the backup singer today.

MS. LAVALLE:

Thank you. Just that I think this is a great example of how agencies work together. It's a precursor of inoculation of the various departments in the County and something to benefit the County.

P.O. LINDSAY:

Thank you very much.

MS. PASCALE:

Thank you.

P.O. LINDSAY:

You're welcome. Is there anyone else in the audience that would like to speak on 1306? Seeing none --

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Romaine.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Mr. Presiding Officer, before you start with the rest of the agenda, I just want to make a note. On IR 1332, the incorrect version got into the packet, it's correct on-line; the correct version is the extension of the deadline for the Senior Citizen Task Force. The incorrect bill was inadvertently placed in the packet, like I said, and that regards to Poet Laureate which has since been withdrawn.

D.P.O. VILORIA-FISHER:

What committee is that?

P.O. LINDSAY:

Did we vote on that yet?

MR. LAUBE:

No.

P.O. LINDSAY:

No. Well --

MR. LAUBE:

The new version is coming around now.

P.O. LINDSAY:

Okay; when we get to it, just remind me, okay?

Okay, that concludes our Public Hearings for today. I'd like to set the date for -- make a motion to set the date for the following Public Hearings for Tuesday, May 15th, 2007, 2:30 PM in the Maxine Postal Auditorium, Riverhead, New York; 2008-2010 Capital Budget & Program; IR 1079, a Local Law to amend the County policy for sewer connections to promote affordable housing; IR 1327, a Charter Law to strengthen and streamline the process for adopting local legislation; IR 1352, a Charter Law transferring certain functions of the Department of Human Resources, Personnel & Civil Service, Division of Human Resources, to the Department of Audit & Control; IR 1353, a Local Law increasing towing and storage reimbursement to towns and villages under County Seizure Laws; IR 1354, a Local Law to expand the County's Affordable Housing Program; IR 1408, a Local Law to improve pool safety and protection against accidental drownings; IR 1409, a Local Law establishing crime prevention requirements for scrap metal dealers; IR 1410, a Local Law establishing regulations for supported scaffolds, and that's it. We have a motion. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, back to the agenda. If you are following the paper version, if you're on page 10, it's the first resolution under Ways & Means:

IR 2599-06 - Adopting Local Law No. 2007, a Charter Law to ensure non-partisan fair and objective process by which Legislative Districts are reapportioned (County Executive).

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Losquadro.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. The tabling motion takes precedent.

On the question?

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

Okay; explanation, Counsel?

LEG. MONTANO:

On the bill, yes, summarize the bill before we vote.

MR. NOLAN:

Well, this Charter Law would create a new Reapportionment Commission to redraw the boundaries of County Legislative Districts. Right now it's done solely by the County Legislature, but this would create a commission consisting of eight voting members who shall be appointed as follows: There's going to be four retired Judges, two to be appointed by the Majority Leader of the County Legislature, two by the Minority Leader; two representatives recommended by publicly-recognized organizations committed to the principal of voter rights and advancement of public policy and, again, one to be appointed by the Majority Leader, one by the Minority Leader; two representatives of a publicly recognized minority organization, one to be appointed by the Majority Leader of the Suffolk County Legislature and one by the Minority Leader.

The legislation states that each of the two major parties will be entitled to have four members on the commission. The term major party means the two parties receiving the highest number of votes at the last Gubernatorial Election. Commission members must be registered to vote in the County at

the time of their appointment and shall not change their party affiliation in the preceding two years each. Each appointee will have to sign an affidavit wherein they agree not to seek the elected office of County Legislator or to serve in any political party office above a level of committee person for the following five years. The appointees will also have to state in their affidavit that they will not serve as a paid consultant to any candidate for the Office of County Legislature for a period of five years following their appointment.

Further, there are a number of classes of individuals who will not be eligible to serve on the commission, and these are any individual who has served in any elected Federal, State or local partisan office in the preceding ten years, and it would appear this would apply to Judges as well because when Judges run they run under party labels. Also ineligible to serve are individuals who currently hold or have held any political party position above the level of committee person during the preceding five years, individuals who have served as a political consultant in the preceding ten years and individuals who are the parent, child, sibling or spouse of any member of the Suffolk County Legislature or of any political party officer above the level of committee person.

The members of the commission will serve without compensation, they'll serve a fixed term to begin on the 31st day of December prior to any Census publication and to expire 30 days after the adoption of a plan.

The law states that no later than the 45th day after publication of a regular Federal Census, which indicates that the Legislative Districts do not contain substantially equal population, the commission shall propose, by the submission of a report and a plan to the County Legislature, appropriate revisions to the Legislative boundaries, so that's within 45 days.

Now, the plan that they are going to provide has to substan -- provide for a substantially equal way for all voters in the County. Also, to the extent -- well, not to divide towns and it, in fact, says, "The plan cannot divide a town unless the population of the town is so large that it would have to be done."

LEG. MONTANO:

May I interrupt you for just one thing?

MR. NOLAN:

You don't want me to finish?

LEG. MONTANO:

Yeah, no, I just want to ask a question. You said all voters as opposed to all citizens; is that the way it reads?

MR. NOLAN:

I believe it said voters, because I wrote the notes this morning.

LEG. MONTANO:

Okay; sorry about that.

MR. NOLAN:

Additionally, any commission reapportionment plan will require at least six affirmative votes of the eight members before it can come over to the County Legislature. And no Legislative District will deviate more than 3% from the total population of the County divided by 18, except in those instances where a greater deviation is required to meet the standards of the Voting Rights Act.

If the commission fails to recommend a reapportionment plan to the County Legislature within 45 days after certification of the Census, the County Attorney will make an application to accord the appropriate jurisdiction for the appointment of a Special Master to prepare a reapportionment plan.

Under the law, if they do propose a plan timely to the County Legislature, the Legislature must vote

upon the report and plan submitted by the commission within 60 days of its filing with the Clerk of the Legislature. In the event the Legislature fails to take action to approve that plan within the 60 day window, the report and plan is deemed disapproved. If the Legislature fails to approve the report and plan, the commission must file with the Legislature a proposed report and plan within 30 days. The revised plan must be voted on by the Legislature within 45 days of the refiling. And in the event the Legislature fails to act on the revised plan within that 45 days, the report and plan is deemed disapproved and again, at that point the County Attorney will be directed to make an application for the appointment of a Special Master to prepare a plan.

Five members of the Reapportionment Commission will be a quorum. As stated previously, six votes are needed to adopt a plan, clerical services will be provided by the County Legislature, and this law is made subject to a permissive referendum.

P.O. LINDSAY:

Does that answer your question, Legislator Montano?

LEG. MONTANO:

I have a couple of questions, not many. Counsel, I just wanted to go back to that section where you said all voters; do you know what section that was? I have it in front of me but I'm not pinpointing it right now.

MR. NOLAN:

It's on page two of the law, Section -- it's in the second section, Paragraph C-1, A-1; "The proposal shall provide for a substantially equal rate for all the voters in the allocation of representation of the Suffolk County Legislative body."

LEG. MONTANO:

As you said it, it kind of dawned on me, but isn't that a violation of, you know, the Constitution and the Federal Voting Rights Act? Because I think it should be all citizens and not all voters, because all citizens are potential voters. But you cannot redistrict based on voters, as I understand it, you have to redistrict based on citizen population.

LEG. BARRAGA:

George?

LEG. MONTANO:

And I believe that's the existing law; could you address that.

MR. NOLAN:

Well, when redistricting is done, it should be based on the total number of citizens as opposed to registered voters. That could be -- I'll be honest, I haven't really researched that particular point, that could be -- you know, it would be preferable probably to have different language.

LEG. MONTANO:

Well, let me say this. I think I know something about this subject. It was the lawsuit that was brought by my daughter in 2003 against this Legislature to mandate redistricting back in 2003. And I'm very clear, from a lawyer's perspective, that it must be citizen population that you base your redistricting on, not voter population. And it seems to me that, as you read this, that that creates an issue that should be addressed before we vote on that because I think the law is very clear on that issue, it's citizen population. In fact, we --

LEG. SCHNEIDERMAN:

It says it in C-1 --

LEG. MONTANO:

Excuse me?

LEG. SCHNEIDERMAN:

It's in C-1 just above it, it does say citizen population.

P.O. LINDSAY:

Wait a minute, wait a minute, I've got a list.

LEG. MONTANO:

But it's contradicted. And my point -- I'm not going to debate it with you, I'm just saying that I think that this is something that, you know, as it was read comes up and creates a legal issue. I think that -- to me, that's a major issue with respect to whether or not we ought to vote on this today. As a matter of fact, I don't even think that the redistricting takes effect until 2013.

LEG. SCHNEIDERMAN:

That's right.

LEG. MONTANO:

So, you know, I don't think we need to rush into this. I had another question and then I'll yield the floor. When you talk about the members of the commission, you talk about -- or the bill refers to a "representative of a recognized minority organization appointed by the Majority Leader and the Minority Leader"; that doesn't make reference to whether or not either a minority or a black or Hispanic would be on the committee, it's conceivable that we could have a commission that has no minority members, under this legislation. Because minority group member is defined as someone appointed by an organization; am I correct in that?

MR. NOLAN:

It is a representative, it doesn't mandate that the person be African-American or Hispanic or anything like that.

LEG. MONTANO:

All right, I have some more questions, but I think I'll yield the floor; if I need to come back to them, I will.

P.O. LINDSAY:

Okay. Mr. Sabatino, would you like to address those or you want to hear the rest of the debate and go last; what do you want to do?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I was just going to make a more general statement with respect to the tabling motion.

P.O. LINDSAY:

Well, why don't I go through some more of the debate and then we'll hear from you.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That will be fair, okay.

P.O. LINDSAY:

Okay, I have Legislator Kennedy, then Vilorio-Fisher, then Mystal and then D'Amaro. Kennedy.

LEG. MYSTAL:

And Romaine.

P.O. LINDSAY:

And Romaine.

LEG. KENNEDY:

Thank you, Mr. Chair. I'm going to pose a couple of questions, I guess, to Legislative Counsel just because, you know, a matter as important as this and I think something that's really at the essence of who we are and what we're elected to do. I'm going to ask Legislative Counsel to just describe briefly but for this legislation how would reapportionment go now?

MR. NOLAN:

Well, reapportionment is done by the County Legislature.

LEG. KENNEDY:

So there's nobody --

MR. NOLAN:

Except if, at a certain point, if we don't meet certain time constraints, then the County Attorney is authorizing a starting point to seek the appointment of a Special Master.

LEG. KENNEDY:

Okay, let me ask another question then. You know, I've been here three years, who knows if I'll be here four, but I have not made the opportunity to go through a reapportionment process, so --

P.O. LINDSAY:

That's funny.

LEG. KENNEDY:

-- when you say the County Legislature, does that involve all 18 of us?

MR. NOLAN:

Well, yes; ultimately this Legislature has to approve, presently has to vote on the plan, that's the reality.

LEG. KENNEDY:

So we have, in that respect, then, probably some of the most direct involvement or representation that can be had, government at its closest form. We are elected by the representatives of our district, we then participate in what that line will be going forward; is that correct?

MR. NOLAN:

Yeah, I think in practice what's happened in the past is that a committee has been formed, representatives of both parties have tried to agree on a plan, but ultimately whatever they come up with has to come before the full Legislature to be approved.

LEG. KENNEDY:

I'm going to yield, I want to come back to, though, a philosophical point. Thank you.

P.O. LINDSAY:

Okay, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I have a question for Counsel; and it's not a large philosophical question, it's a very specific question about one of the elements of the legislation.

The point where -- in the {prayer} (sic) that you had of the legislation, you mentioned not having served in a partisan position for ten years. I had problems with that when I first read the legislation and I spoke about it I believe with Mr. Sabatino, or somebody from the County Executive's Office, in order to get a definition of that. And it was defined for me as somebody serving in a partisan position is somebody who is a party leader or that type of position, not a position where they ran on

a party line. And in the definition that you just described, it seemed as if you were using the latter definition, that it was -- it could have been a Judge because a Judge can run as a Republican or a Democrat, Working Families, whatever; but that's not how that was defined for me by the County Executive's Office.

MR. NOLAN:

Well, I think it would apply. The way I see it, it would cover Judges or anybody who seeks the offices that are mentioned in the bill as a partisan and that would be, to me, a candidate of a political party.

D.P.O. VILORIA-FISHER:

But what they're saying is a partisan position is a position in -- as a political party leader; that's how they --

MR. NOLAN:

No, that's not --

D.P.O. VILORIA-FISHER:

I'm just telling you what they --

MR. NOLAN:

Okay.

D.P.O. VILORIA-FISHER:

How they defined it for me, that a partisan position was somebody who was in a leadership in the party and not someone who ran on the line of a particular party or other.

MR. NOLAN:

The language is, "Individuals who currently serve or have served in the immediately preceding ten years in any elected Federal, State or local partisan office."

D.P.O. VILORIA-FISHER:

Partisan office, and that was defined for me, as I said, a partisan office being a party leader on the County, State or Federal level.

MR. NOLAN:

I read it differently. And it's really not defined in the law, but my reading of that language would tell me anybody who has run under a Democratic label, Republican or any other party would be covered.

D.P.O. VILORIA-FISHER:

And that was my initial impression, George, but it was -- as I said, I was corrected. And so, Paul, when you speak at the end of this, I'd like you to speak to that, okay?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes.

P.O. LINDSAY:

Legislator Mystal.

MR. NOLAN:

Could I just add one thing?

P.O. LINDSAY:

Wait, Counsel wants to add something, go ahead.

MR. NOLAN:

The very next section talks about individuals who have held political party office; since there's a separate paragraph addressed to political party offices, I don't think it would apply to the preceding paragraph which -- and therefore, I think it would be elected offices.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Legislator Mystal?

LEG. MYSTAL:

I have -- my questions are purely, you know -- and I guess since nobody else is going to address it, is purely political.

P.O. LINDSAY:

Nah.

LEG. MYSTAL:

Nah, yeah. I do not understand two things; one is why is it that we are rushing into doing a bill for reapportionment in 2007 when we don't have to see it until 2011 or 2012? The only explanation I can see is because the County Executive wants to get ahead of Governor Spitzer as a reformer. The bill bugs the heck out of me. So we are five, six years out and now have a bill on reapportionment where a lot of the people who are sitting around this horseshoe will not be here. And I would like to maybe have it done when the people who are going to be here, that it's going to affect in 2010 would make that decision; that's my first political problem.

Number two political problem; how would the County Executive like it if I start making rules for his house, like who is going to be the Deputy County Executive? Because he's telling me how to make rules for my house and that's what bugs me. It bugs me that the County Executive is treating me like a child and said, "Hey, yeoh, you cannot take care of your own house, I'm going to do it for you." See, I don't know why the County Executive does not let us introduce our own bill and do our own thing. And I don't like being treated like a child, like, "I'm going to do this for you because I think it's good for you." Those are my two political problems.

Third problem, we're talking about retired Judges; they retire when they are 70, so I'm going to have 80 year old people doing this thing for me. Basically, they retire when they're 70, they have to be out of office for ten years, now they're 80 years old and they're going to do the lines.

LEG. NOWICK:

They've got to live that long.

LEG. MYSTAL:

If they live that long, thank you very much.

Number three -- four problem, geographically we're talking about, you know, we're going to have eight members; there is nothing that says that those eight members can't come from the Town of Brookhaven by themselves.

LEG. MONTANO:

That's right, Brookhaven.

LEG. MYSTAL:

They all could come from the Town of Brookhaven. It says nothing about representation for any town or any district or anybody else, you can have eight people all from one town; that's a problem. The time element --

LEG. ROMAINE:

That's not a problem.

LEG. MYSTAL:

The time element -- yeah, I know it's not a problem for you, Romaine, it's a problem for me. The time element, the way I read this thing in terms of the composition of the membership, Paul Sabatino's sister can serve on it but my great-aunt could not because I'm an elected official. Your sister, if you had one; you have a sister?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes.

