

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

MAY 15, 2007

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY

ALISON MAHONEY AND LUCIA BRAATEN, COURT STENOGRAPHERS

**MINUTES TRANSCRIBED BY ALISON MAHONEY, LUCIA BRAATEN AND
KIM CASTIGLIONE**

[THE MEETING WAS CALLED TO ORDER AT 9:34 AM]

P.O. LINDSAY:

Mr. Clerk, are you ready?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present, yes, present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Present.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Good morning.

LEG. NOWICK:

Good morning.

MR. LAUBE:

Good morning to you.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Yo.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Wait, I'm thinking; good morning.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen (Not Present: Legislators Caracappa, Montano & Alden).

P.O. LINDSAY:

Could we all rise for a salute to our flag? I'm going to have Legislator Schneiderman say it this morning because he's very tired from all the miles he put on.

Salutation

Before we have a seat, could I have a moment to keep in our minds and our prayers our people that are overseas in harm's way and the people that have given their lives for our country.

Moment of Silence Observed

Good morning and welcome to our County Seat in Riverhead. And I am going to have the Legislator from the 1st Legislative District, Legislator Ed Romaine whose district we're in this morning, introduce our Clergy for the day.

LEG. ROMAINE:

Thank you very much. I'd like to introduce Reverend {Wally Scofield} of the Congregational Church in Riverhead. Reverend {Scofield} was in the private sector for many years, General Foods, {Dunn & Brad Street}, and he owned his own company, Giftpacks, but I guess the message of God and the calling of God was very strong and for the last 25 years he has served as a Minister of the Congregational Church, eleven of those in Riverhead. So without further ado, Revenue Scofield.

REVEREND SCOFIELD:

Let us pray. Oh God of all nations, all Legislatures and all peoples, we are grateful for the dream of freedom, justice and peace forever spun by your spirit and focused by the prophets of every age. We are grateful that in our time you call every man and woman to lift up and live by that dream, to embody it in our world by walking the walk, confessing our complicities, braving the work, daring the confrontation, exposing the lies, singing our faith, asking the questions, raising the cane, making the sacrifice, organizing the community, easing the hate, expanding the compassion, risking the revolution of love and ratifying the not for sale sign on our souls. We especially praise you this morning for the Suffolk County Legislature and for the countless others down through the ages whose names are known and unknown and for those who yet lift up the dream and confirm it is yours and the human family around the globe whose courage and commitment, vision and enthusiasm and joy brace our spirits and fire our will.

So we thank you and remember and move boldly on in faith that however dark the night, however fearful the tyrannies of oppression, however heavy the weight of our own arrogance, we can yet be confident and buoyant in your promise that one day justice will roll down like waters and righteousness like an ever flowing stream and peace abide in our hearts through this land on this Earth, between brothers and sisters of every race, every nation, every faith, every sexual orientation, every generation, every wounded wonderful one and all of your human family. Keep us faithful to that promise, your dream, for God's sake and for our own. Amen.

P.O. LINDSAY:

Thank you very much. We don't have any proclamations this morning, but I --

Applause

Thank you, thank you; I agree.

LEG. LOSQUADRO:

That was uncalled for.

P.O. LINDSAY:

I don't know what we're going to do for a living if we can't give out proclamation, but I would like to recognize Legislator Kennedy for a --

LEG. KENNEDY:

Mr. Chair, thank you very much. At this time, I'd like to take the opportunity to go ahead and read a message into the record. Unfortunately, a constituent in my district passed very recently, a dear man, and I'd like to read the following statement; I would ask my colleague to join with me in a moment of silence and recognize the passing --

P.O. LINDSAY:

Hold on. Hold on, John. Come on, give Legislator Kennedy a little respect.

LEG. KENNEDY:

Thank you, Mr. Chair. Join with me in a moment of silence and recognize the passing of Ronald Holtzman, a 45 year old Hauppauge resident who died Sunday, April 22nd, after the plane he was a passenger in crashed in Windham, Connecticut. Mr. Holtzman, an experienced pilot himself, was not at the controls at the time of the crash. Mr. Holtzman leaves four young children and a wonderful and devoted wife. Mr. Holtzman served in the New York City Police Department for eight years and retired from Nassau County Police Department after serving seven years. He served as a police officer for 15 years and he will be surely missed.

Mr. Chair, thank you. This is just one of the many unsung folks who are the important fabric of our communities, and I thank you and my colleagues. Thank you.

Moment of Silence Observed

P.O. LINDSAY:

I thank you, Legislator Kennedy, for your thoughts about one of our citizens.

We have one presentation this morning, in the audience we have some wonderful ladies that volunteer their time for the Perinatal Coalition. Would Joan Johnson, Gail {Burriss} and Sonia Murdock please come forward? And I'd be remiss if I didn't recognize with them Ms. Lori Green, my constituent and an activist in many, many different causes. Joan?

P.O. LINDSAY:

Ms. Johnson, how are you? Nice to see you again.

MS. JOHNSON:

Good morning. Good morning, and thank you, Presiding Officer Lindsay and the County Legislators -- especially Cameron Alden whom I represent on the Women's Advisory Commission, and Lori Green represents the Presiding Officer and we are the Co-Chair of the Health Committee on the Women's Advisory Commission -- for allowing us to talk about health problems that affects women of child bearing age.

We are here to bring to your attention the number one medical complication associated with child bearing; Perinatal Mood Disorder.

We would like to also thank County Executive Steve Levy for claiming the month of May as Perinatal Mood Disorder Awareness Month in Suffolk County in order to make our citizens in the County aware of the problems that sometimes new mothers have. We are determined not to have an Andrea Yates in our midst. Along that line, I would like to introduce Sonia Murdock, the Director of Post-Partum Resource Center of New York, to make you aware in more detail of this problem. Thank you,

MS. MURDOCK:

Good morning, and thank you for this opportunity. I am Sonia Murdock and my story is I am here because of my sister. My sister suffered Post-Parum Psychosis and Post-Partum Depression after the birth of my niece and God-Daughter Lauren. I supported my sister through this nightmare that she experienced, my brother-in-law experienced and our families went through; it was due to the lack of information, treatment and support resources. I left my career to dedicate myself full-time to help others so they would not suffer like we did; I became my sister's voice. This is why I care so passionately about Perinatal Mood Disorders, and I hope with the information that I'll share with you, that you'll take this back and share it with your constituents to save lives.

Why should everybody in Suffolk County care about Perinatal Mood Disorders and the mental health apparents? Three key reasons. First off, as Joan shared with you, Perinatal Depression is the most common medical complication related to child bearing. Up to 10% of pregnant women and up to 20% of women post-partum, one year within having a baby, will experience a Perinatal Mood Disorder; that's at least up to 2,000 pregnant women and up to 4,000 post-partum women. Twenty to 40 women will go through post-partum psychosis each year here in Suffolk County.

Number two, when this illness is left undiagnosed and untreated, we have lasting devastating effects upon our family and the communities.

And thirdly, Perinatal Depression is a fully treatable illness. I was fortunate that I met Emily Sampino of Melville, a former stockbroker who experienced post-partum depression after the birth of her first child. She and her family had great difficulty finding help and treatment. In 1998, Emily and I co founded the Post-Partum Resource Center of New York to be the one agency within New York State to provide women and families help and information for Perinatal Mood Disorders. We are the only agency of its kind within New York State who our sole purpose is this illness, Perinatal Mood Disorders. So within New York State each year, it's up to 25,000 pregnant women, 50,000 post-partum women will need help, and again, 2,000 to 4,000 women right here in our County.

We have a help line. In 1998, the first six months we helped 100 women and families, after that it grew to a hundred calls each month; we now average three to 400 calls each month. We also have moms on call, women who have been through this illness who have received training and they offer additional free and confidential help line support by taking calls at their homes. We also have a website, postpartumny.org, where we have 900 unique visitors each month getting information and support.

In the fall of 2000, Westminster Presbyterian Church in West Islip took us on as a mission project. They donated office space and immediately we created and began the Circle of Caring Support Group Program in Suffolk County; at the time, the only support group for post-partum depression in this County. Through our training institute, we offer training to replicate this program and we have

offered the program at the Suffolk Perinatal Coalition and now also with the Mother's Center of the South shore in Sayville. In 2001, Post-Partum Support International recognized our resource center as a model, Perinatal Depression/Parent's Support Network for the United States and worldwide.

I have presented at the United Nations on the accomplishments of our resource center and how a grassroots organization can make a difference, also on the need to fully address Perinatal Mood Disorders as a quality of life issue, not just for women but for families in our society.

I was fortunate in the fall of 2003, through the Suffolk Perinatal Coalition, to be invited to co-chair their Perinatal Mood Disorders Task Force, and I would like to share with you briefly what some of our accomplishments have been to date. We have made sure that all Suffolk County hospitals are in full compliance with the New York State Public Health Law on Post-Partum Depression. Secondly, the Perinatal Coalition and the resource center collaborated to create the first poster of its kind to be directed towards minority women and to help themselves identify a Perinatal Mood Disorder and to seek help, and this poster now has been seen as a model for other support networks throughout the country and they're using this poster.

We also have conducted trainings. I conducted trainings, in-service trainings at all of the health centers last year, including the Family Planning Program, so over 300 Suffolk County Health staff have been trained. Consortium members have all also received training through work shops, and also I have done training for the Perinatal Coalition at the majority of the Health Centers. Most recently, training was conducted for the National Association of Hispanic and Puerto Rican Social Workers, so now they will recognize and help with perinatal depression. Fourteen women attended the Circle of Caring Pregnancy and Post-Partum Depression Support Group offered at the Suffolk Perinatal Coalition and we look forward to continuing to offer that group.

We are very thankful to Suffolk County Executive Steve Levy for making -- for declaring May and each May thereafter as Perinatal Mood Disorders Awareness Month, another milestone for this County but also we are being looked at as a model throughout the nation. Also, patient education at all health centers with perinatal depression education on bulletin boards. Last year we had a special event at the Huntington Town House. And this Friday I'm pleased to announce and to invite any of you to attend the first full-day Conference on Perinatal Depression here in Suffolk County where we will be hosting special guest speakers, the former First Lady of New Jersey, Mary Joe Cody, and Dr. Margaret Howard with the Women and Infants Hospital in Providence, Rhode Island. Dr. Howard runs the only Post-Partum Depression Day Treatment Program in the United States. It's my personal dream that this day treatment program will be replicated and offered to women and families here in Suffolk County; I see no reason that it should not be here.

In closing, again, I would like to invite each one of you here to become part of what I call the Perinatal Depression Safety Net. I've listened to and supported thousands of women through the years who have gone through this illness and I would like to briefly share with you that I know that we have saved lives and I would invite you to do whatever you can to share this information with your constituents to help us further build the safety net. It's very distressing when I've heard women say they want to jump off the Captree Bridge; it's very distressing that women want to put their children in a car and drive off the marina in Port Jefferson; it's very distressing when I hear a woman who's out in Montauk and wants to shoot herself because of untreated or undiagnosed Post-Partum Depression.

So I thank you very much again for your time and I thank you very much because as we build a safety net, we build healthy lives and healthy families. Thank you.

Applause

P.O. LINDSAY:

Thank you very much, Sonia. And Gail {Burriss}, you want to finish up?

MS. {BURRIS}:

Thank you, Sonia. Good morning. My name is Gail {Burriss} and I'm the Executive Director for Suffolk --

P.O. LINDSAY:

Gail, pull that mike right down; that's it.

MS. {BURRIS}:

Is that good? Okay. I'm the Executive Director for Suffolk Perinatal Coalition. Under the previous leadership of Sonia Murdock, the Suffolk Perinatal Coalition, Perinatal Mood Disorder Task Force has been a vehicle for advocating for the needs of women experiencing Post-Partum Depression.

In your folders you received this morning is a Perinatal Mood Disorder position paper written by members of the Perinatal Mood Disorder Task Force. The highlights of the position paper are the following; there are some good -- there is good news. As a result of the current advocacy and educational efforts, many providers have begun to screen for this disorder. However, once a woman is screened, there is a lack of medical providers willing to accept Medicaid and limited health insurance coverage is another issue. The coalition and the PPD Task Force will continue to address these issues and we ask for your guidance and your support in addressing these issues with us.

In closing, I would like to thank you for allowing us to come here this morning, and also Jack Eddington and Kate Browning for their support on this issue. And again, I would like to say thank you and I hope to see you at the conference on Friday. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. {Burriss}. There are no other presentations, we'll move into the public portion. Our first speaker is Richard Amper, you have three minutes. I don't see him; oh, there he is.

MR. AMPER:

Good morning, Deputy Presiding Officer, Members of the Suffolk County Legislature. If you have not already received a copy of our white paper, we have actually gotten quite a good reaction from people in and out of government. It -- and I guess you folks should be as proud as anyone, it chronicles the great work this Legislature has done in open space and farmland preservation over the years, it suggests what needs to be done and today you will have an opportunity to extend a very successful program. We are 20 years in to the Drinking Water Protection Program, the Quarter Penny Sales Tax Program that this Legislature championed and which has worked very, very well. It reminds us of the old expression, "If it ain't broke don't fix it;" it's being adjusted ever so slightly but certainly to meet all of the needs, and I mean that to be economic and environmental. We certainly want the County's Bond Rating to stay up, so controlling expenses for government is advanced by preserving open space and most municipalities use that to help them with their bond ratings.

We certainly understand that if you take land off the tax rolls you have to pay for government services for the development that occurs there, so we're trying to be mindful of that. Clearly, there is a supply and demand issue, there's only 70,000 acres left, as we get to 35,000 acres the price of each goes up, but that is true whether or not the land is preserved or developed, so continuing to develop it is not indicated. I think we've got a good workable compromise, it's advanced here, it's been advanced by The Nature Conservancy and that is to preserve about half of what we have left, about 35,000 of the 70,000 acres, it will help us with tourism, it will help us with farming, with fishing, the second home industry so it works economically as well.

So I hope that you will -- if you can find it in your hearts to do it and continue to be a part of it --

join as sponsors of this legislation, we'll go to the State Legislature. One of the key incentives here is if Suffolk continues to make its commitment, we can get the State of New York to do more of the match that we need; an additional result of that is that I spend more of my time in Albany than I do in Hauppauge or Riverhead which is always a desirable thing for elected officials. So if you will do your part and continue and seek the extension, we will go to Albany and make sure that you get it, we'll give it back to the voters and we have every confidence that they can -- every confidence that they will continue to support the preservation as we get down to our last eight years.

If you do not for any reason have a copy of this book, I'm happy to supply it. There's an executive summary so you don't really have to wade through all of the statistics on which it was based, but all of it really suggests that we have had a very, very successful program and we're going in to the end game and I hope all of you will join in supporting this. Thank you very, very much for your term.

D.P.O. VILORIA-FISHER:

Perfect. Thank you. Our next speaker is Debbie Starker; you have three minutes, Debbie.

MS. STARKER:

Good morning, Members of the Legislature. My name is Debbie Starker, I'm a Suffolk County retired Supervising Probation Officer. I retired December 31st after 35 years of service for Suffolk County and 24 years in the Suffolk County Probation Office.

I'd like to call your attention to page 226, this is in reference to the Stipulation of Agreement between the County of Suffolk and the Suffolk County Probation Officer's Association, Bargaining Unit No. 16 in Resolution 1375. In Section III it says, "For each employee who was on the payroll as of the date on which the 2004-2010 agreement is completely ratified and approved by the parties as a full-time employee, effective January 1st, 2005, each step of the salary schedule, except the entry step, shall be increased." I won't read it to you, you can read it to yourselves; what this basically does is ignore any Probation Officers who retired after May 1st, 2004.

We worked along side of the people included in this agreement; I worked alongside them in 2004, 2005, 2006. They will be getting a bonus of \$1,925 for the year 2004, they will be getting a 3% increase of their salaries for 2005, they will be getting a 3% increase in their salaries for 2006; I worked all of those years and I will not be receiving that nor will the other retired members of my department who retired since the Suffolk County Probation Officers Association took over.

It is my understanding that there are approximately -- I did send this in an e-mail, I don't know if you've all received this. I called everyone's office between Friday and yesterday, I spoke with many of your aides, I spoke with many of you. There are approximately 12 officers who retired since the Suffolk County Probation Officers Association became our bargaining unit. We also paid dues throughout that time. Some of these people retired in 2004, some retired in 2005 and a few retired in 2006; obviously, the people who retired in various years would only be entitled to sections of that if we are included in this bill. I have a list of those names, if you would like them, you all have my e-mail address, I can send them to you.

I believe that the impact to Suffolk County would be significantly less than \$100,000, and to the retirees it's significantly more because those 3% increases for 2005 and 2006 would be included in our pensions. And because we have been excluded from this agreement, unfairly I believe and as do the other retired members who I am representing today, we will not be receiving that in our pensions. Some of us may live 20, 30 years, that could be 40, \$60,000 to some of us retirees. And when somebody is retired and receiving less than they were when they were working, it's obviously a time, as they get older and need medical care, a time when they do need more money, not less.

The Suffolk County Probation Department is a very hard working group of people and they really do deserve a contract. They have waited a very long time for it, I waited a long time for it. I retired before this agreement was reached and I think it's very unfair, patently unfair that we are not included in this. I ask the Legislature to either include us in it or vote no, reconsider it, put a clause

in, make a resolution, do something to include these 12 people who have been aggressively excluded from this contract.

P.O. LINDSAY:

Thank you, Debbie.

MS. STARKER:

Thank you.

P.O. LINDSAY:

Krista Whitman.

MS. WHITMAN:

Good morning. My name is Krista Whitman and I am here today representing The Quality Consortium who --

LEG. LOSQUADRO:

Use the microphone, please.

MS. WHITMAN:

Thank you. I'm here today representing The Quality Consortium who represents 24 not-for-profit addiction treatment and prevention providers. I'm also here representing the Suffolk County Mental Health Coalition who represents 23 mental health treatment providers.

Legislator Lynne Nowick has introduced a Resolution, No. 1170-2007, adopting a Local Law to prohibit the sale of Dextromethorphan, DXM, to minors in Suffolk County. Dextromethorphan is a safe and effective, active ingredient found in many over-the-counter cough medicines; when used appropriately, it has a long history of safety. However, according to the Long Island Poison Control Center, the numbers for DXM abuse has increased dramatically. In 2006, 479 cases of DXM abuse were reported as compared to year 2000 when 298 cases were reported. This increase is alarming as DXM abuse can result in seizures, psychosis, hallucinations, brain damage, irregular heartbeat, respiratory distress, coma and even death.

Even more alarming is the fact that children between the ages of 12 and 15 are abusing these over-the-counter cough medicines to get high. As a result of this abuse, street names such as "robotripping" or "skittling" have been coined. Therefore, the purpose of this law is to prohibit the sale of medicines containing the active ingredient of DXM to minors.

The Quality Consortium of Suffolk County applauds the efforts of Legislator Nowick and supports the passing of this legislation. Please join in supporting the passing of Resolution No. 1170-2007. Thank you.

P.O. LINDSAY:

Thank you, Krista. Suzanne Soganics.

MS. SOGANICS:

Hi. My name is Suzanne Soganics and I also represent The Quality Consortium of Suffolk County; more specifically at Outreach Project in Bellport. I'm an Adolescent Substance Abuse Counselor and it has been my experience over the past several years to note that more than one-third of all adolescents intakes that I have done have specifically named DXM as one of their primary substances of choice. We would also like to applaud the efforts of Legislator Nowick in her resolution, proposed 1170-2007, and we would like your support in supporting this resolution.

A more effective resolution would also include a provision that would provide funding and education and preventive services. Unfortunately, unwittingly parents are purchasing these substances and

putting them in their medicine cabinets and many of my clients have mentioned that that's their access, as well as store purchase. So along with the legislation that's being proposed suggesting that laws be put in place prohibiting the sale to minors, I think education and preventative measures should also be enforced or encouraged in addressing the substance and informing parents and other persons of the detriments of substance. Thank you.

P.O. LINDSAY:

Thank you, Suzanne. Pamela Schmidlin. Pamela Schmidlin? I'm sorry if I mispronounced your name.

MS. SCHMIDLIN:

That's okay, you did very well. Okay, in the -- I'm going to try to save some time, I'm going to let my peers talk about the reason why we need our duck parks fenced and unfenced and whatnot. I just want to take the time to thank all of you for your past votes and all the hard work you've done as far as West Hills is concerned, as far as Blydenburgh is concerned. I hope to use Blydenburgh soon and I hope to use parks across the Island as well. That's pretty much it.

Thank you for creations and additions in the County, hopefully Long Island will become number one. And if you need any help, feel free to call on me. And for all the cat lovers out there, meow; we're not forgetting you either. That's it. Have a good day.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Pamela. Donald Grauer?

MR. GRAUER:

Good morning. My name is Donald Grauer and I'm the President of the Suffolk County Probation Officers Association, the union that represents approximately 290 Probation Officers here in Suffolk County. I'm here this morning with my Executive Board to support Introductory Resolution 1375 and to ask the Legislature for your support to have this ratified today.

I just wanted to refresh your memory that we have been working under an expired contract since January of 2004. The current and the past Executive Board have negotiated very hard for over three years. The language that's in our contract in reference to the retirees' loss of retroactive pay raises mirrored language in the AME 2008 contract and the pattern was set. At that time, the County was unwilling to negotiate this topic with us due to the pattern bargaining that was established by the previous union, AME, that we had broken away from, Suffolk's largest independent union. There was no possibility of ever reaching a deal if retro for retirees was an element.

This Executive Board took every measure to inform the members, since January of 2006 when we entered office, that retro for retirees was unlikely. And at several general membership meetings and throughout the buildings we would inform people that we were potentially considering retirement of this fact, and we did that so that they would have as much information so that when they made their personal decisions on retirement they knew the possibilities of all the consequences. Some members withdrew their retirement papers and chose to stay until the contract was settled to ensure that they would get retroactive raises, other members were well informed of the possibility that retro active payments for retirees were not going to be given and they still chose to retire. We as a union, we fought very hard for retroactive pay raise for retirees; the County was not willing to negotiate that with us.

So what I'd like to also let you know is that this Executive Board for the Probation Officers Association will be around all day today and we're here, we're available later on if you should have any questions when the resolution comes up for a vote. Thank you.

P.O. LINDSAY:

Donald, we're under the public portion, we're not, by our rules, not allowed to ask questions, but I appreciate you being around later because I know a number of Legislators have some questions about the contract. And what I'll do is when we get in to the regular order of business, I'll try and take it out of order so you guys don't waste your whole day here.

MR. GRAUER:

Okay.

P.O. LINDSAY:

I don't see Jeff Tempera here.

D.P.O. VILORIA-FISHER:

He said he's coming.

P.O. LINDSAY:

He's coming? Okay.

D.P.O. VILORIA-FISHER:

I think so.

P.O. LINDSAY:

But if any of the people from the Executive Office can hear me, I know you can hear me, would you reach out to Jeff and please see if he can get over here to join in this discussion. Thank you.