LEG. MYSTAL:

Good. Your sister could serve on it, but my Great-Aunt, because I'm elected, could not serve on it because, you know, she's my family. Where you, who have more power than me, I want to make it official, you have more power than all 18 of us sitting here -- oh, he does, don't worry about it, he does; your vote doesn't count, he makes the decisions. He has more power, you have more power than me but your sister could serve on this panel but my Great-Aunt could not, so I have a problem with that.

The other problem that I have, the way this thing reads, anybody who serves on that committee will be a neofite who knows absolutely nothing about lines, because they could not be anywhere close to politics, that's another problem.

A further problem, nonpartisan; since when are Judges nonpartisan; Judges, nonpartisan? They were elected either by Democrat or Republican or Conservative; they're nonpartisan? You're going to have people who really -- why would I want people who know absolutely nothing about politics draw lines, political lines? I do not understand that.

Final statement, final statement, Paul, and then I'll let you go. That's why I want you to answer -- if you don't answer anything else, I want you to answer that one specific question; why in 2007 am I doing redistricting lines that would not take effect until 2,013?

P.O. LINDSAY:

I gather you're in favor of the bill?

*(*Laughter From Audience*)*

LEG. MYSTAL:

Yes, I'm going to vote for it.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Legislator Mystal, you know I have deep respect for your opinions, but on this particular bill, the more I hear you argue against the bill the more I'm inclined to support it.

LEG. MYSTAL:

That's your problem.

LEG. D'AMARO:

Frankly, I'm here today. I'll be affected by this bill, as well as several others sitting on this Legislature, and I strongly support it and I urge my colleagues today not to table this bill but to pass it.

In my view, this is really an historic moment for Suffolk County. And

It's going to take real courage and real leadership to support this bill. Reform of the status quo, frankly, is never easy. Is the majority going to give up some power with a bill like this? Absolutely. But the real question is what is the power that we're giving up? Well, in my view it's the power to be vindictive across the aisle. It's the power to perpetuate ourselves in office and it's the power to prevent districts from being consolidated when that's what the voting rights demand.

The people in all of the exercise of that type of power the people are considered last and, frankly, the people are tired of being considered last. As an elected, I want my district drawn fairly, without cutting through neighborhoods, without cutting them in half, without swapping areas to ensure my re-election but that's the track record we get when power is exercised and retained within the very body that is going to be elected. But if we draw districts putting the people first and the neighborhood considerations first, then when I win my election it's going to be for the right reason, it's going to be about my record. It's not going to be because the deck was stacked by me against my opponent through some redistricting that's going to take place a few years from now.

So I strongly support this bill. I say to my colleagues, reform is never easy. It's especially difficult to do when you sit or happen to be sitting in the majority of this body, but I think it's the type of reform that's long overdue and I intend to port it. Thank you.

LEG. MYSTAL:

One question.

P.O. LINDSAY:

I got a list.

LEG. MYSTAL:

I just wanted to could you answer for me why are we doing this now, not in 2010?

P.O. LINDSAY:

I've got a list. You already asked that question. Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, Legislator Montano raises a good point, a valid point which I hope the County Executive will address. And if it's a defect, I hope the County Executive will correct because this is a bill I'd like to support.

To my colleague Eli Mystal, it's always been a pleasure to serve with you. You always bring out the most interesting aspects of any bill and I always listen with careful attention. You made some excellent points.

Let me tell you, the reason why I'm supporting the concept of this is not because it's a County Executive initiative; I wish it would have come from the Legislature. It's not because it's 2011, I wish it was in some ways, then this bill would be more germane, but it's not. But the bill is before us now; we can't always pick the bills that we want to vote on, we can't pick the language of the bills often we have to vote on. Some bills have some good and a lot of bad and we vote against them; some have a lot of good and some bad and we have to vote for them because, on balance, that's the way we do it as Legislators.

When I would teach many, many years ago, down the road here in Hauppauge, one of my students is sitting right next to me, when I would teach we would come to that portion after the republic was formed, we'd get to Representative Jerry from the State of Massachusetts, and you'd have something that looked like a piece of modern art plastered on a map of Massachusetts that represented a Congressional District, and I'd have to explain to students what the concept of gerrymandering was about.

I wish we had done this, but the County Executive's doing this. I don't know if the time is right, but

the bill is before us now, we have a decision to make. Do I think the Legislature has done a bad job at redistricting? I don't think they have done -- I probably wouldn't be here if they didn't redistrict because I'm a little peninsula in my district, but in the end the choice is very simple. As a Legislature, do we go behind closed doors -- as I know they did in the last redistricting because I was an elected official of the County, County Clerk, but I would hear -- and decide amongst ourselves how to trade and barter and bargain districts, or will we let a relatively nonpartisan group get together and try to make a decision?

I represent four towns, three of the towns you can't really mess with, Shelter Island, Southold and Riverhead. But the fourth town, it's my western border in Brookhaven, I represent eight communities; seven of those communities I share with at least one, in some cases two and in some cases three other Legislators; it's not fair to those communities. One of the things the County Executive did put in the bill that attracted me was an instruction, a set of instructions to this commission, and one of those instructions is, wherever possible, try not to divide hamlets, because that really doesn't make for good representation. I was talking with my colleague here, how many people have ever asked us about gerrymandering? It's not an issue that they're concerned about. I dare say half the people in Suffolk County don't even know who their County Legislator is, including my district; they don't even know what the 1st District is.

So it comes to us; what is the right way to do this? How is the right way to draw lines for the Legislature? I think a non-partisan commission. And I understand, we're all practitioners of politics in our own way, but a nonpartisan group is going to give us a plan; we have the right to accept or reject it. If we reject it they have to come up with another plan, we have the right to accept or reject that. And if that's rejected, then the courts appoint a Special Master. Obviously what the courts do can be litigated, we all know that. So there is at least some element in fairness in drawing the lines.

I don't want to explain to someone again, if I ever go back into teaching, someone young that isn't that politically sophisticated, what gerrymandering is all about. I want to say on this day maybe it's the wrong time to vote on it, maybe the sponsor is the wrong sponsor, but I want to say that we tried to draw our lines in a fair way, respecting communities. We didn't put too much politics in it and we let the chips lie where they may for the candidates that would have to run. Thank you.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you. My comments on this particular subject do not apply to anyone, any member in this room. My impression in the 15, 16 months that I've been here is that this institution has a high degree of fairness and equitability in all its dealings, unlike where I came from. But certainly, certainly, if there's anyone in the room who has the right to speak on this particular topic, it's Tom Barraga, because I've lived through three reapportionments at the State level, and it's politics at its worst.

The average citizen doesn't really care too much about reapportionment, they don't understand it. This affects members. Majority members are not happy with it, minority members are not happy with it, it is politics in such a vein that it turns people against individuals they've been friends with for years. I'll give you an example, and I'll use myself as an example.

In 1982 I was called in and a new 7th Assembly District was being formed based on lines that had just been drawn by the Democrats who were the majority in the Assembly. They said, "Would you like to run?" I said, "Sure. It's a gerrymandered district, a little piece comes down into West Islip," I said, "Well, let's give it a shot." Two weeks later I was called in, they said, "You're not running because they've drawn new lines and you're out." Two weeks later I was called in, "You are running, you're back in, only we have to be frank with you," and this was the leader at the time, "You're not going to win because pieces, heavy democratic areas from {Hockbruckner, Bianchi and Heremberg}

are now part of the 7th Assembly District, and the odds of you winning are slim to none." We ran and we were fortunate, we won.

Ten years later, the second reapportionment. I wake up to find myself -- I live in the western portion of West Islip, most of you know Assemblyman Sweeney, the reapportionment done at that time by the majority in my house had Sweeney's district just as is with a sliver coming right down around Highland Avenue where I lived putting me in his district; that effectively would have ended my political career. We got through that. It is a means used by majorities to eliminate members that they can't beat at the polls.

The third time was I guess the most devastating, because that reapportionment a few years ago, the 7th Assembly District was destroyed; it no longer existed, it was gone. There was a 7th over in Smithtown, but the 7th Assembly District as I knew it was no longer, it was completely dispersed among other districts, I was without a district. And I woke up to find myself, I was in one segment of West Islip, the rest of the district was Mr. Boyle's district, two Republicans in the same district. Friends were kidding me in Albany that I was a dead man walking, there was no way I was going to survive that. In the end we did survive, but Mr. Boyle didn't survive because of the partisan politics of how they drew lines; he was thrown into the minority district, and of course he didn't run.

At one point several years ago, of the 46 members in our conference, 30 found themselves together in Assembly Districts with very slim to no chance of possibly surviving, and many did not. Obviously that's not the case in this particular house, because there's a degree of fairness that exists here that doesn't exist in other places.

And another thing, when you're up in Albany and you want help from the other side, the Majority Senate, they are not there to help Minority Republicans, nor to contribute to them. They are there to survive. And those members who are majority members, they go around all day complaining about how they lost this little hamlet and a few ED's; they're going to survive but they're still not happy. Minority members are in deep, deep trouble.

So when you have a non-partisan commission formed, it's a move in the right direction. And frankly, you know why you're doing it now; because you won't do it in five years from now, because somebody is going to say, "Hey, we're in the majority, what do we want to do that for? Because we can have influence in the redrawing of the lines and at some point we have the votes. So you do it now because you don't know what the outcome is going to be in five or six years, get it out of the way. This is a non-partisan commission, it's a move in the right direction, it's one of the first Counties probably to do it in the State. It will send a very, very positive message that in this County, we're fair and objective and we want to do the right thing. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I'm certainly supporting this bill, and the question as to why are we doing it now I think calls for a specious argument. Because soon after the last redistricting, I had introduced legislation to have a non-partisan committee to draw the lines because I had lived through only one redistricting, and one was enough to really be a wake-up call as to what the under belly of politics looks like. And I had attended -- I had gone to court every day during the lawsuit because I had gotten myself very involved in the creation of the minority -- majority/minority district and it's certainly clearly very, very important to have a non-partisan group doing this.

As far as some of the questions that had been asked, and I certainly don't think we should be tabling this. Could I just see that one more minute? Legislator Montano raised an issue regarding the word "voter", but if you look at where the word "voter" is used, I think that it's referring specifically to equal weight for all the voters in the allocation of representation, that means at the time of voting. Because in number two on the same page --

LEG. MONTANO:

That's not how it reads.

D.P.O. VILORIA-FISHER:

Well, I think it's right, and I disagree; we've disagreed before.

In number two it does say very clearly that it refers to the population, that it's the population as 3% from the total population of Suffolk County. The -- actually the Census which, again, was incorrectly stated, is not on the citizenry but on the population of the County and not on the number of citizens in the County. So I don't see that there are -- there's wording there that has to be changed.

My concern, again, was about that ten year look-back with Judges, because if they have to be -- if they're retired Judges and if they've just retired and they're 70 years old and they couldn't have been in a partisan elected position, then are we talking about 80 year old Judges? So that's what's concerning me and I would like an answer to that.

P.O. LINDSAY:

Okay, Legislator Horsley.

LEG. HORSLEY:

First of all, I wanted to comment on Legislator Barraga's comment about the fact that we wouldn't do this five years from now, and I couldn't concur more. The pressure will be on and it is something that the majority will at that time will certainly show its teeth. And we all know that as political people, political animals, that that would be the case, so this is the right time. And to answer my esteemed colleague from Babylon, I think this is the right time to address the issue.

I was looking at these young folk over here that were sitting here up to a couple of minutes ago, and I have -- many of you know, I teach on the side and I deal with young people often, daily, and we're all parents, etcetera, and how many times have we heard that politics is irrelevant, it is dirty? They hear situations like the redistricting in Texas where people were thrown in jail, people lost their seats and the list is -- goes on forever about the numbers of people who have sullied the word of working with government. And here we are today, we look at these young people; how do they feel about us, who is going to replace us? We have to instill leadership in government, as Mr. D'Amaro pointed out, we have to be the ones that take the high road.

And frankly, my party, we must, we must step forward, we must be better. This is our first time that we've been here as the majority and if we can't do the right thing all -- to us, why is there a difference, why should we be reelected as the majority next time?

To me, I have some questions about this legislation, as we all do, the 80 years old business -- as much as I love Octogenarians, I question it -- these things can be worked out. But at the end of day, us, as a Legislature, we must prove to the next generation that we are better and that public service is the right way -- is the right way for democracy to run and we must have our young people respect our institutions and the way to respect our institutions is do the right thing and be upfront. I will support this motion.

P.O. LINDSAY:

Okay, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Well, I'll address the last comment first and I think Legislator Horsley actually, I believe, made the argument to table; he said there are problems and they need to be worked out. Well, how do you work it out other than by making changes?

I couldn't agree more that this process needs to be reformed and that we have the opportunity to take a really historic step by saying that we will have equal representation from both sides of the

aisle and we will commit to work together on this. But it can't be a knee-jerk reaction, it can't just be, "Well, something was put before us by the County Executive, so it's politically expedient to vote for it."

We have to look before we leap here. If there are problems, let's solve them, let's pass something that works. Let's pass it in its final form instead of looking at this afterwards and saying, "You know, there's a problem there, I really don't like that last bit of language," or, you know, having fully half of this committee made up of people who are going to be in excess of 80 years old might be a bit of a problem, why don't we solve those problems first before we pass a piece of legislation? That's the reason I made a motion to table.

I fully intend to support a piece of legislation out of this body to reform this process. It just doesn't have to be this exact version on this day just because it was put before us. I think that's an abdication of our responsibility because it's politically expedient.

The first comment that was made, and I am not an attorney, there are many members of this body who are, but having read legislation for, you know, about four years now and looking through things and getting to know the legalese, I see a very serious legal problem with the terminology of voters versus citizens, and I think that is something that could very easily be challenged and won. I believe there are several problems with this bill that we need to address and that we can work together on, even work with the County Executive; it's not about pride of authorship here. Let's just get this right before we pass something and then say, "We need to fix this because there are problems."

How you work out a problem other than to make changes to a piece of legislation or to a law you've already passed? To my mind, there's no way to do it. So if we were to pass this, we would wind up making changes to it anyway, so let's get it right before we pass it. Let's table this today, work out these details, these kinks, and we will come together and pass a really historic piece of legislation here and have this body doing what it's always done and that's the right thing.

P.O. LINDSAY:

Legislator Kennedy, you wanted to talk, and then Nowick.

LEG. KENNEDY:

Yes, thank you, Mr. Chair. I spoke before about the process as it exists now. And you know, I respect the comments of my colleagues, especially those of Legislator Barraga, and he speaks from the heart and he speaks from, I guess, the tough times that it's entailed. But I also think that he also prefaced those comments with saying that it is not a part of this body here.

I agree with Legislator Losquadro that I believe that this bill at this point should be tabled. I think the language issue that Legislator Montano raises is important. I'm also struggling with to what extent we can delegate what I believe is the duty that's inherent in our office exclusively. This isn't beanbag. You know, we get elected, we get elected based on who we are, whether we are Republicans or Democrat, and I believe that the voters have adopted and embraced this system in this country for several hundred years.

So I don't subscribe to the fact that we do have to go ahead and pass this now and rush to it, I think that we ought to be able to go ahead and get it right. I'll yield.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Just quickly. I'm thinking we're doing this in 2007 for 2013; my God, if we can't table this one cycle; if we have some concerns, this is the beauty of it. It's a good bill, maybe it needs a few -- a little tweaking, but it's a good bill. I think we have five years, so one month is not going to be a big deal if other Legislators are a little bit uncomfortable with it. Let's do it, let's all do it altogether.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I'll try and be brief here, but I do want to defend this institution in years past, especially the last process of redistricting.

To be quite honest with you, I thought it was one of the fairest or closest to the fairest processes I've had with my colleagues in all my years here. And I had the distinct pleasure to work with then Presiding Officer Maxine Postal, a Democrat Presiding Officer in a Republican led Legislature; I know Eli remembers those days well. The process was not this disgusting underbelly of politics as has been discussed, it was a fair, open process that regardless of who the -- and let's look at it; the majority was the Republicans then, if it was such a gerrymandering, unfair process, I don't think we'd be with the majority that serves here today. It was fair, it was open. Yeah, was it perfect? Absolutely not, just as it won't be perfect with a master. But this is no way the State Assembly, this is no way the State Senate. And when it came down to redistricting, at least my experience, it was one of the best experiences and on one of the most difficult items that you're really going to have to deal with as a politician sitting behind this horseshoe.

So it's not as bad as people are making it out. And you had to be here to be a part of it, and if you were you did realize the process worked, it was fair, regardless of who the majority was. So I just wanted to defend this institution.

P.O. LINDSAY:

Okay. Mr. Sabatino.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, first of all, I want to thank you for the opportunity to make a generic comment or statement and also to try to weave in some responses to the multitude of questions that were raised.

First of all, I want to thank those Legislators who over the past several years -- because this legislation has been proposed over an extended period of time, not just yesterday -- for their comments, for their suggestions, for their observations which I believe has resulted in a better bill than the original version that we proposed several years ago.

With respect to the County Executive trying to impose his will on the Legislature, that is not the case. This is going to be a Charter Law that the Legislature will be voting on; if it's adopted through the normal process, the Legislature will be saying that it chooses to impose these requirements. So this is not a case of where the County Executive is trying to, "change the rules in somebody else's house," to quote a comment that was made before.

Why now? That's been a resounding question. The reason why now is several-fold, and I think a few Legislators have already answered it in one respect. But the reason is that, first of all, we've been trying for several years and it's already taken three years to get to this point. Number two, the County Executive campaigned on this in 2003, so it's not a surprise. The County Executive believes that it's important to show the public that even though a majority is in power, a majority that he ran with and that he supported, he's willing to give back what's perceived as power and the power to reapportion at a time when you hold that power. So voting now in 2007 while he is still the County Executive fulfills the commitment that he made, and again, it demonstrates that there's a willingness to give back power.

Also, there's a notion that somehow all of this is going to begin in 2013; that's not the way it works. The way it works is that normally what you would do is you would be trying to put together a working commission some time in 2009 to start the process in 2010 waiting for the Census information to come forward. It's been unfortunate in the past that we've wound up voting in the

third out-year after the Census simply because the old process doesn't work. And I want to jump off to that because from personal experience, let me tell you that I've had the good fortune of participating in three reapportionment processes, good fortune in the sense that I've learned a lot about how the process works.

It's also been the great misfortune because, quite frankly, the process is a cesspool, okay. It is people, as Legislator Barraga indicated, sitting down in closed rooms, back rooms, trying to screw people. I mean, they actually say this in the meetings that we go to; they talk about punishing people, being vindictive, trying to cut lines that are totally completely inconsistent with what's logical and what makes sense in terms of a plan that gives equivalent representation to everybody. I sat there with the party leaders coming out of the meeting saying, "Oh, we've got a map that's got 14 votes guaranteed for this and 15 votes guaranteed for that." And fortunately, the voters are a little bit smarter than that and over time you see no matter how strongly they believe that these plans are going to result in a 14-4 or a 15-4 outcome, the voters somehow cut through the issues, make intelligent decisions and vote on the merits. So we wind up spending all of this time focusing on trying to put together a plan to screw people or to create these lopsided majorities on paper that make no sense and the reality is that the voters are smarter than that.

So why should do this? We should do this because the County Legislature's had a reputation as being the heartbeat of democracy, and what better way to confirm that reputation as being the heartbeat of democracy than by taking this process out of the back rooms, putting it in front of a non-partisan commission, people that are going to be one or two steps removed from the day-to-day personal/interpersonal relationships of Legislators and putting before the voters or before the people an objective plan that's based on equivalent representation.

Now, with respect to some of the technical questions that came up, this notion that somehow the Statute is not conforming to the Federal requirement, on page two, paragraph C, it talks about the districts shall contain, quote, "Substantially equal citizen population;" that's the starting point standard, so it's right there in the statute. The subcategory underneath that which talks about the allocation of voting power is extremely important when you actually get into court. There are literally hundreds of cases that have been argued in the Federal Courts with all kinds of experts coming in giving all of these analyses about how -- especially in the majority/minority district situations, are voters who have a certain voting pattern, you know, being somehow deprived or disenfranchised in terms of their vote. So that subcategory is an important concept that the Federal Courts litigate all of the time. So you've got the standard of citizen population set forth right in the statute. You've got the subcategory of the allocation of voters because that's important to the courts.

With respect to the notion of the Judges, okay, I would make the following observation. Number one, Federal Judges are not elected. Federal Judges are not elected so Federal Judges are not going to fall within this ten year restriction that people are concerned about. That's a very large pool of people. And quite frankly, the Federal Judges tend to be a better pool of people to deal with than our State Judges; but with respect to the State Judges, let me say this.

I'm reading in the newspaper every day that all of these Judges are telling us that they're going to resign that they're not getting their salary increases from the State of New York, so that pool of people may increase dramatically in the near term. But if it doesn't -- but if it doesn't -- but if it doesn't, I would say this. If it doesn't I would say this, that after we've examined the pool of potential people that are eligible and available, if it turns out that that pool doesn't measure up to what we think it will be, there will be the opportunity to look at that particular issue. But I don't think you're going to have a dearth of people.

In fact, this Legislature used a retired Federal Judge years ago with respect to litigation and he was in his late 60's, it was Judge Pratt if you remember at the time, in 1998 and 1999. He was 68, I think he would be a little bit offended to hear that at the age of 68, you know, he wasn't competent enough to represent the Legislature in litigation.

The only other issue that came up was the one that was brought up about the partisan office, and I think that really gets addressed in terms of Federal Judges are not running for office, so the restriction is not going to apply to them. But again, if it turns out that somehow this pool is not as big as I think it will be, it's certainly something we can take a look at. But if we don't act now, if we don't have a vote on the merits, not a tabling motion, I suspect based on prior experience, working with Legislator Vilorio-Fisher back in the early part of this decade, that simply the opportunity to get something adopted to do real reform will slip by one more time. And again, it's an opportunity to basically say let's have a fair, objective process, you just go across the map, you draw rectangles and boxes and you go home and it's a nice simple process. Thank you.

P.O. LINDSAY:

Before you leave, I've got one clarification. So what you're saying, if the retired Judge is a Federal Judge the ten year requirement doesn't apply?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It does not, yeah, because they're not running for partisan office.

P.O. LINDSAY:

Okay. Do you know what the mandatory retirement age is on a Federal Judge.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Their mandatory retirement age is 70.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

I thought it was life.

LEG. MONTANO:

No, Judges -- Federal Judges are appointed for life.

LEG. ROMAINE:

No, life.

LEG. ALDEN:

So death is the quantifying --

LEG. MONTANO:

Yes, I think so.

LEG. ROMAINE:

Ten years after death.

LEG. MONTANO:

Unless they changed the rules since last I checked, Federal Judges are appointed for life.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

District Court Judges are but not Judges in the lower -- in the courts below that would not be.

LEG. MONTANO:

There are no -- District Court Judges are the lowest trial court Judge in the Federal System.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, you have Magistrates, you have Bankruptcy Judges, they would not be subject to the same.

LEG. ALDEN:

(Inaudible).

LEG. MONTANO:

Well, it says Judge and that -- all right, I'm not going to argue with you.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

You're assuming that every Judge waits until the end to retire, that's not the case.

LEG. MONTANO:

Well, I don't know many Federal --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Judge Pratt is an example.

LEG. MONTANO:

I don't know many Federal Judges that leave the bench, but I'm not going to argue that point with you. Paul, I just want to ask you a question. Because I think you did a good dance on the citizen versus voters, but at the end of the day -- and you indicated that this has been litigated thousands of times. And what I'm saying very clearly is aside from my other sentiments on the bill -- and I, too, have been through three decades of redistricting, and I tell people it's ironic, my Dad was redistricted out of a seat and I was redistricted into one in 2003. But the citizen versus voters is a very critical component of the statute, and even though you glossed over it -- and I don't want to, you know, have an extended debate -- the reality is that, you know --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I didn't gloss over it, I read explicitly from it --

LEG. MONTANO:

Well, to me I think you did. I think you tried to distinguish one section from the other and I --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, of course, because they're two different sections and they deal with two different components of the issue.

LEG. MONTANO:

Right, but they're contradictory. And that's my point, is that --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But the one that's relevant and the one that you tried to gloss over --

LEG. MONTANO:

One at a time, Paul, one at a time.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- by misrepresenting what the situation was --

LEG. MONTANO:

I hadn't finished my question.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- is the one that talks about citizen population being equivalent.

LEG. MONTANO:

One at a time because I hadn't finished my question.

P.O. LINDSAY:

All right, come on, come on, order.

LEG. MONTANO:

You know, if you want the floor, ask me to yield and I will. But my point is that with respect to citizen versus voter, do you agree that it is an issue or are you completely dispelling that as an issue with respect to prior interpretations of how you redistrict under the Federal Voting Rights Act and also on the Constitutional standards?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Of course it's a legal issue --

LEG. MONTANO:

Okay, then let me --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- but it's not an issue for this legislation because the legislation contains the requisite language.

LEG. MONTANO:

That is debatable.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That's a huge distinction.

LEG. MONTANO:

Now, let me -- let me ask you a second --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

In the abstract something isn't issued --

P.O. LINDSAY:

Let him finish, let him finish. Go ahead.

LEG. MONTANO:

I'll let you finish, I apologize.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

In the abstract you say is it an issue; of course it's an issue, it's one of many legal issues you have to confront in the Federal Court System. But in this particular case, it's not going to be something adverse to the County because the language -- I'm not glossing over it. I'm reading it to you. What they propose has to, "contain substantially equal citizen population;" that's the plan that gets submitted.

LEG. MONTANO:

Right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So the issue is addressed.

LEG. MONTANO:

And how do you -- my point is how do you contrast that with a district that has to conform to voter representation?

But beyond that, let me ask you a second question, and I think we can end this debate. If you waited three years for a plan or for a vote and we're asking to table and we're going to come back in three or four weeks, what is your major objection? Particularly in light of the fact that there are

some issues that came up that probably should be addressed. I personally would like a little more time to review the citizen versus voter issue because I've been involved in litigation on this issue and I'm just wondering what your major objection is to a tabling cycle where we're going to come back in three weeks. What is your major rush, particularly in light of the fact that we're going to be here, you know, before redistricting, I don't know which members individually, by 2013 which is when we're going to get to redistrict.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The critical date is 2009. My objection to tabling --

LEG. MONTANO:

2009 is before the Census; the critical date is 2010.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right, 2009 would be the relevant year to get yourself geared up to deal with it in an organized, professional, competent kind of a fashion --

LEG. MONTANO:

All right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- which is what this bill does. But I'll be very direct about it.

LEG. MONTANO:

Paul, Paul, if I may then.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'll be very direct about it. I'll be very direct about it.

LEG. MONTANO:

Go ahead.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The major objection, and I don't -- you know, there's no rush to judgment, okay. Rush to judgment is if you come in with a bill and ask for the vote on the same day; this is a bill that's been out there in one form or another.

LEG. MONTANO:

You mean like a C of N? Go ahead.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

In one form or another. In fact, the corrected copy of this bill was filed on February 8th of this year, February 8th of this year, after I met personally with a variety of County Legislators from both sides of the aisle. And here we are today on April 24th hearing issues, so-called issues being raised for the first time. People who read this bill during the entire period of time never said one word to me or to the County Attorney saying, "Gee, I've got a problem with this."

LEG. MONTANO:

Right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So in all honesty, I think after spending 30 years, 30 years, three reapportionment cycles watching the stonewall, watching the delay, watching roadblocks, watching the impediments that are put in place of reform, if we're going to do the reform, let's have a vote on the merits up or down today.

LEG. MONTANO:

Paul, I respect your 30 years of redistricting, I've got 30 years also. Quite frankly, we've had conversations about this bill on a number of occasions. Some of the recommendations I made to you when you said, you know, "We would like you to support us on this bill because you know something about redistricting," had to do with including language with respect to the standards in the Voting Rights Act which was never included in the bill but, you know, we let that go.

The bottom line is that I have to agree with you, in all the times that I read this draft, I never picked up until I heard it from Counsel the citizen versus voter issue, and that's what prompted this. So this is not a last minute curve, this is something that came up in the presentation that somehow slipped by. I still make the recommendation that in light of that, and probably for a lot of reasons but mainly that, we should pass on this for another couple of weeks to get that right; at least come in with something that's consistent.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Just to correct the record, I did incorporate your recommendation on the Voting Right Act on the top of page three, so.

LEG. MONTANO:

No, I think what you incorporated was the deviation rate, and that's the only reference to the Voting Rights Act in the proposed legislation. You know, I haven't read it, I was away last week so I really didn't get into it, but I think that's the only mention of Voting Rights Act in this bill; correct me if I'm wrong.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, that's the only reference because that's the only place we needed to put it.

LEG. MONTANO:

Well, no, because my point was --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Just because you suggested it doesn't mean I have to repeat it five times. I put it in the place where it was relevant.

LEG. MONTANO:

No. What I'm saying --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So I incorporated your suggestion.

LEG. MONTANO:

Lawyer to lawyer, what I had asked you to do was in order to get my full support on this was to come in with language that would give standards under the Voting Rights Act when the committee did it's redistricting; I don't see that in the bill.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

And I do understand the deviation rate, but that's the only reference of the Voting Rights Act. Thank you.

P.O. LINDSAY:

Okay. Don't --

LEG. MONTANO:

We don't want to beat it.

P.O. LINDSAY:

Yeah. I'm going to -- I have a list and I'm going to get to the list, I haven't spoken, I just want to -- I just take exception to one thing that you said, Paul, and I have to voice it.

Your reference to this Legislature stonewalling on this issue is wrong. We passed a redistricting bill two years ago that Legislator Montano sponsored and that was a full eight years before the next election cycle. And the bill before us today is substantially different than your original version. The original version had the Executive Branch taking over the full power of appointing a commission to redistrict these Legislative Districts; the bill before us today is totally different than your original concept. So the stonewalling comment I think is inappropriate. Legislator Mystal.

LEG. MYSTAL:

Paul, I just want to correct you on something, because you keep saying it and nobody is saying anything about it. You keep saying that the Legislature should start their work appointing a commission maybe one way or the other in 2009, that is totally inconsistent with your bill. Because your bill says that commission cannot hold a meeting until after it has the certified publication of the Census -- let me finish. The Census takes place in 2010; the certification -- as you well know because you've been through it, we've been through it -- doesn't take place until a year later, usually about a year and a half later. So the first time you're going to get certification of the Census numbers for 2010 will be about 2011 and a half, somewhere in the month of June or thereabout you are going to get certification of the Census figures, that's when you possibly could start. And I have seen certification, certification lasted more than two years simply there have been litigation usually brought by a minority group because they feel they have been undercounted. As you remember, the certification for the 2000 Census wasn't certified until 2002, that was two years after the Census. So there's no way this commission or this Legislature could start anything until that date, because the commission cannot be appointed, cannot do any work until you have the figures to protect, that's number one.

In regard to your comment in terms of the -- somebody else made the comment, you know, the underbelly of politics and the cesspool; this is the same County Legislature which has the foresight of creating two majority/minority districts. If there were -- if we were doing -- if they were not doing their work, we would not have two majority/minority districts right now in Suffolk County, so those two districts were created by this Legislature, so it's not that partisan.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Oh; all right, thank you. Just a couple of quick points, Mr. Presiding Officer, thank you again.

I want to point out a couple of things. One, again, Legislator Mystal, I think you make some valid points, however, it's the same Legislature that also cut Deer Park, North Babylon and Huntington Station in half, and I don't think that's adequate or fair representation if you want to talk about standards.

Two quick points. I'm reading the bill, in Section C-1 it says that, "The Suffolk County Legislature, this commission has to file appropriate revisions to the boundaries of the Legislative districts so that they contain substantially equal citizen population." That to me seems to be the standard of the bill. Mr. Sabatino has explained that the Sub-Section A talks about equal weight of all voters as another standard or substandard that's imposed when you go through the courts; is that correct, Mr. Sabatino?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Absolutely correct.