MR. GRAUER:

Thank you.

P.O. LINDSAY:

Donna Lyczkowski.

MS. LYCZKOWSKI:

Good morning. My name is Donna Lyczkowski and I'm the newly appointed Director of the Town of Riverhead Youth Bureau, and I am here this morning to support Legislator Nowick's Resolution 1170-2007.

When we're talking about DXM, for the past 25 years I was the Youth Counselor with the Town of Riverhead Police Department. In the past nine months, I have had four families that have had children that have nearly overdosed taking over-the-counter cold medicine and coricidin tablets. Three coricidin tablets and a 14 year old weighing 121 pounds begins to feel high; 13 tablets and that same 13 year old is passed out on the ground having convulsions. This 14 year old is now in Sagamore with damage, brain damage, and he possibly will never be able to be himself again.

So when you look at the seriousness, I would go one step further, and instead of just preventing drug stores from selling this to minors with their parents there, these students are buying it during school hours. They're buying these tablets, buying this and going back and selling it for three times; one pill is \$3 and this is what our children are doing. So I would like to just request that this law be passed and consider looking at something a little bit more stringent. Thank you and have a good day.

P.O. LINDSAY:

Thank you, Donna. Bert Seider or Seiden?

MR. SEIDES:

Good morning.

P.O. LINDSAY:

Good morning, Bert.

MR. SEIDES:

I'm Bert Seides, I'm the President and founder of The Ketcham Inn Foundation. I had the opportunity 17 years ago of stopping the wrecking ball of a very significant building, Inn & Tavern in Center Moriches. I'm here to speak about Resolution 1398, a property directly across the street from this building; I would like to encourage you to acquire it so that we can develop a visitor's center for future generations to come to the Moriches to experience our history and culture, architecture, and understand our farm life. We're being developed at a very rapid pace, as you know, and this is a wonderful opportunity to preserve our history through a visitor center. Thank you.

P.O. LINDSAY:

Thank you, Bert. Sandra Lee Mott.

MS. MOTT:

Thank you. Good morning. My name is Sandra Lee Mott, I live in Riverhead currently with my mother; my father is at Calverton National Cemetery.

P.O. LINDSAY:

Sandra, could you just pull that mike close to you?

MS. MOTT:

I have a letter that I'd like to read in to your record, please.

I've already given a copy to our Legislator, Mr. Romaine, a copy to Mr. Mystal and a copy to Mr. Stern. I'm going to submit a copy for your record, a copy for DA Spota and a copy for Health Commissioner Chaudhry, and one copy for the rest of you to have it in your record formerly.

It is to Senator Clinton, Senator Schumer, Governor Spitzer, Attorney General Cuomo, Commissioner of Health of New York State, Mr. Alesi, Suffolk County DA Spota, Suffolk County Commissioner of Health Chaudhry, Suffolk County Legislator Romaine, Suffolk County Legislator E. Mystal, Suffolk County Legislator S. Stern and all other Suffolk County Legislators.

Again, my name is Sandra Lee Mott, I am the daughter of Arnold J. Mott. Again, we live in Calverton, Riverhead currently. It is regarding the Brookhaven Memorial Hospital's "Care", "procedures".

On April 4th, 2006, my father, Arnold J. Mott, died at Brookhaven Memorial Hospital. It took one year to obtain a copy of his medical records from the hospital; it was Assemblyman Mark Alesi and his staff who diligently helped us to obtain these records. My father, Arnold J. Mott, a US Citizen by birth, a World War II Veteran, a man who cared for his health, walked in to Brookhaven Memorial Hospital on March 21, 2006 and was carried out on April 5th, 2006, and was buried at Calverton National Cemetery on April 10th, 2006. I have attached a copy of his obituary for you to read, I'm going to read one of them for you at the end of the letter.

A review of his records have raised many questions regarding his care. We know he died unnecessarily, procedures were not followed. In his memory and his in his name, we are asking for a full and formal investigation into Brookhaven's inadequate staffing, lack of beds, lack of infection control procedures, lack of sanitary procedures, use of both chemical and physical restraints and the lack of fully disclosing his care and prognosis to my father, to my mother Ann Mott and to me. All of the above caused his early death.

My parents were denied the celebration of their 59th wedding anniversary on August 3rd, 2006, due to his death. An investigation will not bring my father, Arnold J. Mott, back to us. From discussions

with doctors, nurses, aides, technicians and others who have lost the loved ones at Brookhaven, it is apparent a full investigation at all levels of government is long overdue. As a Federal, State and County finance facility, the need for overseeing Brookhaven's protocols is required and must be started now.

Over \$150,000 in insurance has been paid in full by Medicare and Blue Cross Blue Shield; accountability is needed. A written, written response from the above individuals receiving this memo will be appreciated. Should any of you or all of you need to meet to review our documents, we make ourselves available to you. Deaths must stop, each of you can do that. Thank you. Sandra Lee Mott and my mother who's in the audience, Ann M. Mott. And just to -- if you could bear with me, I'm going to read --

P.O. LINDSAY:

Your time is up, Ms. Mott, if you could summarize, please.

MS. MOTT:

My father's time was up unnecessarily, I'm going to --

P.O. LINDSAY:

Everybody has three minutes and you had more than three minutes already; just summarize, that's all I ask you to do.

MS. MOTT:

Fine, I'll summarize his life in the briefest obituary that was placed in Newsday;

"Arnold J. Mott, born on March 12, 1918 in New York City, New York, passed over on April 4th, 2006, at 88 years. Raised in Inwood, Long Island, he moved to Baldwin, Long Island, until his retirement in 1977" -- 78, I beg your pardon -- "from Republic Aviation in Farmingdale, Long Island, after 37 years of employment. He and his wife Ann moved to Orlando, Florida, for five years, returning to Long Island in 1983. His final residence was Riverhead, Long Island for 14 years. He enjoyed his life and his retirement for 28 years. He traveled throughout the USA and Canada and was an avid golf fan and an animal lover. He was a 50 year plus member of the AFL-CIO, Local 1987. He was a member of the 405th Fighter Group with the Army Air Corps during World War II, stationed in France and on to Berlin to victory. He was a recipient of the Jubilee of Liberty Medal for the 15th Anniversary of the Invasion of Normandy in 1944. Survived by his wife of 58 years, Ann, and his daughter Sandra Lee Mott and his beloved pet cats who all miss him greatly."

I thank you for your time. I thank you for my three minutes. This is a photo of my father, I'm going to let you pass it around and I'll collect it at Mr. Romaine's desk.

P.O. LINDSAY:

Debra Alloncius.

MS. ALLONCIUS:

Good morning, Chairman Lindsay and members of the Suffolk County Legislature. My name is Debra Alloncius, I am the AME Legislative Director. Thank you for affording me this opportunity to speak with you.

I stand before you at the request of Cheryl Felice in support of IR 1427. We really feel that the AME members need the protection, we have a very frightened group here and would appreciate your support.

I also would like to voice our support for Legislators Lindsay and Stern for their Memorializing Resolution 16-2007. We certainly stand behind any of the bills for our civilians and our people who were injured in all the 9/11 injuries that occurred at the onset and as they're popping up. We also will be following in your footsteps and corresponding our support in -- to this resolution that is so

sorely needed, they really need all the protection that they can get. Thank you. Have a great day.

P.O. LINDSAY:

Priscilla Lingard.

MS. LINGARD:

Good morning, Members of the Legislature. My name is Priscilla Lingard, I'm a Social Worker employed at Catholic Charities in the Chemical Dependence Unit. First of all, I'd like to --

P.O. LINDSAY:

Priscilla, you've got to bring the mike right -- yeah, there you go.

MS. LINGARD:

I'm usually told I talk too loud. Anyway --

P.O. LINDSAY:

No, you're not coming across loud at all.

MS. LINGARD:

Okay. I'm representing The Quality Consortium as well and I'd like to applaud Legislator Nowick for her resolution, 1170-2007. I'm not going to keep you because my colleagues said basically what I had to say. I just wanted to share a story of a young man that I saw in our adolescent program who was abusing DXM, and he told me about the plateaus that they reach, the more you use the higher you get and the hallucinations. And on one occasion, he actually lost his site for some time and yet he continued to abuse the substance; he ended up in an inpatient facility -- outreach, actually -- for a year. But the reason that this resolution is so important and it should be enacted as law is because adolescents don't have that part of the brain that controls reason and consequential thinking, so we have to protect them. And I think we need to put the stops in place so that they can't continue to abuse these substances that they can easily get.

And I should also mention that this young man told me that when he couldn't buy it, that he would just steel it off of the shelves, so if it's out there they're going to find a way to get it. And again, I'd like to thank you for affording me this opportunity.

P.O. LINDSAY:

Thank you very much, Priscilla. Carolyn Fahey. Good morning, Carolyn.

MS. FAHEY:

Good morning. Carolyn Fahey, Suffolk County Economic Development & Workforce Housing. I'm here this morning to ask for your approval of IR 1188 which amends the boundaries of the Suffolk County Empire Zone to include Blue & White Foods.

Blue & White Foods is located on Smith Street in Farmingdale, they're a manufacturer of Mediterranean spreads and dips and this designation will allow them to expand to a new line that includes Kosher products and a new salad product line. This designation also will assist the company in retaining the 55 jobs that exist there now and will create 65 new jobs within the next five years. The investment rate is 1.5 million in new equipment and renovations to the building.

This resolution was adopted unanimously out of the Economic Development Committee. The representative from Blue & White couldn't be here today, so I just wanted to give you a brief synopsis before you had an opportunity to consider this resolution. Thank you.

P.O. LINDSAY:

Christine Costigan.

MS. COSTIGAN:

Good morning, Mr. Lindsay. Good morning, Members of the Legislature. I return to ask you again for your support of Introductory Resolution 1260. This is the resolution, you may remember, we toiled over at the last meeting that has to do with the ten small lots in Bellport that were lost by tax deed on the death of Ethel Grace back in 1980, and then three summers ago her Executor got the ten letters from the County telling him he had the opportunity to redeem. He immediately filed the ten applications, paid the back taxes and that \$56,000 has been sitting there ever since waiting for the matter to be handed over.

When we left off last time, there were a couple of questions raised and for that reason the matter was tabled, and I'm here hopefully to give you those answers or to otherwise plead for your approval of this resolution.

One thing we talked about was the fact that there was a cloud on title and there is, in fact, a cloud on all title taken by the County where notice is not given. There were ten title reports done on these ten lots by Fidelity Title which is a premier title company. I revisited that with them again and they confirmed again that this is not marketable title in that it's not insurable because there is a cloud on the title. So that I can address you and update you on; that fact still exists, the County can't sell these properties with clear title except to the former owner, except to return them to the former owner.

The second issue that we talked about a little bit was how suitable these properties are for affordable housing. These are ten lots on paper streets, only two of them even have road access, they're in North Bellport just south of Sunrise Highway, and right now they're not marketable, they need to be glued together even to put a project together. So we sat down and talked to Suburban Housing Research and Development, which is an affordable housing company I think you're all familiar with out of Bay Shore. We have an agreement with them, an understanding to transfer this money, these properties to Suburban Housing -- which apparently is working in that neighborhood right now; I didn't even know that, they're doing four houses in North Bellport -- so that they would take on the development responsibilities to do this as affordable housing. And the Executor, in his fiduciary duty, having filed all the applications, wants to assemble the assets. The Executor has already agreed to transfer it to them at 50% of whatever market value is; he's got sign-off from his, you know, legalese and from the company. So Suburban Housing would be taking the lead and taking all the responsibility, frankly, and the credit for getting affordable housing here. So that's my update on that.

You asked me about something about valuation of the lots. There hasn't been one of these lots sold in -- there's been a 20 year freeze on all the lots in North Bellport, so there hasn't been one sold. The last ones that came anywhere near being sold were at the County Auction when two of the lots together, it takes two to make a building lot, were sold for \$42,000. So at most this would be ten building lots, if we ever get the road opened or some variation to get them developed.

So I think that answered all the questions. This is not some kind of real estate scam, this a little 1099 family that's trying to get its Great Aunt's estate closed and I ask you to help them on Resolution 1260.

P.O. LINDSAY:

Thank you, Christine.

P.O. LINDSAY:

Ginny Munger Kahn.

MS. MUNGER-KAHN:

My name is Ginny Munger-Kahn and I am the President of the Long Island Dog Owner's Group, a community organization dedicated to promoting and supporting dog parks here on Long Island. We

and our supporters are very excited about IR 1361, a bill authorizing the Parks Department to identify at least five new dog parks on Suffolk County parkland. We are grateful to Legislators Steve Stern and Jon Cooper for their visionary leadership on this ground-breaking bill.

For too long Suffolk County has been viewed as hostile to dog owners. Until recently, Suffolk's 600,000 dog owners have had access to one very small, off-leash area, a one-third of an acre dog run in West Hills County Park. Thanks to the efforts of Legislator Lou D'Amaro last year, we now have a beautiful new dog park in West Hills. And you'll be interested to know that close to 100 dog owners came to the new dog park on opening day to thank Legislator D'Amaro for his work on their behalf. Now it's time to build on this good work.

Many of this nation's fastest growing, most desirable communities offer multiple opportunities for their citizens to enjoy off-leash activities for their dogs. The reasons are simple; dog parks are good for dogs, but more importantly they are good for people. Certainly well socialized, well exercised dogs make good canine citizens who are less likely to end up in shelters saving heart ache and taxpayer dollars. But most importantly, this issue is about people, it's about senior citizens and families and people from every walk of life who simply want to be able to enjoy off-leash recreation with their dogs.

As Legislator Steve Stern, the lead sponsor of this resolution, has often noted, dog parks create strong communities of people who are dedicated to the parks and the communities in which these dog parks are located. It's no wonder that throughout Florida and North and South Carolina where many Suffolk residents consider moving, numerous communities offer multiple dog parks and they are building more because of their success and popularity. Closer to home, New York City recently joined dog owners in declaring that its off-leash policies have made its parks safer while serving the needs of its dog owning and non-dog owning citizens alike. The city offers almost 50 dog parks.

This bill will put Suffolk County in a league with these other forward-thinking communities and serving the needs of its citizens. Those of you who govern always have the big issues such as taxes and operating budgets to deal with, but today you have the opportunity to directly and dramatically improve the lives of hundreds of thousands of Suffolk residents for generations to come.

We want to thank Legislators Steve Stern and Jon Cooper so much for leading this effort to improve the quality of life for many thousands of Suffolk County residents. We also want to thank the entire membership of the Parks Committee, Legislators D'Amaro, Browning, Vilorio-Fisher, Nowick and Romaine who unanimously chose to join Legislators Stern and Cooper in taking this ground-breaking step.

And finally, we want to thank County Executive Steve Levy and Parks Commissioner Ron Foley for their enthusiastic support for this initiative; we urge you to support their efforts and this bill.

P.O. LINDSAY:

Peter Quinn.

MR. QUINN:

Good morning, Members of Legislature. Peter Quinn, Energy Critic, longtime. I'm here to comment about the January 25th LIPA meeting at which there was a resolution calling for \$185 million in community benefits and other perks arranged for Brookhaven Town and for Caithness for the generating plant cited there. I characterized those monies as a bribe to get that generating plant approved. It turns out that in January -- in February there was no LIPA Board Meeting and I discovered from Mark Herrington of Newsday that the money had increased to \$201 million. Those are our ratepayer dollars for which we have no way to be recompensated.

The disturbing thing is that at the March meeting, the trustees voted to approve the minutes. I discovered in April that my comments and that of Richard Kessel's who followed, probably five minutes of time were expunged from the written record; that's tampering with a legal document, that's a Federal crime. And I'm extraordinarily disturbed about it, particularly because my name and

my comments were removed, but it's disturbing to think that all of that money we have seemingly no recourse.

And while our Energy Chair talked about the need to look at the KeySpan costs for the management -- manufactured gas plants, I recall Kessel saying at that meeting last week that the purchase of the generating plants was at book value. It turns out that the book value they allege is really book value plus a half for the Wading River, Port Jefferson, Shoreham-Wading River generating plants. That, too, is disturbing because if you subtract that one half from the 236 million of synergy savings, you're back down close to \$100 million in synergy savings, so the whole synergy saving proposal by LIPA is a fraud.

I'm pleased that both Legislators Romaine and Barraga spoke up at that Energy Committee and asked for a delay in determining whether they're going to approve this Energy Savings Management Agreement at the next LIPA Board Meeting which is May 22nd. I would urge that as long as Energy Chair Horsley has proposed to the Public Service Commission that there be a delay, that you all agree to put together a letter including the County Executive, send it to Kevin Law demanding -- not asking, demanding -- that there be no vote on the synergy savings until such time as all those questions about the cost of the generating -- the manufacture of gas plants is fully addressed. You can't have KeySpan claiming that it's only 70 million for Bay Shore when in reality Irving Like, representing the citizens there, knows, has a document that he retrieved from KeySpan that it costs over \$200 million.

D.P.O. VILORIA-FISHER:

Peter, your time is over.

MR. QUINN:

We are being terribly deceived, and I think that it's your responsibility to redress the needs of ratepayers as well as taxpayers. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much, Mr. Quinn.

Applause

Our next speaker is Linda Sharp.

MS. SHARP:

I'm Linda Sharp, I live in Huntington Station. My family and I are victims of the most arrogant public corruption and retaliation for reporting it; it surpasses the infamous Cooke County, Illinois.

I cannot use the services I'm entitled to as a resident of Suffolk County and as a taxpayer, nor can I leave; I can't move either. My family and myself, our health and well-being is so impacted by what we're going through. My life was threatened, witnesses came forth and reported it to the proper authorities here which chose to revert to the three monkey principal; see no evil, speak not of it, nor hear it. Suffolk County's corrupt-friendly atmosphere is a disgrace to the flag that we all just pledged our allegiance to. May God show you the way. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Sharp. Nancy Lustig is our next speaker.

MS. LUSTIG:

Good morning, Members of the Legislature. My name is Nancy Lustig, I'm the Board President of the Suffolk Coalition to Prevent Alcohol & Drug Dependencies. Many of you know me from previous issues, I'm here today regarding Resolution No. 1170 regarding the sale of DXM.

I was -- I did appear before you on April 24th on the very same issue; at that time I submitted my

written statement and I'm sure you have it in your file. The reason I chose to return today is because when I gave that statement, which still holds true, I was not privy to this letter which is dated April 23rd, actually an e-mail, from the National Association of Chain Drug Stores; they're based in Alexandria, Virginia. I read this letter carefully -- I'm sure you have it at your disposal as well, I'm sure it's in the file -- and I'm here today to state not so much what The Quality Consortium people have very ably stated in terms of the agreed upon dangers of the sale of over-the-counter cough medications and cold medications that contain DXM, I'm here today to emphasize or reemphasize the need for retailers who do their business in our County who benefit by servicing our residents and businesses in our County that they have a very real part to do in addressing this issue.

Now, in this letter they seem to emphasize two things. One is that this legislation would make it rather inconvenient for certain people under the age of 19, such as college students, to be able to treat a cough. Those who don't live at home who live on campus certainly have access to an infirmary if it's serious enough for them to require any type of medication. Over-the-counter doesn't mean that a medication is not a serious thing to consider when taking it.

The second thing that they seem to address is education. It's sort of simplistic. It's not as if this is, well, you should just do education and the other part of it should just be voluntary; they make it into an either/or situation. I am implore you to mandate via this legislation to be proactive, that they have -- they meaning the retailers, any retailers of this particular medication, that they have a role, a very real and positive role to play, not a passive role, not a voluntary role, that's what they are suggesting here; they want their members to voluntarily agree to these restrictions in terms of proofing.

D.P.O. VILORIA-FISHER:

Nancy, if you could wrap it up, please?

MS. LUSTIG:

Yes, certainly. So basically that's it. I hope you will all take a very proactive and real of the get real attitude regarding this whole issue. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Nancy. Our next speaker is Adelaide Czerwonka.

MS. CZERWONKA:

I'm Adelaide Czerwonka from East Quoogue.

LEG. VILORIA-FISHER:

Can you please bring the microphone down to you, please, Ms. Czerwonka? Thank you.

MS. CZERWONKA:

Can you hear me now?

D.P.O. VILORIA-FISHER:

Yes.

MS. CZERWONKA:

I'm Adelaide Czerwonka from East Quoogue. I was here just a few days ago to the --

D.P.O. VILORIA-FISHER:

Just speak closer to the microphone; I'm sorry.

MS. CZERWONKA:

-- to the Senior Legislative meeting addressing Legislator Stern, My Legislator Schneiderman, and that's why I'm here, I've also talked to Romaine when he was at a meeting in East Moriches. But my purpose here is I have no bill, I'm here only as a senior citizens

over 70 years of age. I am having difficulty with living where I am because it is no longer for senior citizens, I am being denied my rights. I have asked for help in that situation and I do not get any response.

The pricing of everything has tripled, gas when I came from Nassau to Suffolk was 25 cents a gallon, my propane was 69 cents a gallon and I did not have to pay any kind of tax for environment for each delivery. My electric was way, way below and my -- I can't even envision what they're doing with my electric, I have no heat -- I have no toaster, no television, I merely have heat, I merely have a hot water heater and that's about it. And I don't know where it's going to all go, but I am asking and asking that something be done to freeze the pricing and not expand in international programs to worry about China's welfare, worry about India's welfare. We're right here, we're in a deficit consistently and I'm a criminal living in this country.

When I went to work in the city, it was a problem. The trains were looted and the trainmen would get stoned. As I called recently Congressman McCarthy's office to thank her, she's doing something about gun control because her husband was murdered, I know about that. I quit after many years, I didn't need to do that. I'm an American born here, I've asked and asked and asked. When I quit the city, President Nixon was finally impeached; nobody is above the law. Just to open my mouth here I can be arrested. They have tried to arrest me where I live. My management is in Connecticut, I have no rights, I'm a New York State born citizen. My parents came to this country from Europe to escape this, but not the way they come in these days, they come in through different ways. They came in through the Statue of Liberty, you had to have a good mind, a good record and period. Do something where you can help me as an individual. Do I need a special bill, a special legislation? Thank you.

P.O. LINDSAY:

Thank you, Adelaide. Arlyne McMullin.

MS. McMULLIN:

Good morning. Thank you for having us here. My name is Arlyne McMullin and I'm here --

D.P.O. VILORIA-FISHER:

Arlyne, if you can pick the mike up a little bit; there you go.

MS. McMULLIN:

Okay, thank you. My name is Arlyne McMullin, I'm here to talk about dog parks in Suffolk County. My husband and I are both campers, we travel all over the United States, we travel all over Canada. We have two dogs and they are usually on a leash, however, they do need exercise. And we have found throughout the country, throughout Canada, leash-free areas where we can let our dogs run, they can enjoy themselves, have fun, get the exercise. They also make them better dogs. As I say, we camp all over the place. When I take my dogs into a dog park, usually they've never been there before, they're meeting strange dogs, but because they have been so socialized all their lives, they can walk into any park, meet any dog and get together and be friendly. Dog parks lead to better dogs, they are friendly with other dogs, there's less hostility and they're also friendly with people. For the safety of dogs, their well-being and for the safety and well-being of people, we need more dog parks. Thank you very much.