LEG. D'AMARO:

So my question is if we take the advice of some of my colleagues here today and we table this bill today, this is the County Executive's bill; are you going to come back three weeks from now and change that language?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No.

LEG. D'AMARO:

No, okay. So in my mind, if this is the County Executive's bill and the language is not going to be changed, then the bill should be put to a vote today.

The other quick point I want to make, we were talking about the retirement age of Judges. My uncle was a Judge for many, many years and retired well before 80 years old, by choice, he had been appointed twice to the New York State Supreme Court and retired because he had a fine career and he was well respected on the bench but thought that that had been enough. And certainly, had he been around at this time, he recently passed away, but he certainly would have been the type of person who would have been ripe for a commission like this, having been off the bench for many years, retiring and moving on.

So I tend to agree that I think that we will find qualified retired Judges in the pool out there. And as the comment's already been made, if three, four years down the road that is not the case, well, then certainly we could take up a revision at that time. So again, I urge my colleagues that today is the day, the moment has arrived, this is the time for reform and I urge you to support the bill. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I think that first, as far as going through a redistricting plan and through that whole timeframe, I don't think there's anybody on this Legislative body right now that was more affected by proposed plans than I was, and it's a long drawn out process, it involved a lot of public input. So I think to say that the actions of the Legislature were almost -- or that the implication is that not arbitrary and capricious because the implication here is that we're self-serving, I don't think that that's a good way to proceed with this debate on whether we're going to commit to a different way of doing things in Suffolk County or stay with the old way.

Also, I'll point out something that the Deer Park, Huntington areas that you just referred to. The history of that, you have to go back a long ways to find where that originated from. And to say that the last Legislative redistricting plan cut those communities up, that's completely off-base because that was a continuation of something that had been done years and years ago by both Democrat and Republican Legislators over the course of the year. So, you know, a little bit of history on where that came from should have been introduced with that statement, otherwise the statement to me is almost useless as far as convincing me one way or the other.

And I came in today with a fairly open mind I think on this, but some of the statements actually dishonor somebody that I respected very much and that's Maxine Postal. She presided over this Legislative body when we actually did the redistricting, she had a tough job to go through and she really -- she rose to the occasion as a Presiding Officer and I think she did an exemplary job of getting us through that period of time.

I also don't really like the implications of a threat or a take-it-or-leave-it type of attitude on legislation, because no matter what piece of legislation we've passed and that we've considered, it's not perfect. And to imply that, you know, this is a perfect piece of legislation when there is no timeframe that indicates that you have to pass it today and that there is absolutely not one drop of

harm that is going to be done to anybody that can be shown to me in tabling this at least one cycle, which is only three weeks away or something of that nature, that's just -- that's government by intimidation and I don't really think that that's fair to the people that we represent. And I think that's a bad attitude to come into a Legislative chamber where we are debating the future and really the fate of the people of Suffolk County and do it with those kind of threats and innuendo, that this has to be done today, a take-it-or-leave-it attitude.

I've held off, and I hadn't been contacted by you or anybody else from the County Executive and I held off on my comments until today because of the fact that I'm not on this committee. So if you're saying that all the comments and all the suggestions and everything else should have been in before this time, I think that's a very weak argument and that's a weak request. Because I think the way that we're structured in America, the freedom of speech and the open debate and the open debate that has been for ten years that I've been in this Legislative body, I think that it's healthy. Sometimes we don't like which way it's going, but I think it's always been healthy and I think it's always been healthy for the people of Suffolk County. Because the product that we put on the table and we put out there and approve, in the end it's really -- it is impacting their lives and the future. So to come in with an ultimatum, do it today, you know, take-it-or-leave-it type of thing, I don't think that's healthy at all and I don't think that's what the people have elected us to do, any of us, whether that be the County Executive or anyone here.

And I heard a lot of things today that are possibles to look into, whether they can be improved or whether they can't be improved or whether they should be improved, those are open, debatable questions. But to rush to do something in a timeframe that really is outside of reality, I can't see framing a debate with those type of pressures and the implied threat on something that really has no bearing on reality as far as a timeframe.

P.O. LINDSAY:

Thank you. Legislator Mystal.

LEG. MYSTAL:

Last comment, a short comment, Paul.

P.O. LINDSAY:

Quick.

LEG. MYSTAL:

Quick. I read this piece of legislation, you know, I have it in front of me; nowhere in this bill does it make me feel assured that somehow the two majority/minority districts that we have presently in Suffolk County will survive, because nothing in there says that those two -- that we should create minority/majority district, nothing.

D.P.O. VILORIA-FISHER:

No, that's Federal Law.

LEG. MYSTAL:

It's a Federal Law, I know that, but there is nothing in there that says -- no, the way we have constructed them, there's nothing in there that guarantee that those two districts will survive.

P.O. LINDSAY:

Okay, we're going to vote. We have a motion to table before us and we have a motion to approve. Mr. Clerk, would you call the roll on tabling first.

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

MR. LAUBE:

Yes, sir.

LEG. LOSQUADRO:

Yes to table.

LEG. MONTANO:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

Yes to table.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes to table.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Thank you. Okay, so the tabling motion fails and now we need a motion to approve. We have a motion and a second to approve?

LEG. ALDEN:

Just on the motion, quickly.

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Just so I get it straight in my mind, we as a Legislative body appoint people to represent us on a redistricting panel, they come up with a plan and then they come back to us and we vote to either --

P.O. LINDSAY:

You have a right to vote it up or down, not change it.

LEG. ALDEN:

Just up or down.

P.O. LINDSAY:

Not change it. And if you vote it down, they have to do it again, bring it back to you, and if you vote it down a second time then it goes to a Second Master.

LEG. ALDEN:

Okay. And now the people that are going to be doing this for us instead of us doing it like we did last time, they can actually be Republicans, Democrats, Independents, Conservative Party.

P.O. LINDSAY:

I think the bill says that there has to be four people from each majority party; is that correct?

LEG. MYSTAL:

Yes.

MR. NOLAN:

Two major parties.

P.O. LINDSAY:

Two major parties.

LEG. MYSTAL:

Roll call.

LEG. ALDEN:

So the point is that those people, they're not going to act in a partisan manner. Maybe I'm being naive, but, you know --

LEG. HORSLEY:

They're Judges.

P.O. LINDSAY:

Well, see, the other possibility here -- and I think it's a distinct possibility being that there's an even amount of people on the panel, there's eight people and you need six, you need three-quarters to forward a plan -- is that it very well could happen that the commission could be deadlocked.

LEG. ALDEN:

Right. Well, then my question goes to Legislator Montano; how old will your daughter be in 2010?

LEG. MONTANO:

Thirty-four.

LEG. ALDEN:

Is she going to be around? Because that's the other thing; we're going to end up with a master --

LEG. MONTANO:

Well, she'll be 34, so we have time.

P.O. LINDSAY:

It could very well go right to a master.

LEG. ALDEN:

So there's really no plan to then just cut out all the -- I mean, because this just seems like we're substituting a little bit of a twist of something that we do right now for what?

P.O. LINDSAY:

Well, I believe the premise here is that the people that are running for office are taken out of the process and it's done by neutral parties.

LEG. ALDEN:

They're not really neutral, so just different parties that will be neutral in a different way.

P.O. LINDSAY:

I guess so.

LEG. ALDEN:

Okay. Well, I just wanted to understand what I'm going to vote on or not vote on.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. I'm going to ask for one more clarification, too, I guess, based on what Legislator Alden was just asking. Because I want to make sure that I understand this as far as the qualifying language for appointees. The two majority parties; presumably, Counsel, at this point that's Republican and Democrat.

P.O. LINDSAY:

Right; we'll hold the meeting in the geriatric center.

LEG. KENNEDY:

Right, but that's not Conservatives, it's not Working Families Party.

P.O. LINDSAY:

No.

LEG. KENNEDY:

It's not Libertarians.

P.O. LINDSAY:

No.

LEG. KENNEDY:

It's not Right-to-Life, it's not any of the other recognized parties that are out there.

P.O. LINDSAY:

No, unless they capture the top two spots in the Governor's race.

LEG. KENNEDY:

To me it sounds like it is democracy flipped upside down.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Any other comments before we vote on this?

LEG. MYSTAL:

Let's vote.

P.O. LINDSAY:

All right, let's go, roll call on approval.

LEG. MYSTAL:

Roll call on approval.

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

LEG. COOPER:

Yes to approve.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. CARACAPPA:

Pass.

LEG. BROWNING:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

No. Abstain, change that to an abstention.

LEG. MONTANO:

Change mine to an abstain also.

LEG. LOSQUADRO:

Abstain.

LEG. CARACAPPA:

Abstain as well.

LEG. BROWNING:

Abstain.

LEG. ALDEN:

You can tell it was an election year.

LEG. KENNEDY:

Let's make it unanimous, Mr. Clerk, I'll make mine abstain.

MR. LAUBE:

Eleven (Abstentions: Legislators Mystal, Alden, Montano, Losquadro, Caracappa, Browning & Kennedy).

P.O. LINDSAY:

Okay, *1192-07 - Authorizing certain technical corrections to the 2007 Adopted Operating Budget for certain contract agencies (Mystal)*.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal.

LEG. CARACAPPA:

Explanation.

P.O. LINDSAY:

Do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Explanation, Counsel.

LEG. MYSTAL:

Ah -- go ahead.

P.O. LINDSAY:

Okay, you want to explain it? Legislator Mystal.

LEG. MYSTAL:

Yes. The money was given to an agency that occupied a building that is -- that they're leasing from the State -- from the County and the heating system went out, so put up the funding that they have, we're going to repair the heating system.

P.O. LINDSAY:

So it's money that's already been appropriated that's being reallocated for a different --

LEG. MYSTAL:

To fix the heating system.

P.O. LINDSAY:

A different purpose or a different agency?

LEG. MYSTAL:

No, same agency. The building heating system went out and the County is going to repair it, but we -- they're going to pay the County; in other words, the money they were going to get from the County they're returning back to the County for the County to be paid.

P.O. LINDSAY:

Okay, and the County is going to repair it.

LEG. MYSTAL:

Eleven thousand dollars.

P.O. LINDSAY:

Who asked the question; does that satisfy you? Who asked that question?

LEG. CARACAPPA:

Yeah, that's good.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. ***1201-07 - Authorizing certain technical corrections to the 2007 Adopted Operating Budget (Hope For Youth, Inc..) (County Executive).*** Do I have a motion?

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. MYSTAL:

Wait, hold on. I take the motion back because I don't know --

P.O. LINDSAY:

Okay. I'll make a motion to approve for the purpose of discussion.

Do I have a second?

LEG. D'AMARO:

I'm second, Mr. Presiding Officer.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Do we have -- I see budget there; would you explain to us what this is?

MR. KOVESDY:

Yeah. Hi, good afternoon.

MS. ORTIZ:

The mike's not on.

MR. KOVESDY:

When the Adopted Budget was presented, the Budget Office in error placed 12 -- placed money in

the wrong account. Hope For Youth is fully funded at a hundred percent, the additional money is for overflow, if there are additional beds that are needed throughout the County. We don't know who's going to need the beds, so we put the money in the 456 Account, Fee-For-Service. We should have done that when we presented the recommended budget, we were in error so we're trying to correct an error we did.

P.O. LINDSAY:

So it's a technical correction.

MR. KOVESDY:

Yes, it is, sir.

P.O. LINDSAY:

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

LEG. MYSTAL:

I'm just abstaining on that because I'm not sure.

P.O. LINDSAY:

Okay. Everybody else all right? Okay. Call the vote, Mr. Clerk.

MR. LAUBE:

Seventeen (Abstention: Legislator Mystal).

P.O. LINDSAY:

And you have one abstention, you got the abstention?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1244-07 - Amending adopted Resolution No. 377-2005 (Browning). Legislator Browning, what's your pleasure?

LEG. BROWNING:

I'll make a motion to approve.

P.O. LINDSAY:

To approve. Do I have a second? 1244, we're on Resolution 1244, page 10.

LEG. BROWNING:

Yes, motion to approve.

P.O. LINDSAY:

Do I have a second? Do I have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation. Legislator Browning, do you want to explain or do you want counsel to?

LEG. BROWNING:

I will ask Counsel to do it right now.

P.O. LINDSAY:

All right, let -- go ahead, Counsel.

MR. NOLAN:

This is correcting a resolution we did last year, it's a 72-h Transfer to Brookhaven. The original resolution said department, it should say -- well, the property is openly meant for Mastic Beach Fire District, the original resolution said department, we're correcting that. We're also deleting the language that said that the district had to use the property for a garage, we're deleting that language, now it's for their general purposes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1260-07 - Authorizing the issuance of a certificate of abandonment of the interest of the county of Suffolk in property designated as Town of Brookhaven (SCTM No. 0200-298.00-04.00-027.000; 0200-958.00-09.00-001.000; 0200-958.00-09.00-002.000; 0200-958.00-09.00-003.000; 0200-958.00-09.00-004.000; 0200-958.00-09.00-005.000; 0200-958.00-09.00-006.000; 0200-958.00-09.00-007.000; 0200-958.00-09.00-008.000; and 0200-958.00-08.00-043.000, pursuant to Section 40-D of the Suffolk County Tax Act (Alden).* Do I have a motion?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

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

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Who made the second?

LEG. KENNEDY:

I made the second.

P.O. LINDSAY:

Legislator Kennedy second. Yes, Counsel, you want to address on this?

MS. LOLLIS:

Yes, thank you, Mr. Chairman. Gail Lollos, Deputy County Attorney.

We just wanted to bring to your attention some legal concerns concerning these parcels.

First of all, the County took the tax deeds on this 27 years ago. These parcels were before you last year on an application to redeem, that was determined to be untimely; the County Executive ended up withdrawing that bill. It's now coming before you again by way of a Certificate of Abandonment. Procedurally it doesn't qualify for a Certificate of Abandonment, they didn't follow the proper procedures, they didn't follow -- file an application with the County and provide proof of invalidity of the sale to the County.

Secondly, there were certain concerns that with the delay of this law, are we opening up the door to other people coming in now because we have refused to -- whether it be issue a Certificate of Abandonment or permit somebody to redeem under the law, is this now if we open the door to that. Under the law, we have looked at it, the service of the notice predated the Mennonite case. We believe -- we have looked at the service, we believe that it will withstand challenge if the prior owners sought to pursue their rights in court. There's a conclusive presumption of the validity of the transfer including notice if there's no challenge within the three years. Even though the courts -- I haven't seen the cases where there have been many exceptions to that, a delay of 27 years I certainly don't think the courts would uphold.

P.O. LINDSAY:

I'm sorry, I just needed a little recollection; this is the case that we heard about earlier this morning. This was where someone from the Executive Branch sent a letter to these people asking them to remit back taxes or something, and they followed through with the request from the County?

MS. LOLLOS:

Somebody from Real Estate, I don't know if it was last year or the year before, had sent a notice to -- whether they found family members or an Executor of the estate, ended up sending notice to them again. Even though it may have been the best of intentions, even though they did that and they did that in error, that still does not bind the County, he cannot bind the County to that; this conclusive presumption would still survive that. But yes, that's what happened, he sent something to -- and again. I don't know if it was the Executive or reached somebody. When we sent notice we sent it to the last reported owner -- and I say we, it was the County Treasurer that sent the notice -- that was sent back. We found the name of an attorney that had represented this woman, we sent notice to that attorney, that did not come back, and then the County ended up taking the property.

P.O. LINDSAY:

So when did we take the property actually?

MS. LOLLOS:

Nineteen eighty. And just for the record, and I know there have been -- I understand what, you know, the arguments are pro and con for you to consider. The one thing that the County has never been provided, even though there has been a person representing these people saying that they have never received any notice of this, there's never been anything presented to the County that the Executor or any family members did not know that this woman owned this property at the date of her death, and I think that's important.

LEG. NOWICK:

I have a question.

P.O. LINDSAY:

I still am troubled by a representative of the County sending out the notice that started this chain of events, which certainly I would think would open us to litigation on that part, right? I mean, if the notice wasn't sent from Real Estate I don't think it would be an issue at all.

MS. LOLLOS:

And we certainly appreciate that concern and we're not saying that it's not a concern. We have

done legal research on it, we believe that we would withstand any challenge based upon that. Obviously it is a concern, but we think legally we would withstand any challenge.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

How long has this property been in the County's name?

MS. LOLLOS:

Twenty-seven years, 1980.

LEG. ALDEN:

So we've been paying all the local taxes, municipal taxes, school taxes, fire department taxes for twenty something years. Why haven't we deeded this property out to an organization, a not-for-profit for affordable housing? And I know the answer.

MS. LOLLOS:

I don't know. I could tell you from looking at the record from last year when this was being discussed, Ms. Zielenski, then the Director of Real Estate, had indicated there had been a moratorium so they could not transfer these properties for a particular amount of time.

LEG. ALDEN:

Is this property subject to any of the lawsuits that are prohibiting us from conducting -- or was it included in any of the auctions in the past that are the subject of lawsuits?

MS. LOLLOS:

I think -- that are the subject of lawsuits? I don't believe so.

LEG. ALDEN:

No, so we're not under a court order, you know, not to dispose of these properties or any such thing.

MS. LOLLOS:

Absolutely not.

LEG. ALDEN:

Okay. But for twenty something years we paid all the local taxes and we did nothing with this. We didn't try to return it to the taxpaying status that it should have been. This is not property that we want to accumulate for open space or water protection or anything like that, so we sat on this for twenty something years, which leads me to believe that maybe we've got a little bit of a problem with title. So I went further and I called up a title agency and they called up and they said that they probably -- not probably, they would not insure title on this because of Mennonite and because of the notice; well, not a violation, but a lack of notice to the prior owners.

So my whole point in bringing this forward is to stop the waste of taxpayer's money, let's return these parcels to the tax rolls, and possibly, if we can get it into affordable housing programs, that would be a great solution to the problem. But sitting on these properties, and I suspect that we'll do that for the next 20 or 30 or 40 years, is not right to the taxpayers, it's not right to the people that actually put a deposit in, a substantial amount of money to the County Attorney's Office. So how much money are you holding, 50, 60,000?

MS. LOLLOS:

I believe it would be the Department of Real Estate, we don't have it.

LEG. ALDEN:

Well, the Department of Real Estate, so we'll holding a check.

We haven't resolved this --

MS. LOLLOS:

I thought it was 5,000, but I could be wrong.

LEG. ALDEN:

Well, whatever it is, if it's a dollar, still, we're holding a check from somebody and we're not resolving the problem. So where is the plan to resolve the problem? If we defeat this, and that's what you just advocated for, we defeat this piece of legislation today, the taxpayers in Suffolk County will continue to pay the taxes on this property while it sits in our inventory and does nothing.

MS. LOLLOS:

We're bringing the legal concerns to your attention, we're not advocating one way or the other for it. This property can be auctioned and then we --

LEG. ALDEN:

Well, why wasn't it then for 20 years?

MS. LOLLOS:

I believe there was at one point an auction, I would have to defer to the Real Estate people, and it had fallen --

LEG. ALDEN:

Nineteen years ago I think they tried to auction it.

MS. LOLLOS:

-- through or something like that.

LEG. ALDEN:

Nineteen years ago they tried to auction it, but there was a problem with the title so they really didn't go through with the auction.

MS. LOLLOS:

And I understand. But again, it's the --

LEG. ALDEN:

This is a waste of taxpayer's money.

MS. LOLLOS:

It's the debate and it's a debate that this body has had before between insurable title and marketable title.

LEG. ALDEN:

Right, and these people can step up to the plate today, they could pay the County so we can put money into our coffers, it will go back on the tax roll as of the day that you close on the property and it will probably end up in the hands of a not-for-profit -- because that was the representation that was given to me, that they're looking to put it in the hands of a not-for-profit -- and it will end up as affordable housing. So unless somebody comes up with a better plan, I would hope that maybe we'll look at this.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I'm just trying to understand. Did you not hear from the relatives of the deceased for 27 years?

MS. LOLLOS:

Twenty-six years, I believe it was. It wasn't until last year that they first contacted the County.

LEG. NOWICK:

So --

MS. LOLLOS:

As far as my review of the file, I believe that's when it was, 2006.

D.P.O. VILORIA-FISHER:

Because they got a letter from us.

P.O. LINDSAY:

Because we contacted them, we contacted them.

D.P.O. VILORIA-FISHER:

Because we sent them a letter.

LEG. NOWICK:

So what I'm trying to understand is the taxes were paid up until the day she died, this woman; probably, right?

MS. LOLLOS:

Yeah.

LEG. NOWICK:

Okay.

MS. LOLLOS:

They had gone delinquent before, but yeah, it's been paid.

LEG. NOWICK:

So then she dies, the taxes are not paid, the Tax Receiver of the town sends out a bill, the bill probably comes back, nobody finds the woman, they don't know why it came back,

MS. LOLLOS:

They send --

LEG. NOWICK:

Nobody knows her, there's no relatives at the time, nobody ever discussed it. Nobody knows she owns the property, was that how it worked?

MS. LOLLOS:

Without looking at the probate file, she died in Florida, they sent it to the last address there. I could only speculate that the family knew that she owned this property but didn't come forward, but again, I can't say that as a matter of fact without actually reviewing those probate files.

LEG. NOWICK:

So then it goes to the County Treasurer, the County Treasurer three years later, blah, blah, blah.

MS. LOLLOS:

And then it gets transferred to the County.

LEG. NOWICK:

So when the County owned the property, were there -- there were no -- there were no taxes

accruing, were there? I mean, do they pay school taxes?

MS. LOLLOS:

They have to still. The County, when we take these properties, they still pay the taxes to the individual towns.

LEG. NOWICK:

They still pay taxes. So this -- and I'm trying, you have to just forgive me, I'm trying to understand. So now the family 27 years later comes through and says, "Oh, by the way, we would like to take the property back," but the County really -- it's not property that, according to Legislator Alden, that County really wants.

MS. LOLLOS:

I can't speak to that.

LEG. NOWICK:

Is it anything that is worth preserving or worth keeping?

LEG. ALDEN:

Well, it doesn't fit in to our -- any of our Open Space Preservation Programs, any of our Water Preservation Programs or Purification Program. So I'm at a loss to understand why for twenty something years we're paying all the local taxes with the taxpayer's money of Suffolk County and holding this stuff in inventory. We didn't even off it to any not-for-profits to build affordable housing on it, we didn't offer or bring on an action to acquire title, which we could have done for the past 26 plus years, we haven't done anything. So what it looks to me like, we're going to sit with it forever for no purpose.

LEG. NOWICK:

But this legislation now, the family wants to buy it back, or take care of -- is there -- do we know how much it will cost them to buy it back, to pay off all back taxes?

MS. LOLLOS:

Off-hand, I don't know.

LEG. NOWICK:

Well, they would have to reimburse the County.

MS. LOLLOS:

Fifty thousand.

LEG. NOWICK:

Fifty thousand? And then --

LEG. ROMAINE:

They've already paid it.

LEG. BARRAGA:

They paid it.

LEG. NOWICK:

They paid it.

LEG. ROMAINE:

Yeah, they paid it already.

LEG. MONTANO:

You always pay in advance.

LEG. NOWICK:

Well, no, the County has been paying it.

P.O. LINDSAY:

No, but the family has given us \$50,000 we're holding.

LEG. ALDEN:

In escrow.

P.O. LINDSAY:

In escrow.

LEG. NOWICK:

Okay, all right. All right, so it's just a matter of us saying yay or nay.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

Right, that's right.

LEG. ALDEN:

Unless if Paul has -- if you've got another plan, I'd be more than happy to table this.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The County owns the property, the property -- I have no idea what the value is right now, but there's no legal authority to transfer the property back. But think about it, what you're giving back, what you're giving away is the value of the property; if the property is worth a quarter of a million dollars, you're getting --

LEG. ALDEN:

And Paul, that's not my problem.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Let me finish.

LEG. ALDEN:

You know what my problem is? My problem is we've been paying taxes on this for all this length of time with no plan for this property. So why is there --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, it would go on the auction block except for the fact that there was litigation tying up our auctions for the last, you know, two and a half years. I can't speak --

LEG. ALDEN:

Not for 20 years, though.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- for the previous administration, I can't speak for previous Directors of Real Estate, I can't speak for people that, you know, preceded us coming in to office in 2004. But I'll tell you right now that if this is voted down, two things will happen; the money that was deposited by the individuals will be returned to them and the property will go on the auction block. We can now go back to auctions because we were successful in the litigation.

LEG. ALDEN:

Okay. What are you going to do about title then? There's not marketable title Suffolk County doesn't hold because we can't get past the notice, we did not notice these --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I --

LEG. ALDEN:

The woman who ended up dying after we took her property.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I don't agree with the Civil Servant who made the statement about marketable title. The County is a large County --

LEG. ALDEN:

But Paul, logically -- no, if you look at it logically, why did the County hold on to this property for 27 years?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The previous administration did a lot of bizarre things. There were --

LEG. ALDEN:

You didn't include it in the last auction either.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

There were 16 properties, as you recall, that we had to put up to auction in 2004 because the previous administration didn't want to have controversy with any people that owned property that had even the slightest kind of contention. If you recall, in May of 2004, this administration took properties that sat on a shelf for the previous 16 years in some cases --

LEG. ALDEN:

How about this one then? You didn't do this one, though.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- and put them up on the auction block. So you're asking me why did nothing happen for 20 years; go ask Bob Gaffney. I don't know, I can only speak for the last three years.

LEG. ALDEN:

Okay, now I'll ask you. I'll ask you, in 2004, why didn't you put this on the auction block?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Because -- I just explained to you.

LEG. ALDEN:

There was no lock on it.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I just explained to you, we haven't been able to go to auction for two and a half years because of the lawsuit.

LEG. ALDEN:

Okay. How long have you been in as a Deputy, Chief Deputy County Executive?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Three years and three or four months.

LEG. ALDEN:

Okay, prior to that two years then, you said that there's court action, why wasn't this auctioned in that period of time? It's pretty simple.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

There was a request made for a redemption, the redemption request was turned down, that chewed up the first period of time. So maybe that would have been the first year. We've been, for the last two and a half years, unable to do an auction.

LEG. ALDEN:

So it took you over a year and a half to tell people that, "No, by law you can't redeem this"?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right. But you know what, I did the 16 that the previous administration let sit there for 16 years.

LEG. ALDEN:

You didn't bother doing these, though.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So you know what, I did 16 out of 17.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

I'll find some others, though.

P.O. LINDSAY:

Legislator D'Amaro; I see you's all, I've got a list.

LEG. D'AMARO:

All right, just very briefly. Thank you, Mr. Presiding Officer. I just want to see if I can bring a little clarity, if not to your mind, maybe to mine.

We did hear this before the Ways & Means Committee and the gentleman who had sent the notice actually appeared before the committee. The way I see the chronology, what I'm hearing from our Counsel is that the notice that was given and that was supposed to be given at the time, going through the normal procedure at the time back in the 80's, was sufficient under the case law at that time and under the pending legislation at that time. We also heard that when the County employee who took it upon himself to unilaterally make a decision after, quote, looking through the file, which was the testimony to the commission, to send this letter, we've heard that that does not bind Suffolk County. It does not reopen anyone's right as a resident of this County to redeem their property. That notice was sent by someone who made a unilateral decision to send the notice and we don't know the motivation for sending that notice.

The interesting part, though, is what the proponents of this bill are saying. That here we are 26 years later and everyone else that got denied their property in those 26 years because of a three year statute of limitations that required you to challenge the notice within three years, they can't get their property back but this person can, and I have a real problem with that. That's why we have statute of limitations on the books, because these are hazy, cloudy, foggy issues that took place 26 or 27 years ago and what the law requires is those issues must be litigated within three years of those facts occurring. Do we have a factual dispute of that notice? I'll concede that we might. But that factual dispute needed to be resolved 24 or 25 years ago, that's the rules that every single

other person that's lost their property in this County has abided by and played by.

Now, here we are today saying let's make an exception to this because a County employee without authorization sent a notice that our Counsel tells us doesn't bind us and we're going to give away property that far exceeds the value of the redemption value. And if you want to talk about protecting the taxpayers of this County, then this property, as the Deputy County Executive has just said, should go to auction because it's going to bring in far more, far more than the \$50,000 or so that's being requested by the proponents of this bill. So I would urge you to defeat it. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I listened very carefully at the committee meeting, I heard Wayne Thompson, who has been doing this for 30 years, tell me that this property could not get insurable title. I heard that we mailed to the lady her tax bill and it came back and no one attempted to find out why and she had died. I heard that it sat in limbo for many, many years. Then for some reason, God knows what, Real Estate contacted, finally made contact with her attorney or the attorney of her trust or the attorney of her relatives and they got in touch and they came back and they gave us \$50,000. Why would we even accept \$50,000 if we weren't going to allow the redemption of this property? It makes no sense to me.

All I know is that from the get-go, we erred in not following up in giving constructive notice to the estate. We did not attempt to contact the attorney for the estate, we did not try to make any attempt to find out who it was. This is no fault on the people that are here now, but the bottom line is from that error springs all the rest.

Our choice now is to make a wrong situation right. They have offered to pay all the back taxes that are due, that's where the \$50,000 comes from. These properties are in North Bellport; North Bellport is a community that has depressed property values for a variety of reasons. This is not luxury property, by any stretch of the imagination. I did not see what the problem was, I don't think the majority of the committee saw what the problem was in righting this wrong and that's why we passed this out of committee. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Chair, I guess I'm going to ask, if I can, to ask Ms. Costigan to speak to this matter? I recall meeting with her in my office on this matter last year and I know that she knows this matter in detail, and particularly some of the issues and particularly the Suffolk County Tax Act and when, in fact, the three year limitation commences. And I believe valid notice is a condition precedent, but I'm putting words in your mouth.

P.O. LINDSAY:

I'm going to -- you know.

LEG. ALDEN:

She's an advocate, I don't think that's fair.

MS. COSTIGAN:

I can give you just --

P.O. LINDSAY:

I'd rather not get into it, if you don't mind.

MS. COSTIGAN:

Do you want an answer to Ms. Nowick's question about what the property is -- I mean, we have ten 50 x 100 lots, she asked what property was involved factually; I can tell you that.

P.O. LINDSAY:

Okay, that's fair. Thank you.

LEG. KENNEDY:

Okay, thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

For those that didn't hear me the first time, I want to make real clear what the intent of this is.

For twenty something years we've been wasting taxpayers money. This is an attempt to either move these things out one way or another, to bring this to a head. I'm not advocating doing away or ignoring the law, I'm not advocating giving somebody a gift or disrespecting anybody that had their property taken away from them for the past 27 years. Because by the way, that includes me; the County actually took some property that I own and that's about 27, 30 years ago.

This is a very simple matter. We've sat on this and if you look at it in a logical vein, there was a problem, there was a reason why the County didn't sell these properties over the past 20 something years, and that is possibly that they've got bad title. So to clear title up to sell it, or if you sell it with bad title, the price that you get for it is going to reflect that value, because then you can offer them, what, a quick claim deed? Which gives whatever title the County might have had and people are going to pay virtually nothing for a quick claim deed on these parcels.

So one way or the other -- and I don't care, you want to table it? If you come up with a better solution than what I've tried to come up with to get these properties back on the tax rolls, come up with a better solution. But sitting on something for 27 years and through one administration after another administration, right to the current administration, without a plan to move these back on to the tax rolls, that's unfair to the taxpayers, it's unfair to this Legislative body. So whatever way we want to dispose of this, but I want to be clear on my motives behind this and I don't want my motives twisted and I don't want words put in to my mouth where I'm going with this. So I just want to be very clear on that.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Bill, just very briefly.