P.O. LINDSAY:

Ed McMullin. And I guess, Ed, you're going to talk about a different subject, right?

MR. McMULLIN:

Oh, yes, yes. My name is Ed McMullin from Lake Grove. And as my wife said, we are both here to support the legislation 1361 in favor of dog parks. We have found that dog parks provide very important benefits, they allow dogs to meet other dogs, to socialize, to play, to bring up excess energy. And in addition, they allow places for dog owners to meet and socialize and for non-dog

owners who like dogs but don't currently have dogs to come and vicariously enjoy the pleasures of dog ownership. So please seriously consider 1361. Thank you.

P.O. LINDSAY:

George Callagan, Callaghan. Not dogs, right?

MR. CALLAGHAN:

Yes, it is dogs.

P.O. LINDSAY:

This bill was going to pass unanimously, a couple of more speakers and I'll have my doubts. Go ahead.

MR. CALLAGHAN:

No, I just want to make sure. Like I said, this is a very positive, quality of life issue, it's an improvement to our park system. It's benefitting all the residents here. I know you guys deal with a lot of serious issues and on the lighter side, I mean, I'm sure you guys probably spend more on copy paper than what you're going to do to build one of these dog parks.

Anybody who doesn't -- has any reservations, speak to Mr. D'Amaro or Mr. Cooper, they were there last week at the West Hills County Park, you know, and they'll tell you firsthand, a lot of people out here are using this. It's a great benefit. Thank you, Ms. Browning, people in your office are always very dog-friendly to me when I go there, when I got to go there. Thanks for your time.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Barbara Buscareno.

MS. BUSCARENO:

I'll make it really short. I just want to thank everybody for their support, Legislator Stern and Legislator D'Amaro, Legislator Cooper, Legislator Kennedy, Nowick, Legislator Vilorio-Fisher, and I'm sure there's others here, certainly Legislator Browning. And this has been a long struggle that we started about ten years ago and there's been a lot of ups and downs and this is generally -- this is definitely an up and we're really thrilled to have this legislation before us, and also to get the County Executive support as well. So thank you and I certainly hope that this passes this afternoon. Thanks.

P.O. LINDSAY:

Mark Epley; and Mark isn't going to talk about dogs, right?

MR. EPLEY:

No, I'm not. Mark Epley, Executive Director of Seafield Center, West Hampton Beach. I'm talking in reference to Resolution 1170. I'm here to show Seafield and my support for the Local Law prohibiting the sale of Dextromethorphan -- excuse me, DXM is what I call it -- to minors within the County of Suffolk.

I'm a father of four teenagers, I had a discussion with my children in reference to DXM. You know, it's important that we prohibit the sale of DXM and all the products that contain it because it's so easily accessible to the young teen-agers. The earlier that we can prohibit someone from accessing substances that they may use to become potentially addicted to, the greater the opportunity, the greater the chance that they will not have a problem long-term. I salute the Legislature for their pro activeness in doing this, it's something that will benefit, I think, the community.

With the use of the Internet, anyone only has to go on-line, they can go on to the face book and find formulas in order to access -- to develop different substances, whether it's to have an impact on one's mind. You only have to look at long-term social effects, whether it's long-term treatment for individuals, the cost of just general quality of life crimes and all of this stuff. A lot of it, 85% of the individuals that are in jail today are in jail because of their use of a substance while they commit a crime. Any opportunity that we have to be able to take something off the street and out of the hands of young individuals I think is something that we should be doing.

So I thank the Legislature and Legislator Nowick for your initiative here and many other Legislators who have introduced this, but this is a good thing. Thanks.

P.O. LINDSAY:

Thank you very much. That concludes the cards we have on the public portion. Would anybody else like to speak in the audience? Alex, come forward.

MR. STRAUSS:

Yes, Alex Strauss from Radio Avenue in Miller Place. I just would like to speak on 1885 and 1894. Both of them have been constantly tabled, constantly tabled; I think these two laws should go into effect, one to tax exempt for the holidays on sales tax, and the other one to change the sales tax that's a percentage down to cents. Because the way the oil companies are going, it just keeps going up and it just adds more and more on to the cost of fuel, and I think enough is enough on the sales tax on fuel. Thank you very much. Have a great day.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Yes, sir, please come forward.

MR. {CLEASE}:

Good morning. I'm Daniel {Clease} from 1199 and I just want to actually thank Jon Cooper for the Memorializing Bill No. 23, dignity for all students which is actually the anti-bullying bill. I presented it to Jon Cooper and he took it on very strongly and I thank that. And I also thank the Public Safety Committee last week for supporting it a hundred percent.

I also want to let this Legislature know that I also brought it to Nassau County, and although they don't do Memorializing bills in Nassau County, they supported us with a letter of support for the State to support this bill in New York State a hundred percent. So thank you for taking this on.

P.O. LINDSAY:

Thank you. Is there anyone else that would like to address the Legislature? Seeing none, I'll take a motion to close the public portion.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions? Would all Legislators come to the horseshoe, we're going to start the agenda.

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Montano).

P.O. LINDSAY:

Turn to page four, the Consent Calendar. I'll accept a motion?

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa, second by Legislator Mystal.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Montano).

P.O. LINDSAY:

I'm going to make a motion to take IR 1375, which is on page eight, out of order.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

1375-07 - Authorizing the County Executive to execute an agreement with the Suffolk County Probation Officer's Association Bargaining Unit 16 covering the terms and conditions of employment for the period May 3, 2004 through December 31, 2010 (County Executive).

LEG. CARACAPPA:

1375?

P.O. LINDSAY:

Yeah, it's on the top of --

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Montano).

P.O. LINDSAY:

It's the Probation contract, being that we have some people here that have expressed interest in this. Is Jeff Tempera still in the room?

D.P.O. VILORIA-FISHER:

Or has he gotten to the room yet?

P.O. LINDSAY:

No, I saw him walk in before.

LEG. ROMAINE:

Is that him? He's outside, sir.

P.O. LINDSAY:

Jeff, if you don't mind coming to the mike, we have some questions on the contract.

MR. TEMPERA:

Sure.

P.O. LINDSAY:

We have all been contacted by some of the folks that retired in the interim between the period that the contract covers and today. Could you explain to me, was that foreseen in the contract?

MR. TEMPERA:

Yes. Again, there's the ebb and flow of negotiations and this contract really is no different from other contracts we've negotiated in the past that have been approved by the Legislature. Back in July of '05 when you approved the AME contract, there was exactly the same provision in the AME contract. The arbitrator with the Deputy Sheriffs -- I'm sorry?

P.O. LINDSAY:

So you had to be active at the time the contract was passed to apply for retroactivity?

MR. TEMPERA:

Correct. The same thing with the arbitrator awarded with the Deputy Sheriffs, you've got the Park Police to a certain extent. The Detective's Association and the Superior Officers had delayed wage increases and anybody who had retired prior to the start-up of the wage increase when the awards came out also didn't receive retroactivity. But again, during negotiations there's the give and take as to what goes on. The union had this as an issue and a priority and unfortunately when both sides came down to the end, this is the agreement that we felt was fair to the taxpayers and was fair to the active members of the union. This is what we're asking the Legislature to approve and support today.

P.O. LINDSAY:

Is there any what I used to call "me too" language in the contract, that if you agree to this in this contract it would open the other ones?

MR. TEMPERA:

No.

P.O. LINDSAY:

Okay. Legislator Vivian Vilorio-Fisher.

LEG. VILORIA-FISHER:

So Jeff, you're saying that there are other law enforcement unions that have this in their contract where it's not retroactive for retirees?

MR. TEMPERA:

And again, it's not only retirees, and I know you may have gotten a couple of calls from retirees; it's anyone who has left the County.

It didn't say in the agreement, "Anyone who retires will not get retroactivity," it --

LEG. VILORIA-FISHER:

Right, it said only active employees.

MR. TEMPERA:

Correct. So if someone resigned and left, someone left who wasn't eligible to retire, someone was terminated; you have to be active and on the payroll as of the dates.

LEG. VILORIA-FISHER:

Well, you can understand that the retirees would be the people who would be most concerned because it affects their level -- their retirement levels and it impacts that.

MR. TEMPERA:

Correct. And it's not like individuals in the Probation Officer's Association didn't have warning. The same exact thing was done in back in 2005 with AME and there were issues that were brought up at that time and retirees had some phone calls, did have questions and we said the same thing back then; this is the agreement, this is what the parties were able to negotiate and this is what we feel is fair. At least the Probation Officers, you know, we settled obviously in 2007, we have taken the

position all along that this is going to be patterned after AME, they fought for differences within their union, but the pattern in terms of the wages, you can compare the two, are patterned after AME. So they had notice that --

LEG. VILORIA-FISHER:

Jeff, my question, though, is about law enforcement, which --

MR. TEMPERA:

The Deputy Sheriffs, we had an arbitration award with the Deputy Sheriffs that had a similar clause in it. The Detective's Association and Superior Officer's had delayed wage increases, I think with the --

LEG. VILORIA-FISHER:

What does that mean, Jeff, delayed wages?

MR. TEMPERA:

The wage increase didn't take effect, I believe, with the Superior Officers, for some reason I think it was April and May for the Detectives. So the wage increase didn't take effect on January 1, so anyone who retired between January 1 and say April or May didn't receive those increase in wages, so.

LEG. VILORIA-FISHER:

So the retirees didn't have retroactive in that union either.

MR. TEMPERA:

Correct, for those -- if they retired prior to that period of time, absolutely.

LEG. VILORIA-FISHER:

Okay, thank you, Jeff.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Like my colleagues, I've heard from retirees as well; as a matter of fact, some who are direct constituents. And it always occurs to me that it's somewhat ironic that we're here being asked to go ahead and approve this contract which the administration negotiated with the collective bargaining unit. How many retirees? And I'm going to ask you to go ahead and identify this group specifically, because they are not like people who have left service or have moved elsewhere. They are in a category where they continue on and have some nexus by and through their three and four decades of service to this County and they enjoy the pension, they enjoy the medical benefits, they enjoy the other benefits going forward. So we collectively recognize that there's some value to what they did. How many people is it?

MR. TEMPERA:

I don't have a number for you, I've heard somewhere in the area between 12 and 18, but I don't have a number before me as to the retirees.

LEG. KENNEDY:

We had a lady here earlier who spoke during the public portion and she identified to me that it was 12, I believe. How much, what was resolved were they to have received the benefits?

MR. TEMPERA:

I couldn't tell you that and I'm not going to get in to the specifics as to what went on in negotiations, I think that's between the union and the County. Really, there's a lot that goes back and forth

between both parties in trying to come to a conclusion on an agreement. This union has been without a contract since 2004, they --

LEG. KENNEDY:

Which is why it makes them somewhat unlike the other groups that you just made reference to, because there was good faith bargaining and there was actually execution within a two year, three year time period. This is atypical in that it references seven years, seven years, 3% per year, not like the Superior Officers, not like the Detective Investigators, mirrored on AME, yet a group of people who are actually, in many cases, out there in harm's way every day.

MR. TEMPERA:

Well, again, I understand --

LEG. KENNEDY:

Maybe there's some way to get this information not in this forum, but for me to make a decision, which is what I'm being asked to do today, those things are important for me to know.

MR. TEMPERA:

Well, again, I think -- and in all due respect to the Legislators and Legislature, the role of the Legislature in collective bargaining under the Tailor Law is to approve those items that require the appropriation of funds. Under the Tailor Law, the County Exec, and I'm the County Exec's representative at the table, is to hammer out those agreements that we bring before you.

The union fought hard for what they felt was appropriate and again, they fought for the retirees and they fought for all members of the union from day one and the County considered that. At the end of the day, this is the agreement that we bring before you, this is the agreement that both sides hammered out over lengthy negotiations and this is the agreement we ask you to support today.

LEG. KENNEDY:

Mr. Chair, I'm going to yield, but if there is a way for me to find any of that information out before we're asked to vote, I personally would appreciate it.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Good morning.

MR. TEMPERA:

Good morning.

LEG. ROMAINE:

Let's talk about the Tailor Law and the role of the Legislature. The role of the Legislature is certainly more than just appropriating funds under the Tailor Law. In fact, we can actually --

MR. TEMPERA:

It is not.

LEG. ROMAINE:

We can actually impose a contract if we chose to do so; is that correct?

MR. TEMPERA:

That is not correct. If the parties do not reach an agreement --

LEG. ROMAINE:

Right.

MR. TEMPERA:

-- and the union moves the process forward, goes through mediation, goes through fact-finding and the parties are unable to reach an agreement, then the union could bring the matter before the Legislature, the Legislature would have to hold hearings and the Legislature then could impose a wage package only. That's my understanding of the Tailor Law with regards to the Legislature's imposition of a contract.

LEG. ROMAINE:

Let's talk about the Probation Officers specifically; how long were they without a contract?

MR. TEMPERA:

This contract goes back to 2004.

LEG. ROMAINE:

2004, so it's 2004, 2005, 2006, 2007, and how many years into the future?

MR. TEMPERA:

It goes out two years beyond AME, it's for 2009 and 2010.

LEG. ROMAINE:

Okay. And there are people that have worked as Probation Officers and this includes, I believe, a flat payment to them for 2004 of, what, nineteen hundred and --

MR. TEMPERA:

Twenty-five dollars, that's correct.

LEG. ROMAINE:

-- Twenty-five dollars. And then after that it's more or less a 3% increase, I think there's one year where it's a little higher?

MR. TEMPERA:

It's 3% for '05, '06 and '07, in '08 it's a 3.25 and then it goes back to a 3% for 2009 and 2010.

LEG. ROMAINE:

Right. Now, we have Probation Officers that worked in 2004, 2005 and 2006; they would be entitled to that 1,925, they'd be entitled to 3% for 2005 and 3% for 2006, because they worked just like all the other Probation Officers. But their sin was the fact that they retired, so whatever increase that was due them, this County has negotiated a contract and told the Probation Officers, because of a pattern that was set by another union, that they now must be denied these increases, despite the fact that they worked those same years as other officers. I find that something that certainly doesn't seem equitable or just, in my personal opinion. These people worked, these people were entitled to those raises and you negotiate a settlement that would deny them something that some people would call basic economic justice; to me, that is not fair negotiations. If, particularly as Legislator Kennedy sites, this is an unusual situation in which a contract has been lacking for several years, now I think there's about a dozen people, from what I understand, my knowledge of that, that are affected.

The amount of money that this County would have to pay these people -- and they didn't all retire in 2006, some retired in 2004, some retired in 2005, it's about a dozen people overall -- the cost to the County is minimal, but the impact to these individuals who served the County is not minimal. This is an extremely unfair thing. And I can guarantee you, the union did not ask for this, the Probation Officers did not ask for this.

MR. TEMPERA:

I dis -- you know what? I will take offense to that.

LEG. ROMAINE:

Okay.

MR. TEMPERA:

I sat in negotiations, Don Grauer and his team sat in negotiations, the team before him sat in negotiations and absolutely pressed this issue. This is something that at the end of the day when both sides come to an agreement, the agreement is what you have before you today. And that is a hard fought agreement on both sides; there are things the County didn't want to give up that the County gave up, there were things the union didn't want to give up and they gave up.

LEG. ROMAINE:

That's the order of negotiation, I understand that.

MR. TEMPERA:

Correct.

LEG. ROMAINE:

But it just seems to me, this is an extremely unfair thing to penalize people who retired from gaining their just increase that their fellow colleagues who are still working are getting. I don't know how you can call that or anyone examining this can call it just, and I'll end with that. Thank you, Mr. Chairman

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I don't want to point fingers, what I want to know is can there be a separate negotiation for the people that have retired?

MR. TEMPERA:

No.

LEG. EDDINGTON:

So that if we pass this, it's over.

MR. TEMPERA:

Correct. The agreement that's before you today is the one that was hammered out between the Probation Officers Association and the County.

LEG. EDDINGTON:

So that basically what I'm hearing is that it's really not justice for all, which is what we do kind of pledge.

MR. TEMPERA:

Well, no, I disagree with that. Again, and I hate to repeat the same thing over and over again, but the union had many issues that they asked for the County to grant to them, this was one of them, the County had many issues that we asked the union to grant to us. At the end of the day, when all was said and done, you have the agreement that's before you.

LEG. EDDINGTON:

And in the negotiations, were there any people that represented the retired PO's?

MR. TEMPERA:

Absolutely, the union. The union represents all of their members, absolutely.

LEG. EDDINGTON:

Okay, thank you.

LEG. ROMAINE:

You're not a member if you retire.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Jeff, just to follow-up on Legislator Eddington's questions. Do the people that are affected by this exclusion have any rights to grieve in any forum? I mean, you know, it's been a long time since I've done labor law, LAR; do they have anywhere to go to say essentially that they were excluded from the process, maybe their rights weren't fully pressed? You know, we just want to know if they have a hat to hang their -- you know.

MR. TEMPERA:

There's absolutely a forum, whether it's through a grievance, whether it's through an allegations that the union didn't fairly represent them; clearly there are avenues that those individuals could pursue under the Tailor Law.

LEG. MONTANO:

So this may not be the end of it if we approve the contract today in terms of their rights to proceed.

MR. TEMPERA:

They absolutely have rights under the Tailor Law.

LEG. MONTANO:

And just so I understand the issue clearly, if somebody were working on January -- or on May 3rd, 2004 until, let's say, June 3rd, they would be -- and since this contract goes back to May 3rd, as I understand, they would be losing out on their 3% pro rata for that month that they worked; is that what we're dealing with here?

MR. TEMPERA:

And I don't want to misrepresent what the --

LEG. MONTANO:

And I missed the first part of your comments and I apologize, that's why I'm not clear.

MR. TEMPERA:

That's okay. And there's several sections that deal with it, but it basically comes down to the fact that -- and I'm just looking for the -- "Each full-time employee who has been on the payroll before July 1, 2004, as a full-time employee, is on the payroll as of the date on which the 2004-2010 agreement is completely ratified and approved"; that's language that was throughout the agreement with regards to the wages. So they'd have to be on the payroll at the point that this agreement is approved by the Legislature --

LEG. MONTANO:

Right.

MR. TEMPERA:

-- and signed by the County Executive.

LEG. MONTANO:

That I understand, but my -- the financial suffering that they're alleging is that if they work for the

County during the time that the contract is in effect, and now we're going back to 2004, if they work, let's say, for six months, they left -- let's say they worked for a year, they left May 3rd, 2005.

MR. TEMPERA:

Correct.

LEG. MONTANO:

Their contemporaries that were working alongside of them would get a retroactive increase probably for four years; they're being denied a retroactive increase for that year period that they worked simply because they're not on payroll at the time the contract is executed.

MR. TEMPERA:

That's correct.

LEG. MONTANO:

Okay, thanks.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I think Legislator Montano brings up a good point. And obviously, I guess, the art of negotiation, no matter where you go, whether it's Labor, Real Estate or what have you, parties bargain and they come to an agreement and the agreement goes forward. I still have some concern about, you know, where I have to go, but the right of recourse, I guess, is something that we all want to make certain may or may not be available. So I'll go specifically to what we talked about under the IP practice, failure of duty to represent; it is something that every municipal employee has as their right when, in fact, they believe their union is not going ahead and advocating for them. The question becomes will PERB recognize or accept an IP from a retiree?

MR. TEMPERA:

Yeah, I can give you my opinion, I'm not an attorney, obviously. It's my understanding under the Tailor Law that a duty affair rep, and that's really a DFR claim against the union can be brought by any member who was covered under the unit, and my understanding is it does cover retirees. But I'm not --

LEG. KENNEDY:

No, I understand, you're giving me your understanding --

MR. TEMPERA:

That's my understanding.

LEG. KENNEDY:

-- as basically an expert in negotiation with some familiarity and your many years as a hearing officer and an arbitrator, so you know it probably fairly better than most. And if it appears that there's that remedy for a hearing on it by the retirees, then maybe there is some recourse there. All right, thank you.

MR. TEMPERA:

Thank you.

P.O. LINDSAY:

Okay, I'm just going to ask you some questions that I know the answers to.

MR. TEMPERA:

That's fine.

P.O. LINDSAY:

Does this Legislature have the ability to modify this agreement?

MR. TEMPERA:

No.

P.O. LINDSAY:

Okay. This Legislature's duty is limited to voting for this or voting against it; am I correct?

MR. TEMPERA:

That's correct.

P.O. LINDSAY:

If we were to reject this agreement?

MR. TEMPERA:

If you rejected it based on the appropriation of additional funding -- and again, that's the role that we look at under the Tailor Law for the Legislature -- then the parties would have to go back to the table and try and address certain needs.

P.O. LINDSAY:

Okay. I don't see any other questions.

LEG. MONTANO:

Bill?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I just -- what I think you're saying is that -- and I'm not up on the Tailor Law, but what you're saying is that we have no substantive role in this process other than to ratify -- to appropriate monies?

MR. TEMPERA:

That's correct. And in fact the --

LEG. MONTANO:

I don't want to -- go ahead, I'm sorry.

MR. TEMPERA:

I was going to say, even if -- the stipulation of agreement I think is before all of you and the last paragraph of the stipulation is one that is used in all the agreements and comes right from the Tailor Law and it reads, "The provisions of this stipulation of agreement are subject to ratification by the POA membership, ratification by the County Executive and for those provisions requiring the appropriation of funds, the approval of the County Legislature." That's the Tailor Law language, that the Legislature's role is to approve the appropriation of additional funding.

LEG. MONTANO:

Right. You know, I just didn't want to leave on that note because I'm not so sure that our role is as limited as you -- you know, as you make it in terms of the ratification of the contract, but I don't think that's something that we need to deal with today. But, you know, without further, I wouldn't leave it there because I have questions as to what our role is; it seems that you're saying that our roll is simply ministerial, that we just --

MR. TEMPERA:

I would never describe your role as ministerial.

LEG. MONTANO:

And I would never want to see my role in that fashion. All right, thanks, Jeff.

MR. TEMPERA:

Absolutely. And if you ever have any questions with regards to that, whether it's through the County Attorney's Office or we have outside Labor Counsel through Lamb & Barnosky, Richard Zuckerman has been our outside Labor Counsel, I'd be more than happy, after today if you'd like, to talk to him about that, I can set that up.

LEG. MONTANO:

Right, but that would only come up if we have some substantive issues with respect to the contract.

MR. TEMPERA:

With regard to the appropriation of the funds, yes.

LEG. MONTANO:

Right, or also the terms of the contract.

MR. TEMPERA:

The terms -- and again, this is the difference under the law, that the Probation Officers Association and the County negotiate the terms and whether you agree with it or not, under the Tailor Law, the role of the Legislature is for the appropriation of funding for those agreements.