LEG. NOWICK:

Just quick, I'm sorry.

P.O. LINDSAY:

Didn't we talk about this enough, really? Come on, guys.

LEG. NOWICK:

I just want to ask one question.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

The people that -- the relatives that want the property back, are these her children or distant relatives?

LEG. BROWNING:

Great nephew.

LEG. ALDEN:

I believe it's siblings.

LEG. BROWNING:

No, great nephew.

LEG. ALDEN:

No, it's actually got to be children.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, Mr. Presiding Officer, just very quickly. Legislator Alden, through the Chair, I don't mean to question that you have motives that are disingenuous, I was just merely making my points. And I agree with you that on a -- I can't answer for what happened for the 30 years before I got here either. And I agree with you, going forward there should be an auction of this property, there should be a plan put in place, but I stand on the arguments of what I made in the past -- just before.

And I also want to point out that as far as, you know, insurable title or bad title, you know, we as attorneys, especially if you're involved in real estate, you run up against that all the time. And it's very, very simple to bring an action to acquire title, which the County has the resources to do, it would not be an expensive proceeding. And our Counsel is advising us that they would prevail in that action, so I think we -- I think we have marketable title or insurable title now.

The gentleman that testified before the committee was making that conclusion based on his own 30 years of experience; well, I have less than that, I have about 22. And if I'm wrong, well, there's a remedy, but the remedy certainly isn't in my mind to ignore a statute of limitations that required this entire debate to take place 24 years ago. Thanks.

D.P.O. VILORIA-FISHER:

I just have one more question, I'm sorry.

P.O. LINDSAY:

No, this has got to be -- come on.

D.P.O. VILORIA-FISHER:

It's a short question. I find this a very complicated bill. You're the Chair of Ways & Means, Lou?

LEG. D'AMARO:

I am.

D.P.O. VILORIA-FISHER:

Why did the County official send out that letter?

LEG. MYSTAL:

They don't know. They don't know.

LEG. ALDEN:

Take the money.

LEG. D'AMARO:

Well, I --

D.P.O. VILORIA-FISHER:

No, I just want to know what prompted him to send that letter out.

LEG. D'AMARO:

Through the Chair, if I can just respond. I don't exactly know the answer, I know that issue came up and the answer that we received was that the gentleman who was responsible for this file reviewed the file on his own initiative and took it upon himself, without consultation with anyone else, to send out the notice. And I asked the question in the committee, "Well, is that standard operating procedure? Tell me, how many times have you done that in the last year, the last five years, the last ten years", and I got a non-response to that answer.

So I don't know what the motivations were and I don't want to put words in people's mouths, but what I do know is our Counsel is telling us the motives are irrelevant. The fact of the matter is that that unilateral act does not open up your opportunity to redeem or bind the County; and if it did, I think there would be a lot of other angry people out there who would say they want that same bite at the apple.

D.P.O. VILORIA-FISHER:

But it is what opened up the hornet's nest. It is what alerted the family?

LEG. D'AMARO:

Well, it created, it created an issue we're talking about here today, but I don't think it's an issue that defeats the County's objective of maximizing its income through auctioning this property.

MS. COSTIGAN:

Ms. Viloria-Fisher, Ms. Zielenski went on the record and testified as to why she sent the notices out; it's the in the minutes of the Ways & Means Committee if you'd like a copy of it. She said that when -- at the time it was found -- she tried to put the property on auction; "At the time it was found that the notice that was given was not sufficient for it to be insured, we were unable to dispose of the properties without giving the notice that they require. So the notice was given to the estate of the deceased owner of the property who responded in a timely manner and filed the necessary paperwork to provide the redemption of the properties." That was before the Ways & Means Committee March 9th, this is a copy of the minutes.

P.O. LINDSAY:

Thank you. Okay, do we have a motion and a second?

MR. LAUBE:

Yes, you do.

LEG. MYSTAL:

What is the motion?

P.O. LINDSAY:

The motion is to approve this resolution?

MR. LAUBE:

Yes.

LEG. MYSTAL:

I'm going to make a motion to table this.

LEG. MONTANO:
Second.

LEG. ALDEN:
I'll second it.

LEG. ROMAINE:
We'll be back at this again.

P.O. LINDSAY:
So the sponsor is going to make a motion to table as well?

LEG. ALDEN:
No, no, he's -- I'm seconding Eli's motion to clear up a couple of the points that have come up.

P.O. LINDSAY:
Okay, but you're still sticking with your approval resolution.

LEG. ALDEN:
Yeah, so if the tabling motion fails, then --

P.O. LINDSAY:
Okay. Motion and a second on tabling; roll call.

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

LEG. MYSTAL:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Pass.

LEG. D'AMARO:
On the basis that the sponsor would like to table, I'll vote yes to table, sure.

LEG. STERN:
Yes to table.

LEG. HORSLEY:
Yes to table.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No, we should vote it up or down.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

16 (Opposed: Legislators Barraga & Romaine).

P.O. LINDSAY:

I don't know why we didn't do that an hour ago.

LEG. MYSTAL:

I was talking with my daughter, that's why.

P.O. LINDSAY:

IR 1290-07 - To amend Resolution No. 683-2006 (Schneiderman).

Legislator Schneiderman, what is your pleasure on this?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Legislator Schneiderman, you want to give us a brief explanation, or should I get it from Counsel?

LEG. SCHNEIDERMAN:

No, no, that's fine. No, we recently added additional members to the Solid Waste Management Commission, so this just basically amends the quorum.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

And then also, the County Executive actually signed the wrong version of the bill. An earlier version had the Department of Energy covering the 45,000 cost, administrative cost, the bill we passed had Legislative funds covering that \$5,000 cost. I would actually prefer to see it by the Department of Energy, but it's a technical correction.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Memorializing Resolutions:

Memorializing Resolution No. 4-2007 - Memorializing Resolution in support of the Mature Worker Employment Training Program (Stern).

Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Only mature people go to this.

P.O. LINDSAY:

And the second is by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

P.O. LINDSAY:

Memorializing Resolution No. 5-2007 - Memorializing Resolution in support of tax abatement for residential real property owned by senior citizens (Stern).

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. COOPER:

Cosponsor.

LEG. MYSTAL:

Co.

LEG. D'AMARO:

Cosponsor.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

Who doesn't want to cosponsor it?

D.P.O. VILORIA-FISHER:

It's for the old people.

LEG. HORSLEY:

We love them.

P.O. LINDSAY:

Right, like me.

Memorializing Resolution No. 6-2007 - Memorializing Resolution in support of Life-Long Learning Centers within the New York State University System (Stern). Legislator Stern?

LEG. STERN:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

Everybody wants to cosponsor?

LEG. MYSTAL:

Everybody cosponsor.

P.O. LINDSAY:

Everybody, everybody.

MR. LAUBE:

Come around; who wants to cosponsor?

LEG. MYSTAL:

Everybody.

P.O. LINDSAY:

Memorializing Resolution No. 7-2007 - Memorializing Resolution in support of State legislation to establish a Statewide Intergenerational Educational and Mentoring Service Program (Assembly Bill a.5564 and Senate Bill S.3059) (Stern).

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Everybody want to cosponsor?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Cosponsor, sure.

P.O. LINDSAY:

Yeah, okay.

Memorializing Resolution No. 8-2007 - Memorializing Resolution in support of New York State Legislation to establish the Mature Worker Employment Training Program (Assembly Bill A.5565 and Senate Bill S.3058)(Stern). Didn't we do --

LEG. HORSLEY:

Yeah, we did that one.

LEG. MYSTAL:

No, this is the Senate.

LEG. COOPER:

Let's do it again.

P.O. LINDSAY:

It's similar but different. -- ***to establish the Mature Worker Employment Training Program (Assembly Bill A.5565 and Senate Bill S.3058)(Stern).***

LEG. STERN:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Two different versions; is that it, Legislator Stern?

LEG. STERN:

They are.

P.O. LINDSAY:

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

P.O. LINDSAY:

Everybody want to cosponsor?

LEG. MYSTAL:

Cosponsor.

LEG. SCHNEIDERMAN:

Sure, why not?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Memorializing Resolution No. 9-2007 - Memorializing Resolution in opposition of authorizing Statewide cable franchises (Romaine).

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table --

LEG. COOPER:

Second.

P.O. LINDSAY:

-- by Legislator Browning, seconded by Legislator Cooper.

Legislator Romaine, do you want to make a motion to approve?

LEG. ROMAINE:

I'll make a motion to approve.

LEG. ALDEN:

I'll second it.

P.O. LINDSAY:

Okay, and a second by Legislator Alden. Okay, any discussion?

LEG. MYSTAL:

Presiding Officer?

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

This resolution would transfer our ability to -- if it passes the Legislature, we are opposing that, it will transfer our ability to negotiate with cable, with Cablevision or any entity who wants to provide cable television in our locality.

What is happening, and I've had experience with that. For example, Verizon is moving in to the Town of Babylon and what they want to do is to pick up the areas where they think they can make money such as Amityville Village and ignore other areas such as Wyandanch where they don't think they can make money. This -- yes, that's what they're doing there. And also it will take away our ability to negotiate contracts with them -- not us, not the County, but the town -- and also take the money that the town makes away from them and give it to the State. And then the State will then allocate that money, whatever part they want, to the town. I think, you know, the bill in the Assembly is the wrong bill, I think we should oppose it.

P.O. LINDSAY:

Okay. Legislator Alden?

LEG. ALDEN:

Just to build a little bit more on what Legislator Mystal stated. In the Consumer Protection Committee, when this issue came before us, we actually passed around a letter that was signed by all the members of the committee, including the Presiding Officer, that we sent up to our representatives in Albany that opposed this type of legislation. And the feedback we got was that they're listening to us and they're looking to either table it or maybe even just kill that bill.

But Legislator Mystal is a hundred percent correct, this would take the ability of the local

municipalities to regulate the cable and to go into -- enter into agreements with any kind of providers for entertainment, video type of entertainment and it would bring it right up to Albany, including the franchise fees. And that's what we were -- we were fearful that it would exempt -- well, not exempt, it would just take out of the hands of the local towns, villages, the power to regulate the content and the service provision.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Yeah, I just wanted to add to those comments, and I spoke to Legislator Romaine at length about my concerns about this. I understand what he's doing. You know, the townships, especially out east, they rely heavily on those franchising fees, unfortunately right now it's only the monopoly Cablevision. What we need to do is make sure that we open competition by way of cable providers which has not been the case. Yes, Verizon is the only one that's trying to come in to certain areas, but townships have been dominated by Cablevision by way of lobbying to not allow those franchising -- the franchising to go forward to create the cable TV part of the FIOS Entertainment Package that they offer. So I think it's very important that -- well, I'm not supporting this because, again, this is Cablevision trying, again, to just wrap its hands around not only Albany's throats, but other local municipalities and just crush competition by way of cable TV.

D.P.O. VILORIA-FISHER:

You want to go back on the list? I put you on the list, Cameron, there are other people.

LEG. ALDEN:

Okay.

D.P.O. VILORIA-FISHER:

Legislator Romaine?

LEG. ROMAINE:

First of all, I want to thank Legislator Caracappa for calling me with his concerns, they are legitimate, I understand his concerns to encourage competition in the cable industry.

The reason I introduced this Memorializing Resolution is after attending a meeting of the East End Supervisors in May, there was grave concern. Currently towns and villages provide franchises for cable TV, They can negotiate things such as public access, which is very important to them, and also they get franchise fees out of this.

The proposal that Verizon is trying to do, apparently, is that Verizon finds great difficulty in dealing with all the municipalities that it took the years for Cablevision to deal with, and what they're looking for is a Statewide franchise that it would allow them to go anywhere in the State. The local municipalities, including the Town of Babylon, when we get their franchise fee, won't have any say in public access or anything of that nature. And as a result, the State would take that over, they would take the franchise fees and also would probably decide such things as what constituted public access.

For those reasons, I listened to my constituents and their representatives in the town and village level, I introduced this. That's not to say that Legislator Caracappa doesn't have a valid point, but essentially what Verizon is asking to do is to change the rules of the game, to have the State grant the franchises and not the local municipalities. I don't know how your town governments feel about it or your villages, but I've got to tell you, I've heard loud and clear from the east end how they feel about this.

So that's why this is before us, that's the issue in a nut shell.

And I deeply respect Legislator Caracappa's point of view, but Verizon is trying to jump the shark, so

to speak. Thank you.

LEG. CARACAPPA:

Could I just follow-up --

D.P.O. VILORIA-FISHER:

Okay, Legislator Caracappa.

LEG. CARACAPPA:

-- on that real quick? You know, if I had the trust from the townships that they were going to enter into agreements with another cable provider in good faith, then I'd feel much more comfortable about this bill. But a lot of towns have been basically bought off by Cablevision, they won't even entertain the franchising capabilities of another company.

D.P.O. VILORIA-FISHER:

Okay. Legislator Barraga.

LEG. BARRAGA:

Yeah, I guess my comments are pretty much in line with Legislator Caracappa with reference to this particular bill.

To the members that are aware, the State legislation itself is called a Consumer Cable Choice Act of 2007; the Consumer Cable Choice Act of 2007. Certainly I think it's a bill that's pro-consumer and forces competition in this particular area. The sponsor of the bill recently was a candidate for Attorney General of the State of New York, Richard Brodsky. I've known him for many years, he would never, never put an anti-consumer bill in. So I think you have to be very careful when you are sending a Memorializing Resolution against this particular piece of legislation.

I read the documents with reference to what has been put out, it was supposed to be an analysis of the bill, but it was a criticism, I think, by Cablevision against Verizon. Contrary to various reports, this bill protects all municipal power, saves the power to approve the franchise and sets the fees, public access and other social protections at a ceiling so that municipalities, community groups and other interested parties have the most progressive and comprehensive franchise possible. The GAO, the General Accounting Office and the FCC, the Federal Communications Commission and other studies show that the only State -- that only Statewide franchises cause rate reductions of 20 to 25%. In addition, towns, cities and villages will receive a 40% increase in payments from cable companies.

So, I mean, when you take a look at the bill, it's a pro-consumer bill, it's a pro-competition bill. The reality is Cablevision certainly is against it because they have a monopoly out here and have had a monopoly for years. How many years ago did we deregulate what cable companies could charge in the hopes of getting a rate reduction? And reductions have continued to increase year after year, they've gone through the rough, it's one of the common complaints you get from people in terms of what they're paying for cable.

I could see Cable's perspective, they want to inhibit competition, but this State legislation is a good piece of legislation and I like the concepts associated with it, it's moving the State in the right direction and it really doesn't hurt the municipalities.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Actually, just to correct the record on a couple of points. Cablevision is against this but so is Verizon because they feel it will stifle competition. Any municipality that I've talked to is rushing now to actually put into place a pro-competitive type of arrangement with a number of providers to beat the

possibility of this law ever passing because it's going to take the ability for them to craft their own agreement with any competitors out of their hands and centralize it in New York State. Plus the end result is the franchise fees absolutely get paid to New York State, so there will be one franchise that municipalities can opt into or opt out of and its going to standardize it so that the local control and the local, whatever you want to call it, tweaking or preference of inclusion or exclusion in an agreement, would not be available to be accomplished. So every group of cable provider, not just Verizon but Cablevision and any other cable companies that exist in the State, are actually anti this legislation because it would stifle competition.

P.O. LINDSAY:

Okay. Anybody else?

LEG. BARRAGA:

Just one thing.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yeah, just one quick comment with reference to Legislator Alden. I'm looking at the memo apparently that was sent out by the Cablevision people and they're saying, "The bill is unnecessary, Verizon has not even tried the streamline approach New York has already created. Furthermore, Verizon's proposal will eliminate local enforcement of consumer protections and allow Verizon to pick and choose which neighborhoods get its service." There's nothing in here indicating that, you know, Verizon opposes this State legislation.