LEG. MONTANO:

All right, we'll leave it as it is. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay, real quick, and I think maybe Don can answer this one better. My experience in having negotiated contracts, my question is during the time period of negotiations, those retirees who were leaving, are they aware -- or were they aware that they would be excluded from any retro if they were to leave during that time period?

MR. GRAUER:

From the time that the current Executive Board took office, which was January of '06, we had already had the adopted AME contract in place since around July of '05. And we had pointed out at General Membership Meetings and in the workplace to people that potentially talked about retirement that the writing was on the wall, that that was part of the demand that the County was making, that the pattern was set by AME in their 2008 contract. And we reminded members that although we couldn't discuss what was happening at the negotiating table, we could point out the fact that AME settled a contract that had that language in there in reference to retirees.

Now, some retirees, after we made that statement, chose to withdraw their retirement papers and they're still currently employed and they're hopeful that the contract will be ratified and then they'll resubmit their retirement papers. Other retirees were told that when we were in a position to bring that information to them, since January of '06, and they still chose to make their decision to retire, but we tried to provide as much information to them at the time so that they could make a life decision on that topic.

You know, now naturally there are people that retired in '04 and '05, prior to that AME contract

getting ratified in July of '05, that really had no vision or anticipation that this might occur, but we as an Executive Board did everything within our power to point that out to people after we took office in January '06.

LEG. BROWNING:

How many, then, in the 04-05 period, how many retirees do you know that possibly didn't know this?

MR. GRAUER:

According to my records, there were six people that retired starting in March of '04 until February of '05, then the July '05 AME contract came out with that wording for retirees, and then in August of '05 until the current time there were, according to my records, 12 people that retired after the AME agreement was already out.

LEG. BROWNING:

Okay, thank you.

P.O. LINDSAY:

Okay. I'm going to make a motion to approve 1375, not because I don't sympathize with the people that were left out of this contract, but simply I don't wish to extend these negotiations any further for the people that are still active in the unit. I don't think either one of you guys want to go back to the table and I don't want to belabor this thing any further than it already is.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, I'm going to do one other contract and then we're going to go in to Executive Session. I have Mr. Like here to give us an update on the lawsuit, so I'd like to get the two contracts out of the way before we do this.

Same thing, right below it, ***1413-07 - Authorizing the County Executive to execute an agreement with the Suffolk County Deputy Sheriff's Benevolent Association/Park Police Unit, Bargaining Unit No. 17, covering the terms and conditions of employment for the period January 1, 2004 through December 31, 2008 (County Executive).*** I got to make a motion to take it out of order.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1413 is before us, and I would like to Mr. Tempera to come back to the mike, if he would, I just have one question. Does this contract also have the same language as the previous one?

MR. TEMPERA:

Yes.

P.O. LINDSAY:

Okay. Any questions? I'm going to make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

MR. TEMPERA:

Thank you.

P.O. LINDSAY:

Okay. I am going to ask at this point that the auditorium be vacated. I'd like to make a motion to go in to Executive Session.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I only want Legislative staff -- Legislators in the audience along with Budget Review and Counsel.

LEG. D'AMARO:

Just note on the record, I'm recusing from participating in the Executive Session due to a conflict.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Seventeen (Recusal: Legislator D'Amaro).

P.O. LINDSAY:

And I need the Clerk here as well.

***(*The meeting was moved into Executive Session at 11:21 AM -
And then immediately adjourned for the Lunch Recess*)***

***[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN - COURT STENOGRAPHER AND
TRANSCRIBED BY KIM CASTIGLIONE, LEGISLATIVE SECRETARY]***

[THE MEETING RESUMED AT 2:30 P.M.]

P.O. LINDSAY:

Mr. Clerk, you want to call the roll?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. MYSTAL:

Here.

LEG. HORSLEY:

Horsley is yes.

LEG. STERN:

Here.

LEG. STERN:

Stern is here.

LEG. D'AMARO:

Good afternoon.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here. Okay. We're going to start the --

MR. LAUBE:

Thirteen. (Not Present at Roll Call: Legs. Schneiderman, Caracappa, Alden, Kennedy and Cooper)

P.O. LINDSAY:

-- the public hearings. Mr. Clerk, has the hearings on the schedule been properly advertised?

MR. LAUBE:

Yes, they have.

P.O. LINDSAY:

Okay. We'll start off with Public Hearing 2008-2010 Capital Budget and Program, and I have two cards. Charles Stein.

MR. STEIN:

I have a statement that I'd like handed out.

D.P.O. VILORIA-FISHER:

Chuck, make sure the mike is up so we can hear you. These aren't that strong.

MR. STEIN:

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

At this time, I'd like to describe the actions taken by the Executive regarding the proposed 2008 through 2010 Capital Program and Budget and their impact on Suffolk County Community College. In general, there were three projects deleted, and a denial of our request to advance design funds for two existing projects. The projects that were deleted were the Health and Sports Facility at the Eastern Campus, the Grant Campus Learning Resource Center, and renovation to the Sagtikos Building. I'll paraphrase, you have the statements. And of all of the -- these three projects have been included in the program that you've previously approved. They've been knocked out for this cycle. And we just received word from the Chancellor's Office that they would like information with respect to the next five-year cycle for the State's program. It's imperative that these three projects be put back in, so that we can seek inclusion in the State's five-year program. Without inclusion in the local Capital Program, once the State sets that five-year program, it's very difficult to amend it. So without getting to the specific details, which you have in front of you, it's really important that these three projects be placed back in.

The two projects that the College requested be advanced in -- to 2008 to avoid the possibility of losing State funding are renovations of Kreiling Hall and the partial renovation of the Peconic Building. Both of these projects have been included in the County's Capital Program, and they currently have State support in the current five-year program, which ends in 2008. We've asked that the -- these two projects be advanced to 2008, because the Chancellor's Office has informed us he wants all of the projects that were included in the State's five-year program bonded by 2008 at the State level. We -- if we don't, they have stated we could lose that money, it could be reallocated to other institutions. So we've asked that those two projects, which have been included, be advanced to 2008. Again, the specifics are in front of you.

I ask that you give this serious consideration. Without the projects, these three projects that were previously included, the County support over the next five-year plan would be reduced to one project, which has 7.55 million dollars in it, and that's down from 63.8 million. Also, the delay in the two projects that I just mentioned would mean that this State bonding cycle coming up in the Fall would have no Suffolk County projects eligible for inclusion.

So I thank you for your continued support. And if you have any questions, I'll be happy to answer them.

P.O. LINDSAY:

Chuck, I believe there is some questions. First, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Chuck, thank you for being here. And of course, as we have argued in previous years, when we have reinstated these projects and overridden vetoes, we need to have these projects in our Capital Program in order to access the State money and have us as part of the State Master Plan. But further to that, we had spent sometime with the Middle States and the review. Now, I know that the Eastern Campus Library that we have in our Capital Project -- Program was something that was seen as a negative, that we wanted to have -- we wanted to have it in the program in order to have a better presentation for the Middle States Panel.

Now, the Ammerman Campus is also half of the size, the library in the Ammerman Campus that's before us -- no, the Grant Campus, rather.

MR. STEIN:

Grant Campus.

D.P.O. VILORIA-FISHER:

I'm saying the wrong campus. It's half of the size that it should be for the population. Does that impact future Middle State Panels or --

MR. STEIN:

Yes, it would.

D.P.O. VILORIA-FISHER:

The one that is currently reviewing us?

MR. STEIN:

Middle States was concentrating on the Eastern Campus, one, because ten years ago, they --

D.P.O. VILORIA-FISHER:

Because it was a recommendation --

MR. STEIN:

Yes.

D.P.O. VILORIA-FISHER:

-- that if we didn't --

MR. STEIN:

Right.

D.P.O. VILORIA-FISHER:

-- expand it, that we would lose accreditation at that campus.

MR. STEIN:

And they were very pleased with the fact that the County has supported it and it's moving forward. The Master Plan that we have for the College talks about the requirements with respect to space. And as you've pointed, out the learning -- the library at the Grant Campus is way below the minimums that SUNY requires. That's the purpose of this project. And if we can get it included in our County's Capital Program, as it has been, now that the State is pulling together its five-year plan, it will demonstrate that level of support, they can include it in their 2009 through 2013 five-year Capital Program.

D.P.O. VILORIA-FISHER:

But, if we remove it, as the County Executive wants us to do, will that impact the current Middle States evaluation?

MR. STEIN:

They've already left the campus.

D.P.O. VILORIA-FISHER:

Okay.

MR. STEIN:

They'll be back in five years.

D.P.O. VILORIA-FISHER:

Okay.

MR. STEIN:

-- for mid term.

D.P.O. VILORIA-FISHER:

So it will impact then --

MR. STEIN:

Yes.

D.P.O. VILORIA-FISHER:

-- if we don't have it back in and --

MR. STEIN:

Yes.

D.P.O. VILORIA-FISHER:

-- moving along as part of our Master Plan.

MR. STEIN:

Correct.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Chuck.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you. I think that Legislator Fisher has brought out -- Viloría-Fisher has brought out some important things about Middle States accreditation. Now, you state that, right now, the four projects that you have for 63.8 million dollars would be eligible for State Aid. At what percentage of State Aid are we talking about?

MR. STEIN:

Capital Programs are supported by 50% State Aid.

LEG. ROMAINE:

Fifty percent. Now, if we don't -- if we follow the Executive's advice for the five-year Capital Plan from 2009 to 2013, we would only have 7 1/2 million.

MR. STEIN:

Right. That would --

LEG. ROMAINE:

Right.

MR. STEIN:

Yes.

LEG. ROMAINE:

And we would lose approximately 56 million-plus dollars from the State?

MR. STEIN:

That 56 million represents both the County and the State.

LEG. ROMAINE:

The State. So we would lose --

MR. STEIN:

Half.

LEG. ROMAINE:

-- half of that, or 56 million dollars worth of the projects that might create jobs, as well as expand the ability of the College to meet its mission; is that correct?

MR. STEIN:

Correct.

LEG. ROMAINE:

Was the Executive aware of this?

MR. STEIN:

It was pointed out in our presentation.

LEG. ROMAINE:

And he had still recommended eliminating \$56,250,000 of capital projects to improve the libraries and create jobs.

MR. STEIN:

The recommended program does not include these.

LEG. ROMAINE:

I see. Thank you.

P.O. LINDSAY:

Anyone else? Thank you, Mr. Stein.

MR. STEIN:

Thank you.

P.O. LINDSAY:

I have the second speaker, Kevin Peterman. Do you want to talk about the College still?

MR. PETERMAN:

Do I want to talk about the College?

P.O. LINDSAY:

Yeah, that's what I thought.

MR. PETERMAN:

I'll always talk about the College. Good afternoon. I just want to thank you for your continued support of Suffolk County Community College, and I call upon you once again to help us move forward.

I would hope that you would restore the three projects and advance the two projects in the Capital Budget that Chuck was just talking about. Obviously, I don't need to go over those projects again, but I do want to speak directly to something that's very close to me, since I am in that Grant Campus and the library there where I work in the Media Department as part of that. The Learning Resource Center or Library proposal that's in the -- that we would love to have back in the capital projects, is a 32 million dollar, 95,000 square foot building that the County Exec deleted in his 2005-2007 and 2006-2008 Capital Budgets, but was subsequently restored by the Legislature, and I thank you again for that. It was vetoed and then overridden by the Legislature. The County Exec and the Legislature included this project in the 2007-2009 Capital Project -- Program.

The disturbing part about these projects is that, as Chuck mentioned, the SUNY Capital Budget, which means 50% of that money, is already earmarked for us to go forward with those projects. But it gets worse, because if those projects are not in this year's County's Capital Budget, I think it could jeopardize the SUNY funding that we already have earmarked, and I think that's an important consideration. If we don't get it in the 2009 through 13 capital projects, we might lose them forever.

And why do we need a library on the Grant Campus? The current library is part of the Sagtikos Building, which is an Arts and Science Center, and was built in 1990. It is a one-floor facility that has 52,000 volumes. And just so you know, in 1990, there were 39,000 volumes, and the reference books, which are now expanded into the circulating collections, so they -- because they no longer fit in the reference section.

Since 1990, the number of student PC's has grown, because not only does the library house the traditional library books and materials, but we have computer centers that are part of the library, because technology and libraries are merging. And at 1990, we had twelve PC's in that area and now we have 110 in the library -- in the library and Academic Computing Center. And there's much greater emphasis, especially at a Community College, to have groups -- students work together in groups, and we only have two group study rooms in this library. So we have -- and our enrollment has grown from 56,000 in 1990, this is at the Grant Campus alone, fifty-six -- fifty-six hundred to eighty-two hundred head count, which is a 46% increase. Again, two group study rooms, and the group study rooms are about nine by twelve.

With the substantial growth in enrollment, the services and instruction of our library has insufficient space for programs. We need more electronic classrooms. We're having trouble doing information literacy, which is a big push by SUNY, and it's very important that we get more space, so that we can meet the needs of the students.

And I just appreciate your past support, and I just hope that you can put these projects back in the Capital Budget. Thank you.

P.O. LINDSAY:

Thank you, Kevin. Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Kevin, as I listened to you describe the access that students might have in this Information Center to computer or the internet, are -- is there a portion of the population who relies on this because they may not have it at home?

MR. PETERMAN:

Well, especially I can speak for the Grant Campus, as I said, since I'm there. When we open our doors at eight o'clock in the morning, there's usually six or seven students just waiting to get in so that they can get on, on the internet, because they don't have computers at home.

D.P.O. VILORIA-FISHER:

Because -- okay. So, particularly in this campus --

MR. PETERMAN:

I mean, and, fortunately, for students that do have like laptops, the campus is wireless, so it's -- I mean, we do meet the needs of the entire student population, but it's amazing that at eight o'clock in the morning, you have students lined up just to get on the computer, and when we shut down at 10 o'clock at night, we have to basically chase them off.

D.P.O. VILORIA-FISHER:

So it's a critical need.

MR. PETERMAN:

Well, I think so.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Kevin.

MR. PETERMAN:

But I might be a little, you know, biased.

D.P.O. VILORIA-FISHER:

Well, I mean, clearly, an educational facility without an information center, without an adequate library is really -- it's a mockery not to have it.

MR. PETERMAN:

Well, I don't know.

D.P.O. VILORIA-FISHER:

Thank you, Kevin.

MR. PETERMAN:

Thank you.

P.O. LINDSAY:

Kevin, there's another question for you.

MR. PETERMAN:

Sure. I'm sorry.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Good afternoon.

MR. PETERMAN:
Hi.

LEG. D'AMARO:
The three projects where you're seeking the Legislature to put the funding back into the Capital Budget and Program, they've been in the Capital Budget for a few years going back.

MR. PETERMAN:
That's correct.

LEG. D'AMARO:
And the purpose of putting them back in is so that you can continue to seek the State Aid funding that would supplement these projects.

MR. PETERMAN:
Well, it's half, it's half --

LEG. D'AMARO:
Right.

MR. PETERMAN:
It's half the money. And what I'm worried -- what we're worried about is if we don't get it in this round, we might lose the State money --

LEG. D'AMARO:
Right.

MR. PETERMAN:
-- for five years.

LEG. D'AMARO:
Well, my question is, if it's been there for two, three or four years, how come you haven't secured the funding yet?

MR. PETERMAN:
The money is -- the money is there in the SUNY budget, but they're waiting -- it's only half a loaf. In other words, if we don't move forward down on this end, they're going to say, "Well, obviously, the County" -- this is my opinion, now, I'm not the expert. My assumption would be, "Well, if the County can't come up with the money, we're going to use that money somewhere else."

LEG. D'AMARO:
Well, you say the money is there, then, from the State presently?

MR. PETERMAN:
I'm sorry.

LEG. D'AMARO:
That's all right. The money right now has been put aside --

MR. PETERMAN:

Yes.

LEG. D'AMARO:

-- by the State of New York?

MR. PETERMAN:

Yes.

LEG. D'AMARO:

The 50% allocation?

MR. PETERMAN:

That's my understanding, yes.

LEG. D'AMARO:

So, if we put this back into the budget this year for our Capital Program --

MR. PETERMAN:

Right.

LEG. D'AMARO:

-- the projects will then begin?

MR. PETERMAN:

I hope so. They'll be moving forward, because SUNY -- SUNY is putting together their next plan, and it's my understanding that if we don't have this support down here, they're going to say, "Wait a minute, if your local sponsor is not doing it, we're going to move" -- "we're going to move the project" -- you know, "the money somewhere else where we are getting support."

LEG. D'AMARO:

Well, was the State commitment just obtained? And how long have we had that commitment for?

MR. PETERMAN:

You know, Chuck's the money guy.

P.O. LINDSAY:

Legislator D'Amaro, I see Mr. Stein --

MR. PETERMAN:

Yeah.

P.O. LINDSAY:

-- who's the financial guy.

LEG. D'AMARO:

Oh, yeah.

MR. PETERMAN:

He's probably apoplectic behind me.

P.O. LINDSAY:

He might be able to clarify that answer.

LEG. D'AMARO:

Absolutely.

MR. STEIN:

If I could just clarify this.

LEG. D'AMARO:

Please.

MR. STEIN:

Okay. The projects that we're seeking to put back into the program is so that the State can now consider them in its next five-year plan. The funding isn't there yet. They're first formulating their five-year plan for the years 2009 through 2013.

LEG. D'AMARO:

Okay.

MR. STEIN:

Your question was how come we hadn't received the State funding. They hadn't formulated or started the formulation of that next five-year plan.

LEG. D'AMARO:

Well, if they're formulating a five-year plan now, that means they had a prior five-year plan, I would assume.

MR. STEIN:

Which ends in 2008.

LEG. D'AMARO:

Right. So for the time that these projects were pending in past budgets, they were not included in that five-year plan.

MR. STEIN:

Right. And what we said all along was that by -- and that's why they were in subsequent years up until this point.

LEG. D'AMARO:

Okay.

MR. STEIN:

By demonstrating that they were a part of the program, we could seek State inclusion when they were -- when they started the process of their five-year program. It demonstrated local support.

LEG. D'AMARO:

Okay.

MR. STEIN:

And now is when they're finally getting to formulating their five-year plan. I certainly can't control at what point they decide they're going to start formulating it.

LEG. D'AMARO:

Right. But let me ask it a different way, then. When these programs were put into the Capital Budget in the last couple of years, let's say, was the case ever made by yourself up in Albany that, "Look, we have the local support, let's go ahead and get on the bandwagon, you, State of New York, can start funding these projects"?

MR. STEIN:

We, in fact --

LEG. D'AMARO:

And what was the response?

MR. STEIN:

Wait for the next five-year plan. We were very successful with one of them, which was the Science and Technology Building for the Ammerman Campus.

LEG. D'AMARO:

Right.

MR. STEIN:

That was another one that the County saw fit to include and we pursued funding, and we were fortunate in that we received State Senate support in terms of obtaining funding for that, so we were successful with one of them. These -- the word basically was, "Okay, as long as you have local support, we will incorporate them into the next five-year plan."

LEG. D'AMARO:

So how do we gauge the probability or likelihood of succeeding in actually getting into the State five-year plan?

MR. STEIN:

I think it's very good if it's in the local Capital Program, because it -- the five-year plan comprises the projects, all -- the projects that would be considered over that period of time. If you demonstrate local support, now is when they're going to lock in that five-year plan.

LEG. D'AMARO:

Well, we've already been through that one time, though, and we did demonstrate local support. In fact, the State of New York said, "You know what, you're so low on the priority list, we're not including you in this five-year plan."

MR. STEIN:

No, no, no, no, no.

LEG. D'AMARO:

That's not the case?

MR. STEIN:

The current five-year plan was done seven years ago.

LEG. D'AMARO:

Yeah, okay.

MR. STEIN:

Understand, right now, they're formulating a plan --

LEG. D'AMARO:

Right.

MR. STEIN:

-- for the years 2009 through 2013.

LEG. D'AMARO:

Right.

MR. STEIN:

The current plan went through 2008. That plan was formulated back in --

LEG. D'AMARO:

I don't want to take a lot of time, but I thought, initially, we had established that these three programs were in the County Capital Budget when the State formulated its last five-year plan; is that true or not true?

MR. STEIN:

That's not true.

LEG. D'AMARO:

Okay. So this would be the first bite at the apple, so to speak --

MR. STEIN:

For a five-year plan.

LEG. D'AMARO:

-- for making the State into the five-year plan and getting the financial commitment from the State of New York.

MR. STEIN:

Right, by the fact -- by the fact that we've had it included over the last couple of years, the fact that it was there should -- we pursued State funding, and should it have become available, we might have been able to lock it in, like we did with the Science and Technology Building.

LEG. D'AMARO:

So not only can you make it into a five-year plan, but you pursued it on an annual basis, because it's been part of the County Capital Budget.

MR. STEIN:

Correct.

LEG. D'AMARO:

But each time the State of New York has said no, but, yet, you still are hopeful to get it into the five-year plan coming up and being formulated now?

MR. STEIN:

Yes, because it's the next five-year plan and it stands a very good chance of being included in there.

LEG. D'AMARO:

Okay.

MR. STEIN:

But you have to demonstrate local support.

LEG. D'AMARO:

Yeah, okay. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. One of the things that's important to remember here, and we discuss it regularly, is that

anything beyond the year that we're levying taxes for, in this case, that would be 2008, is a plan. It's a spending, it's a plan of work that we're putting in things that we see as priorities. And, obviously, what you heard is the State is doing the same thing. The reason why we have made this commitment in the past is to show that continuing ongoing support for these projects, so we can leverage that against other, I'm sure, very worthy projects in other parts of the state where people are going to be fighting for this finite pool of money. I think it's very important for us this year to continue that commitment, especially now. This is when it actually matters. This is the time -- everything we've done in years before this has been in preparation for this five-year plan. This is the -- if we were to have done it in the past and then abandon it this year, we throw away all the ground work that we've laid. So it's critically important that we keep in this year, so we maintain our eligibility for that State funding. It's no guarantee that the State is going to deem all or any of our projects worthy, but we hope they will. It's the reason we've kept them in in the past.

So I know I've been a proponent of keeping them in in the previous budget plans that we've put together, and I suggest we do the same this year, because, again, it is just a planning document. If the State sees fit to provide us with this 50% aid for any or all of these projects, we can then identify what the financial impact to us would be and how we would move forward with funding those projects, if we deem we were even able to financially do so. Again, it's part of our planning document.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I'd like to get at this just from a little bit different perspective, but also ultimately to try and bring out support for going forward. And, Kevin, this may be a question for you, it may be a question for Mr. Stein, it may be both. I'm most familiar with the Western Campus, having been there myself, and having had family members who attended the program, and I believe that the student population there has expanded significantly to date and is projected to continue to expand; is that correct?

MR. PETERMAN:

That's correct.

LEG. KENNEDY:

What are we looking at?

MR. PETERMAN:

Well, as I mentioned in my statement, the enrollment, the head count from 1990 to now has gone up 46%, and I think they're projecting over 9,000 within the next few years.

LEG. KENNEDY:

And what are the students utilizing in the way of library resources now?

MR. PETERMAN:

Well, it's -- I have a little anecdote. If you remember a Legislator named Dave Bishop, remember Dave, right? He came to the library, gave him a tour, and I showed him the library, and he said, "Well, how many floors do you have?" And I said, "This is it." And he kind of walked away and he said, "Oh, you need" -- I mean, that's when we opened, that was in 1990, so, I mean --

LEG. KENNEDY:

Now, I'm also familiar with the fact that you have several targeted programs there on the Western Campus as well, including a nursing program that's been expanded.

MR. PETERMAN:

Yes.

LEG. KENNEDY:

I would assume that those students have a need to go ahead and access the library for a variety of things.

MR. PETERMAN:

They're our best students. They are so intense, yes.

LEG. KENNEDY:

And they need library resources across the board. We have other specialized programs there as well, programs that are working in conjunction I think with the Hauppauge Industrial Association, as far as some technical training. We're working to cultivate relationships with businesses to give employees some enhanced training and some specialized credit arrangements. Chuck, is that true?

MR. PETERMAN:

Yeah, we've got that science, we've got HVAC Program that we're pushing. I mean, there's a lot of good stuff there. But what's happening is the library's just too small. It's been small from day one and now we're talking 17 years later.

LEG. KENNEDY:

So even though seven years ago we were looking at the fact that we had need for this, here we are now, seven-plus years later, our student population has expanded significantly, our curriculum has expanded significantly. And if there were justification then, I would think that the State Education Department would look at this now and say that there is more than ample justification to go ahead and site this building there and to do the balance of the projects. Also, it's 60 million dollars worth of municipal construction that will hopefully move towards meeting some of the deficit the labor is experiencing. Everybody knows, we hear it consistently. So there's logic and sense across the board, I guess, for this.

MR. PETERMAN:

Right.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Unless I'd be misconstrued, I am not saying we don't necessarily need these projects. What I am saying, though, is how likely are we to have them included and to actually procure the State commitment on the funding? That's really the -- it's not a matter of need, it's a matter of what is the State of New York going to do and when I hear --

P.O. LINDSAY:

Could -- I'm sorry, go ahead.

LEG. D'AMARO:

When I hear the history that it's been included for the last few years, and the case -- a case has been made on an annual basis and the State's not interested in funding these projects, it makes me wonder whether or not going forward we're going to be successful, even if we include them now.

MR. PETERMAN:

Well, if I may.

LEG. D'AMARO:

Yeah, sure.

MR. PETERMAN:

First, I want to thank Chuck for trying to explain the SUNY system, and I say that, because the SUNY system on itself is an interesting dynamic. But, as Chuck mentioned, there are five-year plans and that first five-year plan ends in '08. So we were leading up to it knowing that we were going to go to the next plan. And just like, you know, I'm here talking to you, you know, we go up to Albany and try and persuade, you know, people to fund projects. I mean, we're in Hauppauge, Riverhead and Albany.

P.O. LINDSAY:

I'd just like to comment, if I might, Legislator D'Amaro. There is no assurance, but there is an assurance is if we don't put it in, then there's no possibility of getting State funding at all. If we do put it in, that isn't a guarantee that we're going to go forward with the project. And if we don't get State funding, we definitely aren't going forward with the project. But, if we don't put it in, we don't stand any chance of getting State funding.

LEG. D'AMARO:

Right, and I agree. And we always make the point that this is a planning document only. But if we're going to be planning in a public document, we should at least believe when we're voting and devising the plan that there's some chance of being successful with the plan, and that's what I'm really driving at here.

P.O. LINDSAY:

Well, if you don't put it in, there's no chance at all. If you do put it in, there's a chance.

MR. PETERMAN:

Well, I can just say that I'm optimistic.

LEG. D'AMARO:

Well, I'm sure you are.

D.P.O. VILORIA-FISHER:

If I could just make --

LEG. D'AMARO:

And I'm glad you are.

MR. PETERMAN:

Well, I've been to Albany enough.

LEG. D'AMARO:

Yeah, sure. No, that's fine.

D.P.O. VILORIA-FISHER:

If I could just make one more comment to that. If, as Chuck says, there has been a Chancellor's advice to us that we need a much larger facility in the Grant Campus for a library there, if that's a recommendation, then --

MR. STEIN:

That was a Master Plan. That was the Master Plan.

D.P.O. VILORIA-FISHER:

That was a Master Plan --

MR. STEIN:

Yes.

D.P.O. VILORIA-FISHER:

-- recommendation. It would seem to me that for this particular project, our chances would be very good. And remember, these haven't been rejected. These are in preparation for the next Master Plan going forward. I haven't -- I don't remember a lot of experience of having our projects rejected. I don't remember -- I don't recall that in the years I've been here. Most of the time, when we put them in and we make the commitment, we have found that they have been included, because we're very circumspect in what we put in there. And certainly, if there is a chance for this recommendation, that we -- this isn't the right size for the population, I think that makes a very good case, especially for that library in the Grant Campus.

MR. PETERMAN:

Well, I'd like to say we do our homework.

P.O. LINDSAY:

Thank you, gentlemen, for coming down and --

MR. PETERMAN:

Okay, thank you.

MR. STEIN:

Thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. Anybody else in the audience would like to address the Capital Budget? This is the second public hearing we've had on the budget, so we'll be moving forward. And I believe there's some individual hearings next week from different committees.

Under *I.R. 2441 - A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights.*

Okay. Counsel is telling me we can close it, although we do have committee hearings on the Capital Budget. So I need a motion to close the public hearing.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Not yours, Steve.

MR. LAUBE:

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

P.O. LINDSAY:

Okay. 2441, as I just announced, I don't have any cards on this subject. Is there anybody in the audience that would like to speak on 2441? Legislator Stern, what's your pleasure.

LEG. STERN:

Motion to recess.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to recess, and a second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

J.R. 2579 - A Local Law to broaden eligibility under the 72h Transfer Program. I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none --

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

J.R. 1056 - A Local Law to enact a Suffolk County homeowners Protection Act. I have no cards on this subject. Anybody in the audience want to talk to us about 1056?

MR. PEARSALL:

Legislator Alden wants to recess it.

P.O. LINDSAY:

Okay. I'll make a motion to recess.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

1079 - A Local Law to amend the County policy for sewer connections to promote affordable housing. I have no cards on this subject. Is there anyone in the audience that would like to address us? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

J.R. 1327 - A Charter Law to strengthen and streamline the process for adopting local legislation. I have no cards on this subject. Anybody in the audience want to speak about it? Seeing none, I'll make a motion to close?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

1352 - A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Service, Division of Human Resources, to the Department of Audit and Control. I have no cards on this subject. Anyone in the audience want to speak on the subject?

LEG. LOSQUADRO:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Losquadro. Do I have a second? Seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

1353 - A Local Law increasing towing and storage reimbursement to towns and villages under the County Seizure Laws. I have no cards on this subject. Anybody in the audience want to speak about it?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. CARACAPPA:

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

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

1408 - A Local Law to improve pool safety and protect against accidental drownings. I have no cards on this subject. Anybody in the audience like to speak on this subject?

LEG. BROWNING:

Missed one. Missed one.

LEG. ROMAINE:

1358.

LEG. BROWNING:

1358.

P.O. LINDSAY:

Did I skip one?

LEG. BROWNING:

Yeah.

LEG. ROMAINE:

Yeah.

P.O. LINDSAY:

Oh, I'm sorry about that. ***1358 - A Local Law to expand the County's Affordable Housing Program.*** I have no cards on this subject. Anybody in the audience like to speak on this subject? Seeing none --

LEG. BROWNING:

I'll make a motion to close.

P.O. LINDSAY:

Legislator Browning makes a motion to close, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

Back to ***1408 - A Local Law to improve pool safety and protect against accidental drownings.*** No cards on this subject. Anyone want to speak on this subject? Seeing that Legislator Cooper isn't here, I'll make a motion to recess, because I don't know what his desire is.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1409 - A Local Law establishing crime prevention requirements for scrap metal processors. I have no cards on this subject. Anyone in the audience like to address us on this subject? Seeing none --

LEG. ROMAINE:

Motion to recess.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to recess?

LEG. EDDINGTON:

Recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1410 - A Local Law establishing regulations for supported scaffolds.

I have one card, Ray Dean.

MR. DEAN:

Yes, good afternoon. My name is Ray Dean. I'm a Business Agent for Steamfitters Local 638. I'm also a resident of Suffolk County.

In New York City right now, there is a Local Law involving scaffolding training and safety regulations. It is a law that does work. There is new training going into effect in New York City on people who work on scaffolds. It has been shown that 80% of scaffolding accidents in New York City happen to people who are untrained, who come from untrained areas, they're untrained people. A lot of them are new immigrants to this country.

This Local Law, we do need it. The only thing I do see with it is I see the height requirements are too high, and we would like to see some of the height requirements lowered on this scaffolding law.

I know a lot of laws, a lot of -- I've worked on a lot of big projects in New York, I've worked on a lot of big projects out here. The companies, before there was a law, who had scaffolding training in place on the job site, there's very few accidents, maybe a minor injury, no bad injuries. On jobs where there are not these safety rules, say, on certain jobs and stuff, there has been accidents and I have seen them, you know.

I think it's a good law. I think we need it. I think it protects -- we like to send our members home the same way they came to work in the morning. We like to see everybody go home the same way. It will also cut down on Workers Compensation costs. It will cut down on costs on Public Works for the County, because these costs would be reduced with the private contractors. And, really, the only thing I'd like to see is the height lowered, maybe to a height of ten feet.

P.O. LINDSAY:

Mr. Dean, we have one question from Legislator Romaine.

LEG. ROMAINE:

What is the recommended height that you'd like it see, sir?

MR. DEAN:

I'd like to see it around ten feet.

LEG. ROMAINE:

And right now, it's currently under the current proposed law?

MR. DEAN:

Originally, I think it was forty feet? Forty feet.

LEG. ROMAINE:

Forty feet.

MR. DEAN:

Forty feet is --

LEG. ROMAINE:

So that's a considerable --

LEG. LOSQUADRO:

Use your mike, Ed.

MR. DEAN:

Yes.

LEG. ROMAINE:

Yeah, even a fall from --

LEG. LOSQUADRO:

Ed, your mike.

LEG. ROMAINE:

I'm sorry. Even a fall from ten feet could have --

MR. DEAN:

Yes.

LEG. ROMAINE:

-- lethal consequences.

MR. DEAN:

Most -- you know, most jobs I have worked on where there has been harness rules and scaffold rules, a lot of times it was over six foot, you needed a full body harness. You know, we no longer wear a belt.

LEG. ROMAINE:

Right.

MR. DEAN:

Now we wear --

LEG. ROMAINE:

A harness.

MR. DEAN:

-- a shoulder strap --

LEG. ROMAINE:

Right.

MR. DEAN:

-- and a harness. And as I've seen these rules in the years -- I'm in this business 32 years.

LEG. ROMAINE:

Right.

MR. DEAN:

I've seen the rules get better, I've seen less and less injuries, less and less accidents. And like I say, it's a cost savings in the long run, you know, for the contractor, and also for the union, because we don't have people going out on disability.

LEG. ROMAINE:

Workmens Comp.

MR. DEAN:

Everybody involved.

LEG. ROMAINE:

Right.

MR. DEAN:

Public Works, everything. But we'd really like to see it lowered to a height of ten feet.

LEG. ROMAINE:

I think that's an excellent suggestion. Thank you.

MR. DEAN:

Thank you.

P.O. LINDSAY:

Anybody else? Okay. Thank you, Mr. Dean.

MR. DEAN:

Thank you.

P.O. LINDSAY:

Anybody else like to speak on this subject? Come on forward.

MR. CAVALIERI:

Legislator Lindsay, Legislators. Joe Cavaliere, Business Agent, Laborers Local 66. Over the years, I've witnessed plenty of construction accidents. Construction work is dangerous, even more so at an elevated height. The majority of work which requires scaffolding on Long Island falls between 10 and 30 foot high scaffolds. That's what I've experienced over the years. I support I.R. 1410, to create and maintain a safe work environment for all construction workers. Lowering the height requirement could possibly save a worker's life. Thank you.

LEG. CARACAPPA:

Thank you, Joe.

P.O. LINDSAY:

Thank you, Joe. Anybody else in the audience like to address us on this subject?

MR. PELLEGRINO:

You've got it.

P.O. LINDSAY:

Come on forward.

MR. PELLEGRINO:

How are you? I'm Rosario Pellegrino, Council Rep with Carpenter's Union Local 7. I, too, have been in the business a long time and seen a lot of people fall. I saw two fatalities, it's not pretty at all, because of shoddy workmanship in erecting the scaffold. It's not a union/nonunion issue, it's a safety/nonsafety issue. It's not that big a cost. I am a certified scaffold erector. It's not that hard, it's not that easy, and it doesn't cost much to have it done, so, you know, it's obtainable by everybody. That's it.

P.O. LINDSAY:

Thank you very much. Anyone else in the audience like to talk about this subject? Seeing none, I'll make a motion to close.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator -- what? Mr. Zwirn.

MR. ZWIRN:

No. If possible, we would just ask this to be recessed. We'd like to work with the trades and to see if we can address the height requirement on this.

P.O. LINDSAY:

Okay. Then I'll change my motion to recess.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1426 - A Charter Law transferring certain selected functions of the Department of Human Resources, Personnel and Civil Service Division of Human Resources, to the Department of Law. I have no cards on this subject. Anyone in the audience want to speak on this subject? Seeing none, I'm open to a motion.

LEG. LOSQUADRO:

I'll make a motion to recess.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to recess, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That concludes the public hearings for today. And I'd like to set the date for the following public hearings for Tuesday, June 12th, 2007, at 2:30 P.M., in the Rose Caracappa Auditorium, Hauppauge,

New York:

I.R. 1144 - A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species.

I.R. 1467 - A Local Law to amend park rules and regulations relating to dog run areas in County Parks.

I.R. 1482 - A Local Law prohibiting sex offenders from residing in close proximity to libraries.

I.R. 1501 - A Local Law enhancing the ability of the Wireless Suffolk County Local Development Corporation to develop a WI-FI Network in Suffolk County and Nassau County.

And that's it. I'll take a motion to set that that public hearing by Legislator Romaine, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Back to the budget -- not budget, to the agenda.

LEG. LOSQUADRO:

Mr. Presiding Officer, before we start, I apologize, I was doing an on-camera interview. I was just wondering if I could be indulged to have the Consent Calendar --

LEG. ALDEN:

Reconsidered?

LEG. LOSQUADRO:

Reconsidered. I'd like to have my vote counted on that.

P.O. LINDSAY:

You want to make a motion to reconsider the Consent Calendar?

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. It's before us. I make a motion to adopt the Consent Calendar.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
Mr. Chair, I'd like to discharge. I'd like to discharge. I'd like to discharge --

P.O. LINDSAY:
I recognize Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:
I'd like to make a motion to discharge I.R. 1364.

P.O. LINDSAY:
1364 - Appointing a member of the Council on Environmental Quality Maria Brown. Miss Brown was here for a Special Meeting of the Environmental Committee, because she could not appear before the committee for an interview. I'll second that motion.

LEG. LOSQUADRO:
Was it distributed?

P.O. LINDSAY:
It will be --

D.P.O. VILORIA-FISHER:
It's being distributed.

P.O. LINDSAY:
It's being distributed now. All in favor? Opposed? Abstentions? Okay.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
It has to age for an hour.

D.P.O. VILORIA-FISHER:
Thank you.

RESOLUTIONS TABLED TO MAY 15, 2007

P.O. LINDSAY:
Okay. If we go to Page 7, Resolutions tabled to May 15th, 2007. ***2022-05 - Making a SEORA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc. (Town of Southampton).*** I need a motion.

LEG. SCHNEIDERMAN:
Motion to table.

P.O. LINDSAY:
Motion to table, seconded by Legislator Mystal. All in favor? Opposed? Abstention?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1885 - Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday, and Labor Day Holiday. I make a motion to table.

LEG. STERN:

Second.

LEG. ROMAINE:

Discussion.

P.O. LINDSAY:

Second by Legislator Stern. Discussion, Legislator Romaine.

LEG. ROMAINE:

Yes. I realize this is your resolution. This would be our last opportunity to adopt this resolution and have it go into effect for Memorial Day. As you know, the City of New York does give sales tax and compensating use tax exemptions for clothing and software and under \$110. We're looking to do this for three holidays, Memorial Day, Labor Day and Thanksgiving. Right now, many of our retailers are hurting. This certainly would be beneficial. If we table this, obviously, we've missed Memorial Day weekend, and that's one of the three holidays that your bill has proposed. I'm sure that's something that you've considered, but nevertheless, I thought I'd point that out. It's an opportunity to help some of our retailers out and I think it bears some consideration.

P.O. LINDSAY:

Just two issues, and I'll probably withdraw this after this meeting, is first, the problem with the resolution was the funding sources right from the beginning. I was hoping to somehow include it in the budget last year, and it was a tight budget and it fell by the wayside. And even if we did approve it now, I don't think we have time for the state to approve.

LEG. ROMAINE:

Right. Okay.

P.O. LINDSAY:

So it's something that I would -- I do not want to see die. I would like to continue the discussion on it, and I would like to look at it as we look enter into the Operating Budget for 2008.

LEG. ROMAINE:

I'd love to work on it for the Operating Budget for 2008. I'd also love to work with your office if there's a possibility for a pre-Labor Day situation that may be -- because I've looked at our budgets and we've run huge surpluses for the number of years. I mean, if we could give a few days before school started, it might be something that we really should take a look at it.

P.O. LINDSAY:

Well, I would certainly welcome your input, Legislator Romaine. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I believe that -- I believe that the way the State structured the County's ability to exempt the sales tax on clothing for this year is you have to either do the whole year or nothing. So I don't think you can do a one-day or two-week period.

P.O. LINDSAY:

Well, what we were asking for when -- through special legislation to --

LEG. SCHNEIDERMAN:

So you would need the enabling legislation.

P.O. LINDSAY:

Carve out three weeks. You know, it's absolutely -- you're absolutely right. The way the legislation exists now, a county can only opt in for the whole year or nothing. But I was seeking special legislation on the State level. We absolutely know that we can't afford to do it all year long.

LEG. SCHNEIDERMAN:

It's certainly not going to happen by Memorial Day.

P.O. LINDSAY:

No, no. Okay. We have a motion to table and a second. 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 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. MYSTAL:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Mystal. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1952 - A Local Law to require proper supervision in hotel and motel swimming pools.
Legislator Cooper.

LEG. MYSTAL:

At his request, motion to table.

P.O. LINDSAY:

Motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Would the Clerk please list me as recusing myself from this application?

MR. LAUBE:

Seventeen. (Recused: Leg. Schneiderman)

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:

Oh, sorry. Motion to table. Sorry.

P.O. LINDSAY:

Motion to table. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)(Vote on 2290)

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1120 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-Free Vaccines.

LEG. STERN:

Motion to table.

P.O. LINDSAY:

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

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1260 - Authorizing the issuance of certificate of abandonment of the interest of the County of Suffolk, Town of Brookhaven. Do I have to read all the tax numbers?

MR. NOLAN:

No, you do not.

LEG. MYSTAL:

No.

P.O. LINDSAY:

Legislator Alden, what's your pleasure?

LEG. ALDEN:

I came in fully prepared to make a motion to approve this and just have it debated and voted up or down, but after some conversation with Legislator Montano, he has asked me to table it one more cycle, so I'll make a motion to table it.

P.O. LINDSAY:

Motion to table by Legislator Alden. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

I'm going to make a motion to waive the rules and lay on the table ***Memorializing Resolution 37-07*** to the Budget Committee. So making a motion to waive the rules and lay it on the table. Do I have a second?

LEG. MONTANO:

Yeah, I'll second it.

P.O. LINDSAY:

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

LEG. MONTANO:

Just on the motion. What is the reason that we need to lay this on the table now as opposed to a regular introduction?

P.O. LINDSAY:

Who's going to answer that?

MR. SABATINO:

Thank you, Mr. Chairman. This is a request that's coming from one of the Senators in the State Legislature. The normal process was and is that we filed the Home Rule Message to be laid on the table tonight in anticipation of the vote taking place on June 12th, which is the next meeting, which would be in time for the extension of the 1% sales tax, which is about 300 million dollars for the County budget. The problem with the Home Rule Message is you need an Assembly bill number and a Senate bill number to be incorporated into the bill.

On Saturday of this past weekend, I received a phone call that even though other Senators don't agree, one particular Senator has requested that the Legislature first pass a Memorializing Resolution so we can send it up to Albany. Then we'll get the Senate bill number to be incorporated into the Home Rule Message. It's an unfortunate sequence of events, but substantively it's going to be the same vote as is taken on the Home Rule Message in two weeks.

P.O. LINDSAY:

Paul, just to clarify something, this is -- we do this every year, because the 1% runs -- every two years runs out --

MR. SABATINO:

Every two years.

P.O. LINDSAY:

Every two years and we have to renew this every two years.

MR. SABATINO:

Right. It's a crazy process but Albany -- we tried a couple of years ago to get a three-year extension instead to try to split the terms, but they insist on it being every two years. I mean, normally a Home Rule Message by itself should be sufficient, but they're asking for a Memorializing. So I apologize, but the request came on Saturday, it didn't come sooner, so.

P.O. LINDSAY:

Okay. This is the first of a couple motions I'm going to make, but first I have to lay it on the table, assign it to Budget and then I'm going to make a motion to waive the rules and vote on it today and discharge it, all right?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

So the first motion is to waive the rules and lay it on the table, I got a second by Legislator D'Amaro. Second Legislator Montano. Legislator Montano seconded it already. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

Now I'm going to make a motion to discharge 37-07.

LEG. MONTANO:

Second.

P.O. LINDSAY:

It will have to age an hour, right?

MR. NOLAN:

That's correct.

P.O. LINDSAY:

And then we can address it. And who was the second?

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano. And we have a question from Legislator Romaine.

LEG. ROMAINE:

Is it question appropriate that the motion is now before us to discharge?

P.O. LINDSAY:

Well, I think there's a question at any time that goes with the motion, but --

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

But this isn't to debate the bill, it's to discharge it from committee and let it age an hour, but it's appropriate.

LEG. ROMAINE:

Yeah, I'm opposed to discharge. I'm opposed to discharge, and I'll be very factual about this. This is for Suffolk County to extend use of the sales tax to subsidize the Police District, and that subsidy is somewhere between one-eighth and three-eighths of a percent of a revenue generated from the sales tax.