LEG. ALDEN:

No, that's a -- you've reference a Cablevision communication. I had direct contact with Verizon, they came down to a hearing, they went on the record and they actually put on the record that they were opposed to that. And I believe that we've got other people that are sitting in the room right today that were on that commission that heard Verizon on the record -- and these are top-ranking Vice-Presidents of Verizon that are opposed to it because it would stifle competition on the local level.

LEG. BARRAGA:

All right, but why would Cablevision make that comment then?

LEG. ALDEN:

Because they're competing with Verizon. They don't -- they don't want to see competition.

LEG. BARRAGA:

But did a Cablevision representative attended the public hearing that you're taking about?

LEG. ALDEN:

Absolutely, they were there.

P.O. LINDSAY:

Take a mike, Legislator Barraga.

LEG. ALDEN:

They were absolutely there, too.

LEG. BARRAGA:

So they were there but --

LEG. ALDEN:

They both oppose this legislation.

LEG. BARRAGA:

Okay, but the memo seems to indicate something completely contrary. But if they were there, they didn't get the message that Verizon was also opposed to the bill, Cameron.

LEG. ALDEN:

The initial blush, first blush was Cablevision thought that this bill was dictated by Verizon because it would stifle their -- whatever you want to call it, their competitive advantage because they've hard-wired in a lot of communities. And after the testimony, and Renee was there and witnessed it also, I'm convinced that neither side want this type of legislation.

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

P.O. LINDSAY:

Maybe that's why we should vote it in then.

LEG. ALDEN:

If you want to take the power away from the local governments, then --

P.O. LINDSAY:

You know, the more you guys debate this, the more I think that we should table this for a cycle and get some more information on it.

LEG. NOWICK:

I agree, table.

P.O. LINDSAY:

All right? Does that sound all right? You want us to get skip?

LEG. HORSLEY:

Yeah, that's good.

P.O. LINDSAY:

Okay. We have a motion to table before us, as well as a motion to approve. Roll call on the tabling.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes to table.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

I'm going to pass.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

MR. MONTANO:

To table, yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

No to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

No to table.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay, that's tabled. We only got four Memorializing Resolutions left. At the rate we did that one, we'll be here for another three hours.

10 - Memorializing Resolution in support of holding school districts harmless from effects of workforce housing development.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any questions? No questions. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Do you want to abstain?

LEG. ALDEN:

Yeah.

P.O. LINDSAY:

What? One abstention.

MR. LAUBE:

Seventeen.

LEG. D'AMARO:

Excuse me, I'm going to abstain on that also.

P.O. LINDSAY:

Two abstentions.

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

List me as a cosponsor.

P.O. LINDSAY:

Okay. ***11 - Memorializing resolution in support of H.R. 1314 to provide that only certain forms of identification may be accepted by the Federal Government and financial institutions.*** Legislator Romaine, what do you want to do with this?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by who? Legislator Caracappa. All in favor?

LEG. COOPER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cooper.

LEG. COOPER:

Legislator Romaine, I had had some discussions with you regarding --

LEG. ROMAINE:

The amended copy, is it there? And we can vote on the amended copy today. Any reference to any particular institution was removed and the word "financial institution" was substituted.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Are we all right, then? All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Abstain.

LEG. MONTANO:

Abstain.

D.P.O. VILORIA-FISHER:

Abstain.

LEG. COOPER:

Abstain.

MR. LAUBE:

Raise your hand.

LEG. HORSLEY:

I'll abstain, too.

LEG. D'AMARO:

Yeah, me, too. And Stern.

P.O. LINDSAY:

Have you got enough votes to pass?

LEG. MYSTAL:

One, two, three, four, five, six, seven.

MR. LAUBE:

Twelve.

HOME RULE MESSAGES

P.O. LINDSAY:

Okay. Home Rule 3 - Home Rule Message requesting the New York State Legislature amend the Tax Law authorizing the County of Suffolk to exempt the purchase of any hybrid, fuel efficient, alternative fuel, "clean fuel", or electric motor vehicle from certain taxes.

LEG. LOSQUADRO:

Motion to approve.

LEG. COOPER:

Second. Motion by Legislator Losquadro, second by Legislator Cooper.

LEG. NOWICK:

Cosponsor, Tim.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. NOWICK:

Tim.

LEG. COOPER:

Cosponsor.

P.O. LINDSAY:

And anybody who wants to --

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Tim.

P.O. LINDSAY:

-- cosponsor, raise your hand.

LEG. MYSTAL:

All the tree-huggers, go ahead.

D.P.O. VILORIA-FISHER:

All the fools who don't want to pay three dollars at the pump and get eight miles to the gallon.

LEG. MYSTAL:

Use a bicycle.

MR. LAUBE:

Only one abstention? Seventeen.

P.O. LINDSAY:

H.R. 4 - Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red-Light Camera Program. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We go to CN's, red file. First *1245 - A Local Law to provide further guidelines and requirements for Suffolk County Contract Agencies*. This was -- we skipped over this in the agenda this morning. I said there was a CN coming, so I'll withdraw the one in the agenda, which was right in the beginning.

MR. NOLAN:

No, no, no, don't do that.

P.O. LINDSAY:

Don't withdraw.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

This is the same I.R. number. We just had to make one technical correction.

P.O. LINDSAY:

Oh, okay. Okay, okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So same number.

P.O. LINDSAY:

Okay. So, we'll just -- if we pass this, it makes the other one mute. All right. I'll make a motion.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor?

LEG. ALDEN:

This is for approval?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Can we just clarify a couple of the points?

P.O. LINDSAY:

Sure. You want to know the changes that were made?

LEG. ALDEN:

Well, actually, yeah, the changes would help, too. But there's a point that I think I raised it last time about all County contracts with -- "Contract agencies shall be for an amount of at least \$5,000." Does that limit our ability to contract with somebody to provide a study for, say, pollution of Lake Ronkonkoma that would only come in at, three, four, two, one thousand?

LEG. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

P.O. LINDSAY:

No.

LEG. CARACAPPA:

Yeah.

MR. NOLAN:

No.

LEG. CARACAPPA:

If you're giving it to a not-for-profit agency like the civic association, it's got to be \$5,000 or more, is what the bill says.

MR. NOLAN:

It has to be a contract where you're delivering services -- where a contract agency is delivering services directly to people in the County. So I think it would depend on the nature of the contract.

P.O. LINDSAY:

You know, for example, if the Health Department's putting out a contract for Band Aids and they have to buy \$2,000 worth, they can do that.

LEG. ALDEN:

Okay. As long as that's on the record that --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Absolutely, that was the whole point.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

And I want to thank the Presiding Officer for, you know, just cleaning up that wording on that bill.

LEG. SCHNEIDERMAN:

Bill.

LEG. ALDEN:

That might have been my only -- so the exemption is in the -- so this goes into the budget, and then the other contract agencies for district-specific services, that's a limit of 1,000?

P.O. LINDSAY:

Right.

LEG. ALDEN:

So this doesn't apply to those.

P.O. LINDSAY:

No.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

No.

LEG. ALDEN:

That clears the record up. Thank you.

P.O. LINDSAY:

Legislator Schneiderman, did you want to say something?

LEG. SCHNEIDERMAN:

No.

P.O. LINDSAY:

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

LEG. CARACAPPA:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. CARACAPPA:

Opposed.

MR. LAUBE:

Gotcha. Anyone else? Seventeen.

P.O. LINDSAY:

Okay. ***1323 - Modifying County policy in connection with medical providers in Suffolk County correctional facilities to conform to sound practices and prudent fiscal policy.*** Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I'm going to request advice from Counsel at this point. It's my contention that this resolution actually is void on its face. It violates 20 sub 3 of Municipal Home Rule Law. It's a resolution that's actually attempting to accomplish several disparate steps and it's in violation. I'll also say I object to it, because I don't believe it's our role to dictate medical policy. And I also think we need to hear from Insurance and Risk Management. But I'll ask Counsel to speak on the Municipal Home Rule compartment.

MR. NOLAN:

I actually did mean to speak to you before today about that issue that you brought to my attention. That section of Municipal Home Rule Law applies specifically to Local Laws first, and this is a resolution which is different under Municipal Home Rule Law, they are different.

Second, if there's a -- if there is a logical relation between the two separate items you're talking about, it is probably going to pass muster. I did suggest to the County Executive's people to at least change a title to reflect what the bill was doing, which was modifying a policy and also amending the Operating Budget. They've chosen not to do that. You know, it's -- because that section of the Municipal Home Rule Law only applies to Local Laws, it's probably okay. I think it would have been better if they changed the title.

LEG. MONTANO:

Are you done?

P.O. LINDSAY:

Who else had a question?

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Mr. Sabatino, I'm just trying to -- I'm reading this actually for the first time. But what is the purpose of the C of N, and why is this -- why does this have to be done now? I'm reading the C of N and it says you've reached agreement after the deadline for filing, but in time for an explanation at the -- what does that really mean? What -- give me the history of this. And why is it necessary that we vote on this now, as opposed to going to committee?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay. A year ago, the Legislature adopted a medical policy for the jail. The policy that was established in that resolution, which I believe was in reaction to one incident at the jail with respect to an individual who was accused of certain wrongdoing, was never given the opportunity, because he then committed suicide a day or two later to defend those charges, resulted in legislation that says that every time there is a nonemergency examination of an inmate in the jail, every time, you would have to have someone of the exact same sex as a second person present with the inmate. The problem is that that resolution did not provide for the funding of the additional people that you would need to provide for that second person to be present each and every time an inmate in a jail was receiving a routine medical examination.

The second part of the problem is that I think inadvertently, and speaking to Legislators over the past, you know, several weeks, if not month-and-a-half, is that I think the original intent somehow got lost in the wording of the legislation, because, in fact, this legislation that's on the books right now would go beyond in terms of privacy protection for an inmate, the protections that are provided in either the private sector, when you go to your "doc in a box" on a Saturday afternoon, or the health centers, you know, that the County runs. So the protections clearly go beyond what's currently being done in health centers and clearly what's being done in the private sector.

About four or five weeks ago, I had sat down with Legislator Schneiderman, who was the prime sponsor of the original legislation, to try and develop a way to get back to the original intent, which I believe was to deal with a situation where you had an inmate and you had a medical practitioner of the opposite sex to have the second person present. We filed the bill. In fact, the bill was in committee in a previous cycle. But with the give and the take, the back and the forth of trying to

get to the requisite level of staffing, because the old version of the law that's on the books right now would require at least eight people to be hired as chaperones, the cost of which would be about \$347,000 per year, was something we feel we could accommodate, and, clearly, the Legislators did not feel that, because they didn't fund that in the budget or in the original resolution.

So what happened was we mentioned at Public Safety last week, which was the prime committee, it was not the Health Committee, but the Public Safety Committee, that we would be coming forward with a CN. And I, in fact, faxed a copy of the bill to all 18 Legislators on Thursday afternoon, so that everybody would have an opportunity to review it between Thursday and today in anticipation of the CN.

So I'm happy to announce today that -- and, again, I want to thank Jay Schneiderman for taking the time. It really literally took four or five meetings, and literally I would say five or six hours to get to the point of getting the policy and the budget in line with what the original intent was. So what this resolution now provides for is that when you've got the routine medical examination situation, okay, which to me, that's like a sore throat situation, the routine situation where you have the medical provider is of the opposite sex as the inmate, so the provider and the inmate, opposite sex, there will be two categories. The first category is you're just coming in for the simple -- it's a cough or "I've got a fever", there you simply have a second person come in, does not, N-O-T, does not have to be a person of the same sex, and the inmate has the right to waive the second person. But in the second category, which is what I call the gender sensitive situation, that's where you're dealing with either, you know, genitalia, or a rectal inspection, or a breast examination for a woman. In that sensitive situation, then the second person, the chaperone would have to be of the same sex, and that cannot, N-O-T, cannot be waived.

So that's where we are. But you need to do two things, you need to change the policy to conform to what, you know, the private sector does and what the health centers do, and you need to provide the people to carry out that mission. The people carrying out the mission will be the jail attendance who will come off a civil service list, which already exists. There's roughly 38 to 39 people on that list. We'll hire off the list. The will cost half the amount of the \$350,000 that would currently be the responsibility of the County, and I think we've solved the problem. But, more importantly, I think we've gotten back to original intent, and we're not giving inmates more rights than people have in other situations.

P.O. LINDSAY:

Okay. We have a motion, Mr. Clerk, and a second?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Wait. CN 1323? Yes.

P.O. LINDSAY:

You're all set, okay. I'm going to try and do all in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

Got it.

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

We got one opposition.

MR. LAUBE:

Sixteen. (Not Present: Leg. Caracappa)

P.O. LINDSAY:

1326 - Designating May as "Lyme Disease Awareness Month" in Suffolk County. Legislator Romaine?

LEG. ROMAINE:

Yes, motion, please.

P.O. LINDSAY:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. No discussion? All in favor? Opposed? Abstention?

LEG. ROMAINE:

I'll bring back Eva.

LEG. SCHNEIDERMAN:

Cosponsor. Is this me? Tim, cosponsor.

P.O. LINDSAY:

1371 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Brightwaters Child Care and Development Center, Incorporated, doing business as Kiddie Academy of Brightwaters, the Community Program Center of Long Island, Incorporated, Kids Place Early Childhood Day School, Lazy Cow, Incorporated, doing business as Kiddie Care Early Learning Center, Rainbow Chimes, Inc., and the Wyandanch Day Care Center, Inc., Day Care Providers under contract with the Department of Social Services.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. Do I have a second?

LEG. BARRAGA:

Second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Barraga.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yeah. Mr. Sabatino, what is the reason why this is a C of N? I'm not sure I'm grasping.

D.P.O. VILORIA-FISHER:

They need the money.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Two reasons.

LEG. MONTANO:

No. But, I mean, why did it take so long? What impeded the process earlier that this can't go to committee?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Nothing impeded the process, but the day-care providers who apply for living wage money under a County Law have to file applications, so they filed applications sometime earlier in the year. The process was finally completed and verified after the last filing deadline. We only filed the Certificate of Necessity in deference to concerns that have been raised recently at the Social Services and Health Committee with respect to, you know, some of the cash flow problems that day-care providers are experiencing. If it doesn't pass today, it would go to committee and be at a following cycle. You know, that's okay, but we thought, given the fact that it's something that they've qualified for under a County obligation, because we've imposed a mandate to show the Living Wage compliance and to get the funds, that would be helpful to them while they're experiencing some cash flow problems.

LEG. MONTANO:

My only point is that most bills should go to committee, unless there's a compelling reason and, you know, this comes in at the last minute, but it's fine with me. Okay.

P.O. LINDSAY:

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

LEG. COOPER:

Tim, cosponsor, please.

MR. LAUBE:

Seventeen.

LEG. MYSTAL:

Co.

P.O. LINDSAY:

I.R. 1404 - Resolution amending --

MR. LAUBE:

That was 18 on that.

P.O. LINDSAY:

-- Resolution 1318, the implementing of taxes for the year 2006-2007, Discretionary, for the Town of Smithtown (Town portion of Tax Levy only). Do I have a motion by the former Tax Collector over there? Motion by Legislator Nowick. Do I have a second? Second, somebody in Smithtown.

LEG. BROWNING:

Second.

LEG. KENNEDY:

Second, second, second.

P.O. LINDSAY:

Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1405 - Amending Resolution 1319 (2006), the implementing of taxes for the year 2006-2007, Mandated, for the Town of Smithtown, Town portion of Tax Levy only. Same motion, same second, all right?

LEG. KENNEDY:

That's fine. I'm just going to ask Chief Counsel, if I can, because I believe that I have a resolution to do this that was laid in the packet. So I appreciate the fact that the Exec is acknowledging that it's important to go ahead and make the change and not lose another 30 days, so thank you.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

You're welcome.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1405 (1406) - Authorizing amended tax warrant for Resolution 1320-06 for the Town of Smithtown, to be signed by the Presiding Officer and the Clerk of the County Legislature.

MS. ORTIZ:

06.

MR. NOLAN:

1406.

P.O. LINDSAY:

1406, right.

MR. NOLAN:

You said 05.