Sales tax is paid by everyone in Suffolk County. The Suffolk County Police District covers only the five western towns. While there is some revenue sharing with the east end towns, no way does it rise to the same level of funding that is provided from this sales tax on a per capita basis, which is the best and fairest way to split the revenue that it does to the rest of the Police District. This is a form of revenue transfer from the east end to the west end. And while I realize, other than my colleague here, everyone else lives on the west end and I actually live in the Town of Brookhaven. Nevertheless, in fairness, I would hope that when we divide up this revenue, that we would do it on a per capita basis, and until I can get those assurances, and I'll end with this, I am not in favor of this and will vote no.

P.O. LINDSAY:

Legislator Romaine, I know Legislator Mystal, you're partially right and partially wrong. This is to extend this one cent. It isn't -- this isn't necessarily earmarked for public safety. We can use up to three-eighths for public safety, but it does enter into the whole formula of where this revenue stream comes from.

LEG. ROMAINE:

Right.

P.O. LINDSAY:
Legislator Mystal.

LEG. MONTANO:
I have a question.

LEG. MYSTAL:

I do not want to prolong debate, because I would like for us to get out of here. Mr. Romaine, you sit there being a hypocrite. I sit there every day and watch me and my Town of Babylon and my constituent buy every piece of land on the east end that they will never see it used for. And you are complaining about the fact that the money will be used for police. Come on, it's political. We spend more money on the east end buying land -- as a matter of fact, I wish we could cut you off and give you your own county because I won't have to buy all that land.

P.O. LINDSAY:
Okay. Legislator Montano.

LEG. MONTANO:

Actually I had a question for Mr. Sabatino. Just curious. Why is this being -- Paul, if you may, I was just curious. Why is this being proposed in the manner -- you know, introduced in the manner that it is, as opposed to a C of N? I don't remember introducing a resolution in this fashion.

MR. SABATINO:

Memorializing Resolutions are not subject to the eight-day rule. They can be voted on at any time. Certificates of Necessity are only for resolutions that need to mature at least eight days. Again, I apologize for the sequence but it's outside our control.

LEG. MONTANO:

I was just curious in terms of procedure. I have no problems with the issue, and we have discussed this in the past, and I'm sure that this is, you know, going to go through and it should. But I was just concerned about the procedural aspects in terms of waiving rules, laying it on, waiving rules, as opposed to, you know, a timely fashion. And I gather that you're saying that the Senator reached out to you late and that's why it didn't go through its normal course and we're up against a clock in terms of Albany recessing.

MR. SABATINO:

I never would have anticipated doing a Memorializing Resolution. We had filed all of the appropriate paperwork in the State early in the year. We were going down the path of a Home Rule Message. Responsible people in the State were going down that path. The phone call came on Saturday and said do the Memorializing Resolution. But again, there's no maturation period, so you're okay.

LEG. MONTANO:

Right, so if this were a resolution we wouldn't be able to do it in this fashion.

MR. SABATINO:

Without a CN, correct.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

In a County where half of our funding comes from sales tax revenues, we obviously are not in a position right now to eliminate this 1% of the sales tax. I want to address that issue. I was going to

wait until we debated the bill, but since we've already kind of started debating it, I'd like to say something about the issue of the revenue sharing and that that really is not what this bill does.

This bill does say, yes, an eighth of the eighth to three-eighths of a percent can go toward public safety, but it doesn't say how that money is going to go. It could go to the whole County, it could go into the district. It's really been the County Executive's decision in terms of how he's compensating the area that's outside of the Police District.

I believe it's being done unfairly and if somebody has a more fair way of doing it then on a per person basis, then tell me or show me that. But as long as all County residents are equal, then they ought to get an equal amount of that whole County funding.

But again, it's really not this bill that's the problem, it's that we don't have a policy in place and we don't have a County Executive who I believe is distributing it fairly. Doesn't mean he won't in the future, but it's not this bill that creates that inequity.

LEG. MONTANO:

I thought we did it.

LEG. ALDEN:

We did do it.

LEG. SCHNEIDERMAN:

We do it as well.

P.O. LINDSAY:

What I'd like is this motion is just to let it age for an hour and discharge. Why don't we wait until it comes before us to debate it, all right?

LEG. MYSTAL:

Hopefully, Romaine will be going home.

P.O. LINDSAY:

I have a motion and a second to discharge it from committee and let it age an hour. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Sixteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

We're back to the agenda on Page 8. ***I.R. 1427 - Transferring funding for the Division of Insurance and Risk Management back from the Department of Audit and Control to the Suffolk County Department of Human Resources, Personnel and Civil Service.***

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Part of the rationale that was put forward to doing this was that the original transfer when we did the budget was illegal because we didn't have a referendum. And I'd asked Legislative Counsel to do a little research, and actually when we transferred it out of Audit originally, and that goes back a few years ago, we didn't have a referendum to do that. So if we acted illegally back then, then I don't believe that we could even think about putting it out of Audit and Control right now. Because if you follow the logic that was put forward, it just -- we didn't follow procedure originally and all this did that we went through the budget process, all it actually ended up doing was correcting a wrong procedure that was done in the past.

So I don't really buy the argument that, you know, that it would require a permissive referendum later on if we want to ever change it or anything of that nature. I think that if we did it properly and we righted a wrong that occurred a couple of years ago, and I really do believe it's back where it was originally intended to be in the Charter. And the Charter hasn't been changed, by the way, to remove it from that division to put it over here in Personnel.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. The last time I looked, the Comptroller of Suffolk County has indicated that he felt that the Division of Insurance and Risk Management should be as part of his office. There was a dispute between the previous Comptroller and the previous Presiding Officer some years ago and that dispute led to a resolution to transfer this division over to the Department of Human Resources. However, just yesterday, Lynne Bizzarro from the County Attorney's Office wrote me and said that this is subject to a mandatory referendum, our votes, our 18 votes in the budget if we were going to move it to Audit and Control. You cannot do that without a mandatory referendum. I said that's interesting because I don't believe that we had a mandatory referendum when we transferred it to the Department of Human Resources, Personnel and Civil Service. And in checking, at least to the best of my knowledge, the quick check that I've done, no referendum was, in fact, provided and, therefore, by all rights and law, this division is part of the Department of Audit and Control. For us to vote on this today seems to be a conflict, not only a conflict of what all 18 of us did in the budget, but a conflict that even originally when we transferred it, this Legislature, before I was a member, or many people were a member here, that this Legislature did not. There was no mandatory referendum and, therefore, the transfer to Personnel and Human Resources and Civil Service was on its face null and void. This division is and currently is in Audit and Control.

P.O. LINDSAY:

I'm going to get in the middle of this a little bit. When you were kids, did you ever have a "do over"? Well, this is a "do-over". We have a flawed budget now. I was part of the Budget Committee that, you know, wanted to put this into the Comptroller's Office, and, you know, we thought it was the right thing to do. But we can't build a consensus on it. It's been deadlocked here for like the last three or four months. You know, we have a budget that says one thing and we can't pass the accompanying legislation to move it to the Comptroller's Office. So we have a department that is in one Department and their budget lines are in another department, and I don't feel comfortable with that. And I am ready to change my position and support this legislation to move it back to Civil Service where it was before we started the budget process. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I think that you've articulated well that there is certainly a difference amongst us across the board when we look at this. But my concern with this goes to the substance and the mission, if you will, of this unit and what it is charged with. It is charged with doing oversight and administering of the Workers Compensation Program. As you well know from your prior career, Workers Compensation Program at its heart is an indemnity and insurance program and it is designed to go ahead and provide for the benefit of employees who are injured on the job. And I believe that from an expertise and a substantive perspective this administration of this insurance program rightly belongs under the Comptroller. I do not see the wisdom to taking this and moving it into the other department, and I'm going to continue to support it where it's at.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

A question for Counsel. When this department or division was moved from Audit and Control to Civil Service, is it a fact that a referendum was required when that occurred?

MR. NOLAN:

I think this started, this issue came up because there's a bill pending now to move this division in the Charter from Civil Service to Audit and Control. And the Law Department has issued an opinion saying if we wanted to do that it would be subject to a referendum. I spoke to Ms. Bizzarro yesterday and to try to clarify. What she's saying, it would need to be subject to a permissive referendum, not a mandatory referendum.

When this was done originally it was not made subject to any referendum at that time, either permissive or mandatory, but I'm not certain. I didn't do the research to determine whether or not a referendum, permissive or mandatory, is required. But the fact is that law was not challenged at the time, and that was a good, I don't know, five, six, seven years ago. So the transfer to Civil Service was done, that's where it is in the Charter, that's the law as it is now.

LEG. D'AMARO:

Just a point of clarification to follow up. The permissive, if it was subject to a permissive referendum, does that mean we have the discretion to not hold the referendum?

MR. NOLAN:

Permissive referendum means that people have the option to go out and circulate petitions and collect a certain amount of signatures to place it on the ballots, and that's what a permissive referendum is.

LEG. D'AMARO:

All right. So, if the transfer now would be subject to a permissive referendum, the transfer, the original transfer from Audit and Control to Civil Service would have been, or let's assume would have been subject to permissive referendum. Were those petitions ever circulated? Was there any referendum produced?

MR. NOLAN:

No, there was no -- to my knowledge, there was no referendum language in the original bill at all.

LEG. D'AMARO:

So the option, according to our records, was never exercised for the referendum.

MR. NOLAN:

It was not put in the legislation. Nobody, therefore, exercised an option because we didn't put it in the legislation originally. And even if --

LEG. D'AMARO:

Just so I understand, but when it was left out of the legislation on the first transfer, is that something that was permissible to do?

MR. NOLAN:

As I said, I am not certain you need to put permissive -- referendum language in these type of bills. I don't think it necessarily represented a curtailment of anybody's authority. But even if there was a technical flaw in the original legislation, assuming that you needed to have permissive referendum language in there and you didn't, somebody would have had to have challenged it at the time. Nobody did and now that's the law. It's in Civil Service.

P.O. LINDSAY:

Okay. Being the amount of discussion, I'm going to call for a roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MONTANO:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

This is to lay on the table?

LEG. MYSTAL:

To approve.

P.O. LINDSAY:

To approve.

LEG. ROMAINE:

To approve, no.

LEG. SCHNEIDERMAN:

I'm going to vote yes, but I'm uncomfortable that we didn't do the referendum and somehow we don't have to because it wasn't challenged.

P.O. LINDSAY:

So it's an uncomfortable yes.

LEG. SCHNEIDERMAN:

Well, the bill itself but procedurally, I'm not necessarily agreeing procedurally that we're doing this correctly.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

An uncomfortable yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

A do-over, yes.

MR. LAUBE:

Thirteen.

LEG. ALDEN:

Wait a minute. What kind of a yes was that?

P.O. LINDSAY:

A do-over.

LEG. ALDEN:

How many boxes do you have now going over?

MR. LAUBE:

I can add it right down the side.

LEG. ALDEN:

Is maybe one of those?

P.O. LINDSAY:

I can see you never played golf with me. I have do-overs. Okay. ***Procedural Motion Number 5 - A procedural resolution authorizing technical correction to adopted Procedural Motion Number 4-2007.*** I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:
Second.

MR. NOLAN:

This is in reference to a couple of CSI grants. The original procedural motion had the incorrect name for two groups, so we're making the correction with this.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. LINDSAY:

Economic Development, Higher Education and Energy. *I.R. 1188 - A Local Law amending the Suffolk County Empire Zone Boundaries to include Blue White Foods, LLC.*

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley, seconded by Legislator Eddington.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Quick question. Since I'm not on this committee, as is usually the criteria, the businesses that are getting these inclusions are making representations about additional jobs?

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

How many? Just out of curiosity.

LEG. HORSLEY:

They're hiring 65 people.

P.O. LINDSAY:

Speak into the mike.

LEG. HORSLEY:

I'm sorry. I didn't expect to get on. Apparently hiring 65 people over the next five years.

LEG. KENNEDY:

And what type of work are they involved in?

LEG. HORSLEY:

Foods. They make hummus, etcetera.

LEG. KENNEDY:

I like hummus.

CHAIRPERSON VILORIA-FISHER:

Mediterranean food.

LEG. NOWICK:

Do they have anything?

LEG. HORSLEY:

Samples?

LEG. KENNEDY:

Thank you for the explanation.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Just one question. Legislator Horsley, 66 jobs. Now --

LEG. HORSLEY:

Sixty-five, I believe.

LEG. MONTANO:

Sixty-five. What's the follow-up to verify that they do, in fact, come in with the jobs as promised, or is there a follow-up?

LEG. HORSLEY:

No, there is a follow-up. Is Carolyn there? Is Carolyn Fahey here?

MR. ANASTASI:

I'm here.

LEG. HORSLEY:

Nick, would you want to -- there's an annual --

MR. ANASTASI:

Yes. In regard to the -- it's part of the Empire Zone Program.

LEG. LOSQUADRO:

State your name for the record.

MR. ANASTASI:

Nick Anastasi. As part of the Empire Zone Program, we have the business annual reports where they have to report back to the --

LEG. MONTANO:

Could you speak into the mike? I'm not hearing you.

MR. ANASTASI:

They have to report back to the Zone Committee.

LEG. LOSQUADRO:

I don't think it's on.

LEG. HORSLEY:

It mustn't be on.

MR. ANASTASI:

Oh, there you go, okay. As part of the Empire Zone Program, they have to report back to the -- our Suffolk County Town of Riverhead Empire Zone to make sure that they're keeping up with what they promised.

LEG. HORSLEY:

That's on an annual basis?

MR. ANASTASI:

It's on an annual basis.

LEG. MONTANO:

And penalties for not keeping up, how is that?

MR. ANASTASI:

We have call backs that are part of the program. It would depend on the time frame that we're talking about. This would be an RSP for five years. So if after that five years they have not lived up to their promises, we would begin seeking restitution.

LEG. MONTANO:

Okay, thanks.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And maybe it's from him, or maybe the Chairman can -- how many years are they locked into this program? So after "X" number years, can they fire everybody or move, or whatever, without having to pay us back?

LEG. HORSLEY:

No, they'd have to -- there's a recapture clause in the --

LEG. ALDEN:

For how long?

LEG. HORSLEY:

Nick, is it ten years? Ten is a standard pilot --

MR. ANASTASI:

Yes.

LEG. HORSLEY:

-- but I'm not sure of this one. Ten? Ten.

LEG. ALDEN:

Did anybody do a cross comparison as far as how much in incentives they're getting versus the number of jobs?

LEG. HORSLEY:

Nick?

MR. ANASTASI:

I don't have -- I wasn't coming for this particular task, but there is a --

LEG. ALDEN:

Wait a minute. You have to repeat what you just said.

MR. ANASTASI:

Okay. Nick Anastasi, Department of Economic Development. There is a cost benefit analysis associated with this. I didn't come for this particular item, but I can get you that information.

LEG. ALDEN:

Okay, because there's a whole bunch of studies that show that, basically, the taxpayer gets shortchanged on these programs, that they really don't live up to, you know, the economic benefits and the tax -- the tax incentives that are given outweigh the benefits that the community got in the first place by either maintaining the jobs or creating new jobs.

LEG. HORSLEY:

I would argue that issue, but I think that is maybe more germane to Upstate, New York than it is here.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Abstention: Leg. Alden)

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. LINDSAY:

Okay. *I.R. 1166 - Authorizing planning steps under acquisition of Suffolk County Multifaceted Land Preservation Program (Zoumas property) Town of Riverhead.* I need a motion.

LEG. ROMAINE:

Motion to table for one cycle.

P.O. LINDSAY:

Motion to table by Legislator Romaine.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Is there any other motions? Just to table? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1174 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Manorville property) Town of Brookhaven.

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Romaine.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the subject? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1356 - Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (Pindar Vineyards LLC property) Town of Southold.

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Romaine, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1360 - Designating June as "Prescribed Fire Awareness Month" in Suffolk County.
Legislator Browning?

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve. 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:

1363 - Appointing member to the Council on Environmental Quality (Thomas C. Gulbransen).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor?

LEG. ALDEN:

Did he come before the committee?

D.P.O. VILORIA-FISHER:

Yes, he did.

P.O. LINDSAY:

Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1393 - Authorizing acquisition of land under Suffolk County Open Space Preservation Program for the Gazza property - Pine Barrens Core (Town of Southampton).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. On the question, Legislator Alden.

LEG. ALDEN:

How much is that, 5600?

MR. NOLAN:

About \$5,600.

LEG. ALDEN:

How big of a property is this?

P.O. LINDSAY:

About 70 acres.

LEG. ALDEN:

Seventy acres? That's not bad.

D.P.O. VILORIA-FISHER:

It was a bargain.

MR. NOLAN:

About an acre.

LEG. ALDEN:

What a bargain.

LEG. SCHNEIDERMAN:

This is --

LEG. ALDEN:

It's just under water, thought, right?

LEG. SCHNEIDERMAN:

If I may. This is part of that whole Pine Barrens core area. So the property itself now becomes public land. The TDRs are already sold, they in a bank, so we're buying the actual land. So that's why you're seeing a low value on it. It's not developable property. Please list me as a cosponsor on this. We've done this before.

LEG. ALDEN:

I just have a question, then. Through the Chair.

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

If this is part of the core of the Pine Barrens, what's New York State doing? Is New York State matching funds with us or have they stopping purchasing? They had a commitment made to Suffolk County and to the people that actually were in the core when they took away the development rights along with Suffolk County to actually purchase some of the property.

LEG. SCHNEIDERMAN:

The State has been very active in this area preserving land, often without even the County's contribution. So the State has done quite a bit here. Again, George, what was the number on it? Counsel? It was a small number.

LEG. LOSQUADRO:

Fifty-four hundred and sixty dollars.

LEG. SCHNEIDERMAN:

Yeah, 5,400. So you don't really reach out to the State typically on something like.

LEG. ALDEN:

We're buying nothing for it, though.

LEG. SCHNEIDERMAN:

For five thousand dollars.

LEG. ALDEN:

We're not getting anything for the money.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1394 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Gazza property - Pine Barrens Core --

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

-- Town of Southampton.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

This is different map numbers, right?

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1395 - Authorizing the acquisition of land under the old Suffolk County Drinking Water Protection Program for the Sekora Trust property - Pine Barrens Core, Town of Southampton. Same motion, same second. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1397 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland component for the estate of Grigonis property - Town of Southold.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ALDEN:

Hear that sucking sound? That's the money going out.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:

J.R. 1398 - Authorizing acquisition of land under the Suffolk County Save Open (SOS), Farmland Preservation and Hamlet Parks Fund - Hamlet Parks component - for Siyoun Mahfar and Associates, L.P. property - Town of Brookhaven.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

MR. LAUBE:

18.

LEG. D'AMARO:

Opposed.

P.O. LINDSAY:

One in opposition.

MR. LAUBE:

Seventeen. (Opposed: Leg. D'Amaro)

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1399 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for 41 Pine Aire and Tuthill Point Associates property - Tuthill Point Marina, Town of Brookhaven.

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

No, it's my motion. It's my district.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine.

LEG. LOSQUADRO:

Mr. Chairman, this is a 50/50 split, correct?

MR. NOLAN:

It is 50/50, Town of Brookhaven.

LEG. SCHNEIDERMAN:

Cosponsor, if I'm not already.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Gotcha Jay. Eighteen.

P.O. LINDSAY:

1411 - Appointing member to the Council on Environmental Quality, Richard Machtay.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

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

LEG. COOPER:

No, I have a motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, cosponsor, please.

P.O. LINDSAY:

1417 - Authorizing acquisition of land under the old Suffolk County Drinking Water

Protection Program - Soliman and Pizzo property - Carlls River watershed addition, Town of Babylon. Motion by Legislator Mystal. That land baron's buying more land, Legislator Mystal. Do I have a second? Second by Legislator Horsley.

LEG. KENNEDY:

It says sidewalk.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1418 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Mary Louise E. Dodge Family Limited Liability Company property - Accabonac Harbor addition, Town of East Hampton.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. LOSQUADRO:

Fifty/fifty also.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1419 - Authorizing the acquisition of land under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks fund - Open Space component for the Franco, Conner, Jacobs, Smyth and Habib property - Noyack Greenbelt, Town of Southampton.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1420 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, Parbus Property, to Mastic Shirley Conservation area, Town of Brookhaven.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1422 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the estate of Persico property - Mastic/Shirley Conservation Area II, Town of Brookhaven.

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

Okay, Health and Human Services. ***1170 - Adopting a Local Law to prohibit the sale of DXM to minors within the County of Suffolk.***

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Legislator Nowick makes the motion, second by Legislator Mystal. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. VILORIA-FISHER:

Good job, Lynne.

(Applause)

P.O. LINDSAY:

Mr. Clerk, list me as a cosponsor.

MR. LAUBE:

You're on.

MR. ROMAINE:
Cosponsors for all.

MR. LAUBE:
You're all on.

LABOR, WORKFORCE HOUSING AND AFFORDABLE HOUSING

P.O. LINDSAY:
Okay, Labor, Workforce and Affordable Housing. This is discharged by Petition. **1019 -
*Establishing an application fee waiver policy for Civil Service examinations for veterans.***

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper.

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. Any on the question? All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:
Cosponsor, please.

LEG. ROMAINE:
Cosponsor.

LEG. MYSTAL:
Cosponsor.

LEG. STERN:
Cosponsor.

LEG. D'AMARO:
Cosponsor.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1325 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program".

LEG. BROWNING:
Motion.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1361 - Authorizing the Department of Parks, Recreation and Conservation to identify dog parks.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. LOSQUADRO:

Can I get an explanation?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just if somebody would convey this, and I don't know if Legislator Stern is going to see this all the way through. But I received a number of complaints from County workers and also people that use the parks that the ones that are being used right now for dog runs and even when they are supposed to be on a leash that they're not picking up after their animals. So it could be a major problem. And if you end up with dogs running free, again, who's going to pick up after them? It's going to end up our County Park employees.

MR. ROMAINE:

Wipe your heels.

LEG. STERN:

Question of enforcement. And that is the type of thing that had been considered by the administration and by our Parks Commissioner when they were lending support to this initiative. So it's the kind of thing that had been discussed with the Parks Commissioner and it's a matter of enforcement, and that's what the Parks Commissioner would say.

LEG. ALDEN:

Some of the employees were a little bit I'm going to say fearful of coming forward, you know, because their jobs and things of that nature, to express either a negative aspect of this program, so they did -- well, they contacted me.

LEG. MYSTAL:

Do I smell a pooper scooper law coming up?

LEG. ALDEN:

I think it's a valid --

P.O. LINDSAY:

If I just might add to this debate, and I know AME doesn't like subcontracting, but there are companies that do poop and scooping.

LEG. ALDEN:

It's an added cost.

P.O. LINDSAY:

Does anybody else want to bark over there?

LEG. NOWICK:

You couldn't help yourself, could you, Bill?

P.O. LINDSAY:

No. Legislator Eddington.

LEG. EDDINGTON:

I guess to the sponsor. I was just wondering when the sites are identified will it be through the Legislators? I mean, we'll know, we'll have some input? In other words, I want to know where they're going in my area. That's what I'm saying. Literally.

LEG. STERN:

This is legislation that directs the administration to do an analysis and to determine where additional dog park sites can be implemented throughout Suffolk County and to the extent possible to make it geographically equal or diverse throughout all of Suffolk County. So it's really an analysis that's going to be done by the administration.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I've got some history with dog parks, as everybody knows, and I welcome this resolution because it's kind of helped to move the process along. But to Legislator Eddington, Blydenburgh was identified as a site of a dog park for -- approximately 18 months ago. We've worked with the Commissioner and with Long Island Dog to look at configuration. Apparently there is, you know, configurations that the pet owners association would like to see. You know, as the sponsors have pointed out, there is also concerns that we have on the part of the Commissioner, but also to what extent you disenfranchise other natural user groups in parks, including equestrian uses, scouts, this, that and the other thing.

That notwithstanding, I think there's the ability to go and ahead and identify areas. We have a lot of acres. We just a bought a whole slew more now. So I think that there is a way to go ahead and find locations that work and meet all the needs. And the Parks Commissioner has done great work and I welcome my colleagues being on board with this as well.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Horsley).

P.O. LINDSAY:

Did you call the vote?

MR. LAUBE:

Yes, 17.

PUBLIC SAFETY

P.O. LINDSAY:

Public Safety. ***1186 - Appoint member to Suffolk County Citizens Corps Council, Michael LaBate. I will make a motion.***

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Horsley)

P.O. LINDSAY:

Okay. ***1362 - Donating decommissioned body armor vests for the Sheriff's Office to the United States Department of Defense to protect our citizen soldiers.***

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Horsley).

LEG. SCHNEIDERMAN:

Cosponsor, please.

LEG. ROMAINE:

Cosponsor.

LEG. MONTANO:

Cosponsor.

P.O. LINDSAY:

It's kind of a sad commentary, we have to donate decommissioned vests to protect our soldiers. Did you call the vote, Mr. Clerk?

MR. LAUBE:

Yes I did. It was 17.

P.O. LINDSAY:

Okay. ***1369 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services, District Attorney's Recruitment and Retention Program.***

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Horsley)

P.O. LINDSAY:

1370 - Authorizing the Suffolk County District Attorney to apply for a subscription to a Web based access to Local Number Portability Enhanced Analytical Platform Telephone Number Look Up (LEAP).

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

There is a general rule of thumb. The DA asks for something, give it to him. But we've been asked for an explanation, George, what this is.

MR. NOLAN:

Well, the D.A.'s Office explained what they need it for. I'm not sure I can really explain it. It is a \$1,600 subscription. The only reason it is before us because was because the SOP requires any subscription over a thousand bucks to come here. I would defer to somebody in the Public Safety Committee to explain, because I really don't remember exactly the details.

LEG. EDDINGTON:

It was a great explanation.

LEG. KENNEDY:

In essence, you already explained it. We're not actually purchasing a piece of software, we're just establishing the ability to go ahead and get information from some other --

MR. NOLAN:

Right, to access information.

LEG. EDDINGTON:

When they're doing an investigation or something. It helps them get more information and allows them to hook-up.

LEG. KENNEDY:

This may be some enhanced searching ability, maybe can it access unlisted numbers, cell phone numbers, things like that?

LEG. EDDINGTON:

That's exactly what it is, yeah.

LEG. CARACAPPA:

It allows them to go to the carrier of the phone number.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

1412 - Amending Resolution No. 52-2007. Legislator Browning.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve. So I have a second? Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Vote Amended to 18)

PUBLIC WORKS AND TRANSPORTATION

P.O. LINDSAY:

Public Works and Transportation. ***2299 - A Local Law to strengthen the policy for connections by premises outside a sewer district.***

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Alden. Is there a second?

LEG. MYSTAL:

Second.

LEG. ALDEN:

I'll withdraw it. Motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Alden. Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1269 - Amending Resolution No. 195 of 2006 for participation in engineering in connection

with the reconstruction of CR 57, Bay Shore Road, Towns of Babylon and Islip. Do I have a motion? Come on all you Babylon people, Islip people.

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Motion by Legislator Alden.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1378 - Appropriating funds in connection with the Memorial for the Victims of the September 11th Terrorist Attack. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Any cosponsors there?

(Affirmative Response by Legislators)

LEG. NOWICK:

Tim, cosponsor.

LEG. ALDEN:

Do we know where it's going?

P.O. LINDSAY:

Yeah, it's over by the Dennison Building.

LEG. ALDEN:

Not out front, though, right?

P.O. LINDSAY:

To the east side, northeast corner.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

Okay. We have the bonding resolution that goes along with 1378. Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. **1379 - Appropriating funds in connection with weatherproofing County buildings.**
Anyone want to make a motion?

LEG. EDDINGTON:
Motion to approve.

LEG. KENNEDY:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. On the bonding resolution, the same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1380 - Appropriating funds in connection with the Riverhead County Center power plant upgrade. I make a motion.

LEG. EDDINGTON:

Second.

D.P.O. VILORIA-FISHER:

Second, only if they get chairs.

P.O. LINDSAY:

It's a power upgrade.

D.P.O. VILORIA-FISHER:

I'm kidding.

P.O. LINDSAY:

Second by Legislator Eddington, and I recognize Legislator Alden.

LEG. ALDEN:

What are they upgrading from, what, diesel to gas or is it just a --

LEG. MYSTAL:

For here.

LEG. HORSLEY:

Coal.

P.O. LINDSAY:

I don't think it's a backup.

LEG. MYSTAL:

Backup generator.

P.O. LINDSAY:

I don't think it's a backup generator. I think it's upgrading the system, the power source system at the power plant out back.

LEG. HORSLEY:

To coal?

LEG. ALDEN:

We're changing over from coal, that's good.

P.O. LINDSAY:

Gail, do you see no explanation on this? Does the Administration have any insight into this?

MR. ZWIRN:

It's just under two million dollars. It includes \$30,000 to design automatic temperature controls and monitoring points, \$1.8 million to replace original cooling and high temperature hot water pumps.

P.O. LINDSAY:

I think it all has to do with the general renovation of this building.

LEG. ALDEN:

But I thought that, and this is going back a number of years, that we were going to look at alternatives for this whole complex because this is one of the areas that I was told by DPW that would qualify for some kind of alternative energy or some kind of alternative power generation that would take in all the buildings here. Because we really are similar to small town or villages or city, if you want to look at it that way, because of the usage that we have here and 24-hour usage. We just upgraded the generator, the backup generator for the jail not that long ago for a couple of million bucks. I think that we're squandering some opportunities and we continue to squander opportunities to get more fuel efficient and really to cut down on the pollution that we are pumping up into the atmosphere. I'm not on this committee, otherwise -- I mean, those are some of the questions that really should have come out when the presentation was made.

MR. ZWIRN:

It's also, I think, part of the Capital Budget. This isn't an amendment. This is not a new project. This is something that the Legislature approved.

LEG. ALDEN:

Do you have any more -- so we don't know if it's fuel efficient, if it's pollution efficient.

MR. ZWIRN:

There are energy efficiencies in it. In the project it includes energy efficiencies.

LEG. ALDEN:

Of what? What kind of upgrade? And, Ben, do you know if it's gas?

MR. ZWIRN:

Even the upgraded equipment will be more energy efficient. But it is part of the Capital Budget. It is Capital Program No. 1715, which the Legislature approved.

LEG. ALDEN:

Ben, would you have any information whether it's gas or whether -- it might actually be diesel or oil, fuel oil?

P.O. LINDSAY:

The cooling tower would have to do with the air conditioning. It doesn't necessarily, you know, that doesn't define the fuel.

LEG. ALDEN:

No, but if it's all tied in, if we're doing a couple of million dollars worth of upgrade, why not go with, you know, something that's going to be less or more fuel efficient and less polluting if we had an opportunity.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I can add a little bit to this just to my time that I was out there. And I think that Legislator Alden brings up a couple of good points. Up until 2004, there was a reliability issue associated with that existing generator, and that is that building that sits in the back corner of this parking lot. It's actually an oversized diesel. Efforts to go ahead and engage that failed several times going back two, three years ago. Now, perhaps maybe, you know, some of the systems components of it have been, you know, revised so that it will kick in when we need it or when we go on diversion. But just recently we spoke about co-gen and it looks as if, you know, I think Legislator Alden is correct in that, you know, we have a plant that operates 24/7 right here that houses personnel and staff and several, you know, municipal buildings. Maybe it would be right to look at that.

P.O. LINDSAY:

The point of the matter is, is this is the last step in the process. We've had an opportunity to address this program in the Capital Budget for the last probably two or three years, and now it comes time to appropriate the money and we're going to redo it after it's been designed already. I just think that -- I think that it's not really responsible to not go forward with it at this point.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Actually, it goes back almost eight years or nine years ago when we raised the question at that time about this very facility. We also raised it about Yaphank and we raised it about the North Complex, and we were given assurances by DPW that they would look into alternative energy sources, they would look into co-gen, they would look into clean technology. I just feel that this part of it -- this is a couple of million dollars. You can make some major improvements for a couple of million dollars, even if it's going in a slightly different direction right now.

P.O. LINDSAY:

I'd hate to answer for Public Works, but I think if you didn't move forward with it now, you'd probably effectively kill the project for this year because it would have to go back to redesign. I mean, if you want to table it and go to Public Works, recommit it back to committee and you want to appear and ask more cogent questions about it to the Commissioner, I don't have all the facts about it, but we could do that.

LEG. ALDEN:

Do we know if this is time sensitive to this meeting? Because if we could have one meeting I'll -- we don't have to send it back, I'll just go out and talk to the Commissioner.

MR. ZWIRN:

It's part of a much larger project. The project is already commenced. This is about the middle of the project. It's a \$4.4 million project.

LEG. ALDEN:

And what does that project do, then?

MR. ZWIRN:

Well, it upgrades and replaces a lot of the parts --

LEG. ALDEN:

Does it clean up the energy source or does it --

MR. ZWIRN:

I'm not speaking for Public Works, but I am just saying new equipment itself will be energy efficient because all the new equipment they're going to be installing is to, you know, present --

D.P.O. VILORIA-FISHER:

Ben, if I could just chime in, and Wayne Horsley, if you could help me out with this. There was a presentation by the Department of Public Works and they did say that in any of their projects what they're trying to do is to make them more energy efficient, to use cleaner technologies. So even in regular upgrades such as this they are trying it create greater fuel efficiency and cleaner energy. If you recall their presentation, they did show the various ways in which they are being more energy efficient.

P.O. LINDSAY:

Ben, the only question I have is if we table this for a cycle, will it mess it up?

MR. ZWIRN:

That's what I'm going to find out, how much money have we spent so far.

P.O. LINDSAY:

No, I'm not saying to kill it, but to give not only Legislator Alden, but the Legislators more comfort.

MR. ZWIRN:

Can we pass over this, Mr. Presiding Officer?

P.O. LINDSAY:

Sure.

MR. ZWIRN:

We'll call Public Works and get the answer to that question.

P.O. LINDSAY:

Thank you very much. ***1381, Appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706).*** Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second. Roll call on the bond, 1381A.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yeah.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1382 - Appropriating funds in connection with energy conservation at various County buildings (CP 1664). Do I have a motion? I'll make a motion. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Who was the motion?

P.O. LINDSAY:

1382, motion by myself, second by Stern.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Did you get the count?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on 1382A, the bond. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

MR. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1383 - Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities. Do I have a motion?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern. Do I have a second?

LEG. SCHNEIDERMAN:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Same motion, same second, on the bond, 1383A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1384 - Appropriating funds in connection with demolition of Old Cooperative Extension building and construction of a new parking facility. Do I have a motion?

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Stern. On the question, Legislator Kennedy.

LEG. KENNEDY:

You know what, I almost hate to ask it, Mr. Chair, because there's nobody here who can answer the question. Just having seen that building and knowing about it, it's got some stonework in it that's somewhat unique.

LEG. ROMAINE:

The building doesn't exist.

LEG. KENNEDY:

Sometimes there's some demo value with the -- oh, that stonework is gone?

LEG. ROMAINE:

A long time gone.

LEG. KENNEDY:

Okay. Then I' yield.

P.O. LINDSAY:

You guys, we still got pages. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Same motion, same second on 1384A, the pending bond resolution. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yeah.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1385 - Authorizing the purchase of up to 32 transit buses for Suffolk County Transit, including spare parts, radios, other related equipment and accepting and appropriating Federal Aid (80%) State Aid (10%) County funds (10%) in connection with this purchase.

Do I have a motion?

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator Losquadro. On the question?

D.P.O. VILORIA-FISHER:

On the question.

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Cameron, I'll let you ask it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Are these alternative energy buses that we're buying?

LEG. CARACAPPA:

No.

LEG. ALDEN:

Or are these diesel?

P.O. LINDSAY:

Does anybody from Public Works Transportation remember? Legislator Schneiderman, do you remember the testimony on this?

LEG. SCHNEIDERMAN:

I don't think it is.

LEG. ALDEN:

And just to point out, going back ten years, one of the sticky points or reluctance of the County of buying CNG buses or alternative was that there was no facility in Suffolk County. Now there is one right over by the Dennison Building. New York State built it and I see all kinds of people going in there, and it's not fuel, liquid fuel, it's gas, natural gas, so they're in there fueling up. So was it -- was it explored that we could get either natural gas buses or even biodiesel buses, or any other type of alternative fuel? Or are these just straight out diesel buses?

MR. ZWIRN:

If I might, Mr. Chairman. They're not natural gas buses, if that's what you mean. One of the problems that we've had is because the distances, the length of the routes in Suffolk County. They need more fueling stations, and the problem is if they have to stop to refuel when they're on their

routes, it adds time to the trip. But these, I believe, can run on biodiesel. We talked about that at Public Works.

LEG. LOSQUADRO:

If I could address that. Biodiesel ultra low sulfur diesel, regular diesel, they're all -- up to a blend of B20, 20% biodiesel, can all run in a standard diesel engine. It's just a question of what fuel you're going to put into it. But it is a traditional diesel engine, though, to answer your question.

LEG. SCHNEIDERMAN:

They're not the hybrid buses we've talked about.

LEG. ALDEN:

Through the Chair. How clean would be the comparison -- and maybe Legislator Losquadro knows the answer to this. How clean in a comparison are the diesels that we just -- we're going to buy under this as opposed to natural gas engines?

MR. ZWIRN:

I don't know the answer to that, but these are not natural gas and I don't think natural gas vehicles are available under the present circumstances the way our routes run. The only thing I might add is this is almost a \$9.3 million project. Most of it is Federally funded and the County's portion is about \$900,000.

LEG. ALDEN:

And, Ben, I appreciate that, you know, even if we --

MR. ZWIRN:

Well, you've got to know all the facts. I just want to bring that up.

LEG. ALDEN:

Right. Even if it was zero dollars for the County, we're still putting out 30 something buses that we've been talking about for at least ten years that we wanted to clean up, and actually show an example to the people in Suffolk County that we're not going to pollute if we can avoid it. We've been talking about alternative engines for these things, whether it be run on natural gas or something else that's just as clean -- even electric if that would be appropriate.

We've been talking about it for ten years and then every resolution that comes through is the same kind of logic, that we're not paying much for it so let's just keep buying things that are going to go out there and kill people and cause cancer. There is no doubt about it that the particulates that come out of these engines cause cancer. They are carcinogens. So "X" number of people are probably going to get some kind of a disease from this, whether it be a breathing disorder or maybe even lung cancer. I'm very disappointed that it just keeps going on and on. Then we're presented with resolution after resolution that keeps doing things the same way we did them 50 years ago, 100 years ago, and people die. There's no reason why we can't go and set an example and get up to 2007, 2008 standards.

MR. ZWIRN:

I think there are reasons with respect to natural gas, but I -- as we've stated, these buses can run on diesel fuel, biodiesel fuel, so they are able to run on alternate energy sources.

LEG. ALDEN:

But LIPA and KeySpan actually at one time offered to build a plant out here in Suffolk County for us for nothing, just to get the business, basically, of selling us the natural gas. That was a stumbling block that was thrown in our way yet we were going to deal with that, and now somebody else dealt with it. New York State dealt with it and they put a refueling station right there in Hauppauge which is the middle, and that's kind of a hub for a lot of our routes, so to speak.

MR. ZWIRN:

When I first came on board with the County Exec's Office, I spoke with Tom DeJesus with KeySpan about this very issue. Having come originally from Nassau County, it was really one of the few things that we did right in the County there, is we did have natural gas buses. But the routes are much shorter, they don't have to refuel when they're on the routes. That was the explanation that KeySpan gave to me, saying that we would love to have -- provide you, you know, with a gas for natural gas buses, but it's just not possible, the technology, at the present time.

LEG. ALDEN:

And, Ben, you know what? I would almost agree with you, except that this is the center, Hauppauge -- not where we're sitting right now, but the same logic would go for right here. Hauppauge is a center, Riverhead's a center. A lot of our routes go through that area, so -- and a lot of the bus companies that supply our transportation needs are very, very centrally located to either Riverhead or to Hauppauge. So those kind of arguments, they really don't -- they don't hold water at this point in time. Maybe years ago they might have, but they don't and even if you replace --

MR. ZWIRN:

This was KeySpan's explanation to me.

LEG. ALDEN:

So you replace the 32 that are centralized in Hauppauge. This is only 32. We're not talking about the entire couple of hundred buses, or whatever we have, all at one shot. But you have 32. It should have been explored a lot more than it was.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I wanted to ask this question to Dan. Dan, are you in Public Works?

LEG. LOSQUADRO:

Yeah.

D.P.O. VILORIA-FISHER:

Okay. I recall being told that the buses that we had would be violating their warranties if we used biodiesel on them. Do you know if the new trucks -- if the new buses that we're getting would have -- if we could use biodiesel in those buses without compromising the warranties? Because there were some manufacturer guarantees that were --

LEG. LOSQUADRO:

To my knowledge I know that Cummins Diesel has now approved use of biodiesel. They may be Cummins engines in those. I know they were one of the last to come on board. But I know that Detroit Diesel and Caterpillar have both have approved use, but Cummins had not until recently.

D.P.O. VILORIA-FISHER:

Okay. So then we would be covering most of the market.

LEG. LOSQUADRO:

Those are your primary builders of commercial diesel engines.

D.P.O. VILORIA-FISHER:

Okay. So, Cameron, that gives me a little bit more of a comfort level because if we are able to use biodiesel then we can use lower sulfur diesel, so it would be much cleaner.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen. (Abstention: Leg. Alden)

P.O. LINDSAY:

Same motion, same second on 1385A, the bonding resolution. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MYSTAL:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yep.

MR. LAUBE:

Seventeen. (Abstention: Leg. Alden)

P.O. LINDSAY:

J.R. 1387 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of County Road 16, Portion Road/Horseblock Road, from Ronkonkoma Avenue to CR, Nicolls Road, Town of Brookhaven. I'm looking at Joe. Do you want to make a motion, Joe?

LEG. CARACAPPA:

Sure.

P.O. LINDSAY:

Okay. Joe makes a motion to approve. I'll second the motion.

LEG. KENNEDY:

Can I -- all right.

P.O. LINDSAY:

Legislator Kennedy, you want to second the motion?

LEG. KENNEDY:

No, no, no. I don't want to second. This is just planning money that furthers the process; is that correct? The planning process?

P.O. LINDSAY:

I don't think so, I don't think so. This isn't planning. Planning's long done on this.

LEG. CARACAPPA:

This is construction.

P.O. LINDSAY:

Long done.

LEG. KENNEDY:

There's been an alteration as to the amount of the total in this Capital Project by DPW and it's an issue that's been raised by the community. But again, there's nobody here to talk to us about it, so.

P.O. LINDSAY:

Yeah, but the problem, I mean, I was in the Public Works meeting when this was discussed.

LEG. KENNEDY:

I wasn't, Mr. Chair.

P.O. LINDSAY:

And the problem is we don't have enough money to acquire the setbacks that the community wants. So our choices are, you know, to scale back the program along the roadway, the length of the roadway, or to redo the whole corridor with lesser setbacks.

LEG. KENNEDY:

Actually, Mr. --

P.O. LINDSAY:

Let me finish. There's going to be a public meeting of all the interested parties I think June 18th.

LEG. CARACAPPA:

Twenty-second, something like that.

P.O. LINDSAY:

And the program will be explained to everybody. And the way it was explained to us at the Public Works Committee meeting is the setbacks were going to be used for plantings, for trees and stuff like that. They still have the money to do the trees. What they're going to do is to seek permission of the people that own the right-of-way to do the plantings anyway at our expense. So, in effect, you know, the aesthetics that the community was worried about should still be in place. I mean, that was the portrayal of the department. Legislator Caracappa.

LEG. CARACAPPA:

Yes. Just to take that further, Mr. Chairman. As we spoke about in committee, I'd asked Mr. Hillman to start the process with the property owners, and I'm happy to say he immediately did that by reaching out to the Chamber of Commerce. Chamber of Commerce did reach back out to him and sent me a copy of their e-mail, so that effort is underway. So that it's not being so much 4 million removed from the project, we had to save \$4 million and it came out of right-of-way acquisition as opposed to bricks and mortar. So, as far as I'm concerned, the plan is still moving forward. It's just that we're looking to have a little bit of public -- private participation as it relates to the landscaping and that's underway.

LEG. KENNEDY:

Through the Chair. I appreciate that as a matter of fact, and I had an opportunity to have a conversation with Mr. Hillman as well. The only point that, I guess, that I'd offer and perhaps I'll defer to the public meeting, is that as it was explained to me, there was an original configuration of 15 foot as far as access, right-of-way, including the sidewalk. It was now being represented that we needed to come back down to 10. But there might be an opportunity to do it 12 or so and still accommodate the tree line. And that might relieve some of the eminent domain initiatives that were necessary for takings from private land owners. So please don't misunderstand. My question doesn't go to opposition.

LEG. CARACAPPA:

No.

LEG. KENNEDY:

My question goes to whether or not there was an ability to go ahead and strike some middle ground.

LEG. CARACAPPA:

We have the same concerns, same concerns.

LEG. KENNEDY:

So then this resolution will adopt the funding for the project less 4 million that originally had been in there?

P.O. LINDSAY:

No. The project -- the way it was proposed and budgeted is in tact. It doesn't buy as much as was

originally anticipated. Legislator Eddington, did you want to comment?

LEG. EDDINGTON:

I've spoken to members of the community also. The only criticism that I am hearing right now is that originally the trees were going to line the roadway and they are going to be set back now maybe 12 feet. They were looking for additional safety measures. As I have driven around the County I have looked, and most of the major roads don't have the trees right off the street. They have them back about ten feet. So I --

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

P.O. LINDSAY:

Well, the only thing that I could propose is it's a tough group to satisfy over there, myself and Legislator Caracappa have seen that over the years. And, you know, I look forward to the meeting in June --

LEG. CARACAPPA:

You do?