P.O. LINDSAY:

No. Did I say 05? I meant to say 06. Okay. I'll make a motion.

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1414 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the acquisition, installation and modification of an E-mail Archiving System and Data Restoration.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion to by Legislator Horsley.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I know that I spoke to Mr. Sabatino about this earlier, and the copy that's in our packet has the Fifth Resolved Clause that talks about some of the security concerns that we brought up, but I'm wondering if it would be -- to Counsel or to Mr. Sabatino, either, would it be more appropriate to discuss some of the details of that in executive session?

P.O. LINDSAY:

Well, I was hoping -- I mean, this is to spend some money, so I don't feel comfortable doing that behind closed doors. It's an E-mail retrieval system. If you wanted to get in the reason why we need an E-mail retrieval system, that might be something that you could discuss in closed session, but, from my understanding, I think in the committee cycle there was a series of closed-door meetings on the need for this. But I don't feel comfortable, Legislator Losquadro, voting on spending money behind closed doors. It's a simple -- the motion is simply to spend money for an E-mail retrieval system.

LEG. LOSQUADRO:

Well, actually, it's twofold. It is to expend money to pay for a forensic recovery service for some of the tapes that were damaged that were in storage, and then secondly, to pay for a customized solution by which we can retrieve E-mails in the future, so it's --

P.O. LINDSAY:

Moving forward, right?

LEG. LOSQUADRO:

It's twofold.

P.O. LINDSAY:

Right.

LEG. LOSQUADRO:

So I will just say, in the accompanying backup from the Information Process Steering Committee, that the two points, one of which is codified in the Fifth Resolved of the bill, including levels of security that restricts unauthorized access to the archived E-mail I believe is important, and I'll ask Mr. Sabatino to comment on the existing Federal Law, which relates to that, but then also the second part, which says that the Legislature shall be part of the RFP process, and the Legislature and/or Budget Review Office will be invited to either help draft the RFP, or be a member of the selection committee. So that any concerns that did remain as to how access would be granted to these archived E-mails I believe could be addressed during that process. But I'll ask Mr. Sabatino to comment on the existing case law.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes. First of all, I want to again thank Legislators for, you know, providing some guidance in terms of moving this process forward. You know, unfortunately, it's the result of Federal litigation and a change in the way Federal Courts look at, you know, E-mail systems in general.

But, with respect to the safeguards, I just want to reassure everybody that we're going to build in a couple of what I call a double-barrel safeguard. But the starting point to the dialogue is that this concern about individuals engaging in unauthorized access to information on E-mails is already governed by either misdemeanor or felony penalties under both State and Federal Law. So that irrespective of this litigation, irrespective of this program going forward, if somebody in the County is engaging in one of those -- one of those acts that basically, you know, provides unauthorized access to information in the computer E-mail, you're already subject to severe sanctions. And, quite frankly, that by itself should normally be a sufficient safeguard, you know, for people not to engage in those kinds of inappropriate activities. It's governed under Section 155.06 and a whole series of sections after that in the New York State Penal Law, and there's a couple of Federal, you know, statutes that also pertain to it. And again, that's actually 2701 of Title 18 of the U.S. Code. But again, it's felony and misdemeanor sanctions.

But again, because we listened to Legislators during the course of the process, we've built in what I call the double barrel safeguard, which will be that in order for the litigation team to be able to access the E-mail, litigation team again being, you know, counsel, Law Department being able to access the relevant E-mail information or documentation with respect to particular lawsuits, the double barrel protection will be that it cannot happen without a double sign-off or a double approval, a double permission. The double permission will be the Commissioner of the Department of Information Technology and, and there's going to be a double, you know, sign off, and the person designated for the relevant department. So, in the case of the Legislature, you will internally have to designate who the person is that you trust to have that approval authority internally. That person, together with the Commissioner of Information Technology, would be the double sign-off. The County Comptroller, for example, you know, he or she would designate somebody, and again, the Commissioner of I.T. Whatever the relevant department is, again, it will be a double sign-off.

So I think that when you combine the knowledge of existing State and Federal Law with severe sanctions and penalties, which, by the way, is why the system is currently working, with the additional safeguards that we're putting into this process, you know, I think that everybody's concerns with respect to security should be alleviated.

Also, the other point that Legislator Losquadro made is that we made it a condition precedent of the

approval that the Information Processing Committee gave to the proposal, which is, again, required by the Administrative Code, that there would be participation on the RFP process by the Legislature. You're, you know, free to pick and choose who you want. Quite frankly, I'd be surprised anybody wants to volunteer for this, but if you got volunteers that want to serve, we'll welcome them, because it's going to be a thankless job. So I think that that --

D.P.O. VILORIA-FISHER:

That's a good recruiting line.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

And you might get sued as a collateral benefit.

LEG. LOSQUADRO:

So even -- so, Paul --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So that's basically the -- that's the outline of what I think addresses the concerns that were raised. The --

P.O. LINDSAY:

Okay. I think that's a good explanation.

LEG. LOSQUADRO:

Yeah. No. I was just going to say, so just to clarify, even the --

LEG. CARACAPPA:

Two thumbs up explanation.

P.O. LINDSAY:

Enough.

LEG. LOSQUADRO:

This is just a yes or a no. Even the County Attorney's Office needs that double sign-off to access information that would have to pertain to a particular lawsuit and they would have to request that information.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right. It's going to be -- it's going to be in the --

LEG. LOSQUADRO:

Just a yes or no.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The answer is yes.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Montano and then Alden.

LEG. MONTANO:

Just quickly. Again, what is --

P.O. LINDSAY:

And Romaine.

LEG. MONTANO:

What is the explanation for the C of N, as opposed to coming in and being laid on the table and going to committee?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, again, it was presented at three committees --

LEG. MONTANO:

Was it something that impeded the time factor in terms of laying it on and letting it go through its normal process?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay. Again, it was presented at three committees last week in anticipation of today. But the reason is that the Federal Court in one of the two Federal matters that is currently pending wants a report back from the County Attorney's Office by the 30th, I believe, by the 30th.

MR. MONTANO:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So, unfortunately, the clock's against us.

MR. MONTANO:

All right.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I hope it was related to you that I was hoping for a bifurcation of this, that the one I saw the emergency situation and the time seriousness. The other I think really can be debated what we're going to do, how we're growing to do it, and what type of system, and things of that nature, because I think there are options there, whether -- you know, different operating systems, or whatever you want to call it. So I'm a little disappointed that it didn't come over as two bills, because in one -- like I said, 100% I see the emergency in. The second, I don't see an emergency situation in that, and, you know, I didn't really want them coupled.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I just -- I had that conversation with Legislator Losquadro and other Legislators. The problem is, is that the Federal Courts are fairly sophisticated; okay? It's a little bit different than State Court. So they're saying, "Show me the money." And this is like a fully integrated program, because we've got the two Federal lawsuits right now, just by virtue of coincidence or back-to-back. So it's really difficult to go to the Court and say, "We'll bifurcate it, we're going to show you a little bit of good faith now and a promise to do something later." I'm not confident that the court, because it is a Federal Court, is going to be comfortable with that.

But part two is that you also want to avoid the other scenario, which is that you don't want to reinvent the wheel and have to spend the same money multiple times over. So I think that with the safeguards put in, which were really the driving issue with respect to why there should be bifurcation, I think we've got a nice solid package to show the court. And, by the way, keep in mind that we're winning in court, so this is kind of a distraction.

LEG. ALDEN:

Right. But what I asked to be divided off is not a duplication. One is a restoration to comply with a direct court order for this specific production of material, whatever you want to call it. The other is a

system going forward that we already have the capabilities. Obviously, we do, because we generated this other data. Now it just needs to be restored, but was to go forward and do it in a slightly different manner. So that's why I had asked for, you know, two separate issues, because, quite frankly, I think that the second part of this needs, you know, like a lot more airing and a lot more debate on.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, again, I've listened to all of the questions.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I think we've addressed them. I don't know what else I could do to assure people.

P.O. LINDSAY:

I think you answered. Legislator Romaine.

LEG. ROMAINE:

I know Mr. Sabatino has addressed all the questions, so I'm just making this statement for the record.

One, let's figure out why we're here. We're here because our system of storing E-mail on backup tapes was less than adequate. We did not have an approved data center that would have prevented this, temperature and humidity controlled. The tapes got -- were stored in the basement of the Dennison Building and they were damaged by water damage. The tapes would have been suitable. We wouldn't even need an extensive backup system to at least address this matter, not to say that we don't need it down the road, if we had the proper storage facility. That's something that's lacking and needs to be addressed.

Secondly, I agree with Cameron Alden, Legislator Alden, in the sense that what this -- unless I got it wrong in executive session, they want to see E-mails that have to now be reconstructed. The first part of this is to hire a firm to do that, a forensic firm that will reconstruct these E-mails from the damaged tapes, that's the immediate issue. The other issue is a long-term issue about how we register, store and retrieve E-mails that take place, and I understand there's about 20 million a year in the County system. That one I would have appreciated more debate, more time and more consideration, and I don't think the Federal Government or the court was breathing down our neck. I think they just wanted to get the E-mails that they were requesting at the time. This is a system that will allow us to do this in the future. I think it should have been bifurcated.

And lastly, as a representative, one of the representatives, and I know I join with my colleague from the East End, the offset is disturbing, because we thought -- we were under the impression, and maybe you could address that, that there were going to be two helicopters based in Gabreski, particularly during the summer months, for emergency medical services.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, the -- I'm glad you brought that up, because I specifically sent the bill out ahead of time on Thursday, so everybody could see the offsets. The reason the offset is not a problem is that we're going to be building --

P.O. LINDSAY:

Hold it down. Come on, we're still in session.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We're going to be doing the hangars with the modulators, not the original brick and mortar concept. So what you see being cut out just reflects the differential between doing it the modular route

versus the brick and mortar route.

P.O. LINDSAY:

Okay. Legislator Schneiderman, a quick one, huh, quick?

LEG. SCHNEIDERMAN:

Well, it mostly had to do with that offset, too, but -- so when is that helicopter hangar being constructed, because there's no money in '08 in the Capital Budget, you're taking all the money out of '07, it's not there now. Have we -- is the money already authorized? How is that magically going to appear?

MS. VIZZINI:

We've appropriated --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

My Budget people are telling me we appropriated the money.

LEG. SCHNEIDERMAN:

We've appropriated --

MS. VIZZINI:

We've appropriated a million-six. And according to Public Works, we met with them earlier last week, that's adequate for the stress membrane structure.

LEG. SCHNEIDERMAN:

Okay. And then just lastly, you know, I think Legislator Montano, one of the other Legislators said that this system would be used, this E-mail archiving, in the event, let's say, of a specific lawsuit where you had to provide information. But wouldn't it also be used, let's say, in a situation where somebody filed a Freedom of Information request where you might -- they might ask for specific E-mails?

LEG. ROMAINE:

Absolutely.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, in the Freedom of Information Law, you get into, you know, a whole series of, you know, sections and exemptions, and what's in and what's out. You know, that's going to be handled on a case-by-case basis, but that's not --

LEG. SCHNEIDERMAN:

Is it possible that --

LEG. SCHNEIDERMAN:

That's not the purpose of what's being proposed. The purpose of what's being proposed is in response to the change in situation in Federal Court.

LEG. SCHNEIDERMAN:

But it might be accessed -- it might have to be accessed to comply with the Freedom of Information Act request; is that correct?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, it's possible, yes.

P.O. LINDSAY:

Okay. We got all the questions answered. We have a motion and a second, right, Mr. Clerk?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. CARACAPPA:

Mr. Chairman, I have to abstain.

P.O. LINDSAY:

One abstention, one opposition; is that right? Okay.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. I've got -- oh, we have a bond for that, too. I'm sorry. Same motion, same second on the bond. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Abstain.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. In your packet is *Procedural Motion Number 6 - Resolution authorizing funding for about a dozen community support initiatives, Phase 1*. I'll make a motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Home Rule Message Number 6.

P.O. LINDSAY:

That's what I'm going to do now.

LEG. ROMAINE:

Okay.

MR. LAUBE:

That's 18.

P.O. LINDSAY:

Okay. We have -- also in the packet is a *Home Rule Message (6) requesting New York State Legislature to extend time and benefits to the County employee Leonard Wayne Bourne*. Motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman.

LEG. KENNEDY:

What is this?

P.O. LINDSAY:

It's in your packet, Home Rule Message Number 6. Would someone like an explanation?

LEG. KENNEDY:

Yes, please, Mr. Chair, I would.

LEG. ROMAINE:

Counsel?

MR. NOLAN:

This is -- regards a County Employee. And basically, what this is doing is granting this employee retroactive membership, I believe it's in Tier II, which would involve the County making a one-time payment of seventeen hundred dollars contribution for retroactive. The \$92,800, the State legislation actually makes the State responsible to pay that.

LEG. ROMAINE:

This is through no fault of his own.

MR. NOLAN:

That's what the resolution says.

LEG. ROMAINE:

Right. The guy joined the system on March 30th, 1976, and someone screwed up.

LEG. KENNEDY:

Mr. Chair, can I just go to Counsel again?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, sir. Counsel, again, the resolution would effectuate this individual moving to which Tier from which Tier?

MR. NOLAN:

What it would do is he -- he's been working in the public sector since March 1976.

LEG. KENNEDY:

Uh-huh.

MR. NOLAN:

He didn't get into the retirement system at that time, so he -- it's effective later. This would make it effective back in '76, which I don't know if he was -- he's in Tier 3 or 4 now, but it would move him

into Tier 2.

LEG. KENNEDY:

And would that -- you know what, it's fine.

MR. NOLAN:

Well, it gets him more --

LEG. KENNEDY:

Okay. All right. I know what it is, you know.

LEG. MYSTAL:

I know what it is, too.

P.O. LINDSAY:

Okay. Any other questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. And I'll make a motion to lay the following late-starters on the table: 1411 is assigned to Ways and --

LEG. CARACAPPA:

I second that.

P.O. LINDSAY:

Ways and Means; is that right? Is this Ways and Means?

D.P.O. VILORIA-FISHER:

1411 shouldn't be Ways and Means.

MS. PASTORE:

No, that's EPA.

P.O. LINDSAY:

Oh, EPA, I'm sorry. 1411 is to EPA. 1412 is to Public Safety. Quiet. Come on, we're not done, guys. 1413 to Budget and Finance. 1415, I don't know if 14 --

MS. PASTORE:

1414 is a CN.

P.O. LINDSAY:

Oh, 1414 was a CN, okay. 1415 is to Ways and Means. 1416 is to EPA. 1417 is to EPA. 1418, to EPA. 1419, to EPA. 1420, to EPA. And there's no 21?

MS. PASTORE:

Yeah, there is.

MR. NOLAN:

Yeah, 1421.

P.O. LINDSAY:

Here it is. 1421, Public Works, 1422, EPA. 1423, Budget and Finance. 1424 is assigned to Public Works, and we're setting the public hearing for the General Meeting on 5/15, 2:30, at Riverhead.

1425, to Ways and Means. 1426, Ways and Means, and set the public hearing for the General Meeting of 5/15, 2:30, Riverhead. 1427, Budget and Finance. Okay. Memorializing Resolution Number 28, to Vets and Seniors; 29, to Vets and Seniors. Home Rule Message Number 7, to Budget and Finance. And I think that's it, right? Okay.

D.P.O. VILORIA-FISHER:

That's enough.

P.O. LINDSAY:

Okay, we have a -- could I have a motion and a second? We have the motion and a second.

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Counsel would like me to do a separate vote on setting the public hearings on 1424 and 1426.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

May 15th at 2:30 at Riverhead. Motion by Legislator Viloría-Fisher, second by myself. All in favor? Opposed? Abstentions?

MR. LAUBE:

18 on both of those.

P.O. LINDSAY:

Unless someone has any other business, I would accept a motion to adjourn. Motion to adjourn by Legislator Stern, second by myself. All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:

Eighteen.

[THE MEETING WAS ADJOURNED AT 5:10 P.M.]

{ } Indicates Spelled Phonetically