P.O. LINDSAY:

It should be interesting, and see what we can do with it. But I think not to appropriate the money would seriously delay the project at this point in time, which it's been delayed for years and years and years, so I don't have any wish to do that. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on 1387A, the accompanying Bonding Resolution; roll call.

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

LEG. CARACAPPA:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yeah.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1389-07 - Authorizing the filing of an application on behalf of the Disabled American Veterans with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Capital Assistance for the purchase of vans as authorized by 49 USC Chapter 53, Title 23, United States Code and other Federal Statutes administered by the Federal Transit Administration (County Executive).

LEG. ROMAINE:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Viloría-Fisher.
On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1390-07 - Authorizing the County Executive to enter into an agreement with the Town of Babylon and amending the 2007 Capital Budget and program and authorizing planning funds in connection with a study for an Intermodal Transit Facility in the Community of Wyandanch and accepting and appropriating Federal Aid and State Aid (County Executive).

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1421-07 - Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of properties for reconstruction of County Road 57, Bay Shore Road, Towns of Babylon and Islip, Suffolk County, New York (CP 5523) (County Executive). Do I have --

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, second by Legislator D'Amaro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Veterans & Seniors:

1332-07 - Extend the deadline for the Senior Citizens Task Force (Stern). Legislator Stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second? I'll make the second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1368-07 - Directing the Veterans Service Agency to establish a Suffolk County Veteran Resident Identification Card Program. Legislator Cooper?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. On the question. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. EDDINGTON:

Tim?

P.O. LINDSAY:

2413-07 - Adopting Local Law No. 2007, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest (County Executive).

LEG. COOPER:

Motion to recommit.

P.O. LINDSAY:

Motion to recommit.

LEG. SCHNEIDERMAN:

Second.

LEG. MONTANO:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions? Oh, did you want to say something on this?

MR. ZWIRN:

I did, I would just ask that it be tabled on the floor. You know, we have -- this bill was discharged without recommendation to keep it alive so that it wouldn't be subject to the six month rule. The Legislature in committee this past week did the same thing for Legislator Alden's bill, IR 2299 which was on the Sewer Districts; that bill was tabled on the floor.

P.O. LINDSAY:

So you don't want it recommitted?

MR. ZWIRN:

I would rather have it tabled on the floor. We're not pushing it at this time, we know there's -- we've been trying to build support on it, but --

LEG. VILORIA-FISHER:

I'll make a motion to table then.

LEG. SCHNEIDERMAN:

We already voted.

LEG. ROMAINE:

We already voted.

P.O. LINDSAY:

It wasn't called, it wasn't called yet.

LEG. VILORIA-FISHER:

I'll make a motion to table.

LEG. LOSQUADRO:

Well, on the motion, could I ask a question of Counsel?

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

To Counsel, does bringing it out, then sending it back, does that in any way affect the six month rule; does it give it a new life, so to speak?

MR. NOLAN:

Yeah, I think having been discharged from committee, it's not going to be stricken for the six month rule at this point.

LEG. LOSQUADRO:

So then we can send it back and it will not be stricken.

MR. NOLAN:

Yes.

LEG. ALDEN:

It resets the clock, Ben.

P.O. LINDSAY:

Okay, we have a motion to recommit and a second and we have a motion to table; am I correct?

LEG. VILORIA-FISHER:

I don't know if I have a second.

P.O. LINDSAY:

Do we have a second on tabling?

LEG. MYSTAL:

She doesn't have a second.

P.O. LINDSAY:

I'll second to table it. Okay, the motion to recommit takes precedent; roll call.

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

LEG. COOPER:

Yes to recommit.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Sixteen (Opposed: Legislators Viloría-Fisher & Lindsay).

P.O. LINDSAY:

Okay, it's been recommitted.

1306-07 - Adopting Local Law No. 2007, a Local Law to integrate Real Property Tax Service Agency and County Clerk Subscription Service Fee Program (County Executive).

Do I have a motion? Do I have a motion, 1306?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Come on, let's go, guys. Let's get through this meeting, come on.

LEG. KENNEDY:

Second, second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Legislator Kennedy seconds. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1354-07 - Authorizing conveyance of parcels on CR 19, Patchogue-Holbrook Road to the Town of Brookhaven (Section 72-h, General Municipal Law) (Presiding Officer Lindsay).

I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1365-07 - Authorizing the Department of Information Technology to develop a list of appreciation and awareness designations on County website (Cooper). Legislator Cooper?

LEG. COOPER:

Motion to approve, please.

P.O. LINDSAY:

Motion to approve, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

One opposition.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1372-07 - Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law, Town of Huntington (SCTM No. 0400-094.00-03.00-048.001) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Cooper.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1386, 1386A-07 - Amending the 2007 Capital budget and Program and appropriating funds in connection with the acquisition of a new mainframe (CP 1799) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Vilorio-Fisher.
On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I abstained on this in committee because the mainframe technology is extremely outdated technology. I asked at the committee of Sharon Cates-Williams what we were using this mainframe for, because I know when I was elected as Clerk in 1989, the first thing I thought to do is as quickly as I possibly can get rid of all mainframe applications -- which, by the way, I succeeded in doing --

because mainframe technology is an outdated technology that we should not be using.

Ms. Williams indicated that we are using it for payroll because it would be difficult to migrate it to the more accepted technologies of the day. I found that astounding that in this day and age, and I think Legislator Mystal will agree, that the people that deal with mainframe are {writing Cobol} and he's one of the few that can still do it; there aren't too many that deal in that ancient language, we're so many generations beyond that. This seems to me like a mistaken priority that we should be looking to migrate this data into something that is far more flexible and far more usable than mainframe data. This is an ancient technology. This is like saying, you know, we need a bus --

LEG. ALDEN:

Horse and buggy.

LEG. ROMAINE:

That we're going to go back to the stagecoach because that's all natural gas, particularly if you feed those --

LEG. ALDEN:

That's pretty funny, actually, Ed; that is funny.

LEG. ROMAINE:

Particularly if you feed those horses enough oats. I just thought that we should consider this because we're going to spend about \$900,000 on a technology that is clearly outdated and makes very little sense for us to be doing this.

P.O. LINDSAY:

Brian, does the administration want to --

MR. BEEDENBENDER:

Yeah, just in response to --

P.O. LINDSAY:

Just identify yourself.

MR. BEEDENBENDER:

Oh, Brian Beedenbender, County Executive's Office. Just in response to what Legislator Romaine said, we asked the questions, I have a memo, I'll show it to you, from Sharon Cates-Williams. There are a couple of things involved here.

First, this is going to be a cost savings. The current cost is about \$235,000 a year to maintain the mainframe we have now next year, with the new one it would be about \$45,000, so there's a significant cost savings associated with it.

Second, she indicated that even though Cobalt is an antiquated language, we haven't had a program getting programmers; in fact, they just hired somebody in their 20's that is doing this, so they haven't had a problem getting the programmers.

Now, the problem -- you're right, there are five applications that still run on the old mainframe, but if we purchase this new mainframe it won't go to waste; it can be flipped into a Windows server, it can be flipped into a whole bunch of things, it can be partitioned and used in multiple fashions. So there is no waste associated with this, there is no step backwards associated with this, according to our Commissioner of IT. This is something that we can use in many different fashions, it's going to represent a cost savings to the taxpayers, so that's why -- and it's going to be a good thing for IT.

P.O. LINDSAY:

Thank you. Legislator -- I got a list now; I've got Legislator Mystal, then Alden and then D'Amaro.

LEG. MYSTAL:

The reason why the Commissioner was talking about not migrating to what we call off-the-shelf payroll software was the tremendous cost involved. Because our payroll is not static, most of the software you will buy off-the-shelf, they will customize it for you one time and you could not change it at any time because it's static and it's very expensive for you to buy off-the-shelf. Every time somebody in the County has a hitch in their payroll, they would have to come in and redo the software for you, and I think that is one of the problems that our payroll represented in terms of migrating to more modern and newer technology, and of course better language that they would have now. I think that was the main concern that she had.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I'm just guessing, from what Legislator Mystal said, that one of the operations is payroll. You said there was five applications we still run off of this?

MR. BEEDENBENDER:

Yeah, the only one she listed was payroll, I don't have the other four in front of me right now.

LEG. ALDEN:

Okay. And then my other question, and it was partially answered by Legislator Mystal, but what other alternatives do we have to running payroll, if that seems to be the major thing that we use this for, what other alternatives do we have to running payroll off of these -- and these are dinosaurs.

MR. BEEDENBENDER:

There's no payroll replacement project in the future, there's no one set up. But they did a study and two vendors off solutions, {People Soft and ADP} and both would cost a minimum right out of the box of three to \$4 million, right out of the box. So that's not something that's in the budget, there's no payroll project to do that in the future. And as Legislator Mystal had said, with 18 bargaining units and the constant changes, that's what creates the complexity and the cost associated with it.

LEG. ALDEN:

To be straight up with you, this is almost a million dollars and it's \$45,000 a year as far as upkeep. I hope we explore a whole bunch of different alternatives, every alternative actually, because that's really what the IT Department is supposed to do.

MR. BEEDENBENDER:

Well, according to the Commissioner, she did. And just so you know, it's 45,000 in year one, but the cost goes down to about 30 in year two and as we go out. So the cost, it's \$200,000 less a year once you get to year two and year three by doing this. So yes, it is almost a million dollars, but you're saving almost \$200,000 a year as you go forward in maintenance costs.

LEG. ALDEN:

We're replacing what with what?

MR. BEEDENBENDER:

The current mainframe is nine years old, the parts and maintenance have become a problem in replacing it with -- I don't have the specific title of the new piece of equipment in front of me.

LEG. ALDEN:

You have the manufacturer?

LEG. ROMAINE:

Unisys.

MR. BEEDENBENDER:
Unisys.

LEG. ALDEN:
Who?

MR. BEEDENBENDER:
Unisys.

LEG. ALDEN:
I think it's U-N-I-S-Y-S.

LEG. ALDEN:
And what's the -- the old mainframe is what?

MR. BEEDENBENDER:
I don't know.

MR. KOVESDY:
The same thing.

MR. BEEDENBENDER:
Same thing; okay, same thing.

P.O. LINDSAY:
D'Amaro, Legislator D'Amaro.

LEG. D'AMARO:
Not much more to add, just what Legislator Mystal said. The Commissioner came in and spoke with the committee for a solid 15 or 20 minutes I believe it was and did explore alternatives, did look at what the options were and concluded that yes, this may be a slightly older technology or outdated technology, but they were confident that it was cost effective and that what works will continue to work, and I think her comment was if it ain't broke why fix it. So from a cost effective perspective, she was convinced this was the best way to go.

MR. BEEDENBENDER:
And if I could add, Mr. Chairman -- oh, I apologize.

LEG. ALDEN:
Well, this is broke so we have to fix it. Right?

LEG. D'AMARO:
Well, it's out lived its use for life is what it is.

MR. BEEDENBENDER:
Well, this would also serve as the backup to the public -- to the Police Department mainframe for all the criminal justice things. So it is important that we do this, it would serve as a backup server. The mainframe is -- my understanding, the current mainframe is working, it's just old and the parts and maintenance are becoming costly.

LEG. ALDEN:
Correct me if I'm wrong, but we just bought for a couple million dollars a backup to the Police system.

MR. BEEDENBENDER:

The information the Commissioner provided me said that this new mainframe -- yeah, we bought one in March, 2006, it's located in Yaphank, but this will be --

LEG. ALDEN:

For how much?

MR. BEEDENBENDER:

For how much?

LEG. ALDEN:

A couple million, right?

MR. BEEDENBENDER:

I don't know. But the mainframe will provide redundancy to that, which is one of the things that she was trying to build in to our systems. Because as you know, the systems in the County were antiquated.

LEG. ALDEN:

That was a backup that we bought, so when you talk about redundancy you're talking about multiple redundancy.

MR. BEEDENBENDER:

The information the Commissioner gave me is that the model you're talking about, you're referring to as a backup for the Police was the mainframe for it, she doesn't list that as a backup, she just lists new mainframe as a backup for SCPD.

LEG. ALDEN:

Well, what are we going to do with the one we just bought as a backup?

MR. BEEDENBENDER:

I'm not sure that it is a backup.

LEG. ALDEN:

Well, that's what the resolution stated it was, to backup the systems in the Police Department.

MR. KOVESDY:

Good afternoon. Maybe I could help you a little bit; Allen Kovesdy, County Exec's Office.

The Steering Committee -- which, as you know, is represented by the County Exec and the Legislature -- has reviewed this for the last two, actually three years because there's been questions raised, whether it was cheaper for the County to upgrade the payroll system to a payroll personnel system or to leave it like it is. We found that the cost of changing the system with a different type of computer or going out would cost us four to \$5 million just for the software and the analysis, plus the ongoing expense on a yearly basis, as Brian mentioned.

We concluded that with this new computer, we would pay for the computer in four to five years with a savings in maintenance. The current payroll system works, everybody is familiar with it, it's not the best thing in the world, but we figure if we get a new computer, it doesn't cost us any money over four years for the savings and maintenance; it was a win/win situation. If we changed the computer and went to another system, it would cost us four to \$5 million off the bat, that's the reason we pulled the other project which had been in the Capital Budget for the last three years for payroll personnel and we're going ahead, this way there was no reason to spend any massive additional money when you have a system that works.

P.O. LINDSAY:

Thank you. Legislator Romaine, make it short.

LEG. ROMAINE:

Yeah, very quick. What is the expected life of this new mainframe that we're purchasing?

LEG. MYSTAL:

About nine years.

LEG. ROMAINE:

A usable life, not only in terms of wear and tear but in terms of its technologically cutting-edge survival rate.

MR. KOVESDY:

I couldn't give you an answer to that.

MR. ZWIRN:

Allen, the last one was ten years old.

MR. KOVESDY:

I couldn't give you an answer. All I know --

LEG. ROMAINE:

What does Unisys say? You, sir, are on the Steering Committee, you examined this for two or three years; what does Unisys say is the expected life, usable life of this mainframe?

MR. KOVESDY:

I know we're going to at least get the same use that we're getting now, but I can't say that, I can have Sharon give you the information, I couldn't give it to you.

LEG. ROMAINE:

But you made an evaluation of this.

MR. KOVESDY:

We made an evaluation based on the single largest expense which is the payroll personnel system which was millions of dollars.

LEG. ROMAINE:

And you weighed this over one year, five years, ten years, I mean, the cost benefit analysis?

MR. KOVESDY:

We weighed -- we did it over five years.

LEG. ROMAINE:

Over five years. And you're saying that over five years you, as a member of this Steering Committee, made a decision that this was the most economical way, most technologically proficient way for this County to proceed with the five applications, one of which is payroll; is that correct?

MR. KOVESDY:

The Steering Committee made a recommendation that if we got a new computer, it would be cost neutral to the County because the savings would pay for it and we wouldn't need a new payroll personnel system which would cost millions of dollars.

LEG. ROMAINE:

And you voted for this?

MR. KOVESDY:

Yes, I did, sir.

LEG. ROMAINE:
And you support this?

MR. KOVESDY:
Yes, I do.

LEG. ROMAINE:
Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
Okay, all in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. ROMAINE:
Opposed.

*(*Opposed said in unison*)*

P.O. LINDSAY:
All right, put up your opposition.

LEG. ROMAINE:
This is wasteful spending.

MR. ZWIRN:
Something you know something about.

MR. LAUBE:
I've got Legislator Romaine, Losquadro, Alden, Barraga and Kennedy. Anyone else?

MS. ORTIZ:
Nowick.

MR. LAUBE:
And Legislator Nowick, that's 12.

P.O. LINDSAY:
Legislator Nowick is outside the room.

MR. LAUBE:
No, she told me right before she went.

MS. ORTIZ:
She just came over.

MR. LAUBE:

Twelve (Opposed; Legislators Romaine, Losquadro, Alden, Barraga, Kennedy & Nowick).

P.O. LINDSAY:

Okay, the accompanying Bonding Resolution 1386A, same motion, same second; roll call.

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

LEG. D'AMARO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve (Opposed: Legislators Romaine, Losquadro, Alden, Barraga, Kennedy & Nowick).

P.O. LINDSAY:

1391-07 - Consenting to a Certificate of Abandonment of a portion of Browne Avenue, Ronkonkoma, New York (County Executive). Do I have a motion? Is that yours, Legislator Kennedy?

LEG. KENNEDY:

I'll make the motion, Mr. Chair. Although I was just going to ask if somebody can tell us why we're looking at this.

P.O. LINDSAY:

I tell you what, I'll make the motion, you can ask the question.
Do I have a second?

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. KENNEDY:

Does anybody know anything as to why we're -- anybody, help me out.

P.O. LINDSAY:

Counsel, you want to take a stab at it? If not, I'd ask the committee chair to answer this. Go ahead, Counsel, you have an answer?

MR. NOLAN:

Well, according to the resolution, an adjacent owner is seeking the abandonment, we as an adjacent owner need to consent to it. If this happened we're going to get a 20 by -- a 20 by 80 piece will come to us at no cost.

LEG. KENNEDY:

We're splitting it, yeah. As a matter of fact, I know fairly -- okay, forget it.

P.O. LINDSAY:

If somebody wants to give us something for nothing, we don't want.

LEG. KENNEDY:

No, no, that's it, no more questions.

LEG. D'AMARO:

Yeah, we don't want it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1415-07 - Approving the appointment of a relative of Supreme Court Judge in the Suffolk County District Attorney's Office (Peter Mayer) (County Executive).

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1425-07 - Authorizing the County Clerk to file an application for additional State mortgage tax reimbursement (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Memorializing Resolutions:

MR 09-2007 has been withdrawn; is that correct, Legislator Romaine?

LEG. ROMAINE:

Yes, that's correct.

P.O. LINDSAY:

MR 12-2007 - Memorializing Resolution in support of establishing special protections for professionals treating Lyme Disease and related tick-bourne illness (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 13-2007 - Memorializing Resolution in support of providing recourse for homeowners in manufactured home parks confronted with unjustifiable rent increases (Romaine).

Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

We have some cosponsors. I want to cosponsor that one, too, that's --

LEG. ROMAINE:

Absolutely, Bill. We have those mobile homes.

P.O. LINDSAY:

MR 14-2007 - Memorializing Resolution in support of New York State legislation to strengthen penalties for individuals who commit sexual offenses against children (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Anybody want to cosponsor?

LEG. COOPER:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

MR. LAUBE:

Eighteen (cosponsors/stern D'Amaro Mystal Losquadro Schneiderman).

P.O. LINDSAY:

MR 15-2007 - Memorializing Resolution in support of State legislation to toughen vehicular assault and vehicular manslaughter laws (Caracappa). Legislator Caracappa?

LEG. CARACAPPA:

That would be me; yes, motion.

P.O. LINDSAY:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BROWNING:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

P.O. LINDSAY:

I'll cosponsor.

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

MR 16-2007 - Memorializing Resolution requesting United States Congress to enact the 9/11 Heroes Health Improvement Act of 2007 (Stern). Legislator Stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. MYSTAL:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Cosponsor.

MR. LAUBE:

Eighteen.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Cosponsor.

LEG. MYSTAL:

My name is Romaine Jr.

LEG. NOWICK:

Cosponsor.

P.O. LINDSAY:

MR 17-2007 - Memorializing Resolution requesting the United States Congress to extend the Pilot Program for Alternative Water Source Projects (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Do I have a second? Second by Legislator Schneiderman and we have a request of what it is.

LEG. ROMAINE:

This is a bill that is before the United States Congress, HR 700, that authorized 125 million to fund projects that will increase usable water supply. It is sponsored by Congressman Tim Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman and Peter King, among others.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We have some cosponsors; did I hear rumblings?

MR 19-2007 - Memorializing Resolution requesting United States Congress to amend the Federal Water Pollution Control Act to authorize appropriations for State Water Pollution Control for revolving funds (HR 720) (Romaine). Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MYSTAL:

How does he come up with these?

LEG. ROMAINE:

I do research.

P.O. LINDSAY:

Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 20-2007 - Memorializing Resolution in support of establishing a County commercial --

LEG. VILORIA-FISHER:

We voted on 18.

MS. ORTIZ:

Nineteen.

LEG. ROMAINE:

Nineteen, 19.

P.O. LINDSAY:

Oh, I'm sorry.

LEG. VILORIA-FISHER:

We skipped 18, Renee, we'll go back.

P.O. LINDSAY:

Okay, let me go back to ***MR 18-2007 - Memorializing Resolution requesting United States Congress to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (HR 569) (Romaine)***. Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Schneiderman, you going to second?

LEG. SCHNEIDERMAN:

Sure.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 20-2007 - Memorializing Resolution in support of establishing a County commercial assessment ratio (A.6753) (Presiding Officer Lindsay).

I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. VILORIA-FISHER:

Explanation.

P.O. LINDSAY:

Yes, I would be happy to. This was one of the recommendations of the Alternative to Tax Commission and what this would do is it would change the way industrial and commercial property are assessed. They're usually assessed on a residential value which increases the chance of commercial and industrial owners of winning tax certiorari cases, and it could mean as much as \$500 to every homeowner if it did pass in tax relief.

LEG. VILORIA-FISHER:

Oh, okay.

P.O. LINDSAY:

And it's recommended by the Tax Assessor's Association of Long Island. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 21-2007 - Memorializing Resolution in support of establishing a program for Familial Dysautonomia, Canavan's Disease and Tay-Sachs Disease Screening and counseling (Stern). Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 22-2007 - Memorializing Resolution in support of establishing a Mature Worker Business Initiative (Stern). Legislator Stern?

LEG. STERN:

Motion.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 23-2007 - Memorializing Resolution in support of Dignity For All Students Act (Senate Bill S.1571 and Assembly Bill A.3496) (Cooper). Legislator Cooper?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 24-2007 - Memorializing Resolution requesting United States Congress to enact the Lyme and Tick-Bourne Disease Prevention, Education and Research Act of 2007 (Romaine).

LEG. ROMAINE:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

MR 26-2007 - Memorializing Resolution requesting the United States Congress to enact the Breast Cancer Patient Protection Act 2007 (Alden). Legislator Alden?

LEG. ALDEN:

Motion to approve.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

List me as a cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. LOSQUADRO:

Tim, 26, cosponsor.

LEG. STERN:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

MR 27-2007 - Memorializing Resolution in support of New York State legislation to cap real property school tax rate for persons seventy years of age or older (Assembly Bill a.1894 and Senate Bill S.3533)(Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. VILORIA-FISHER:

Second, cosponsor.

LEG. MYSTAL:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

P.O. LINDSAY:

Oh, cosponsor by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

It's hard to cosponsor my own resolution.

P.O. LINDSAY:

MR 28-2007 - Memorializing Resolution requesting the United States Congress to enact the "Wounded Warrior Assistance act of 2007" (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

LEG. BROWNING:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Cosponsor. I'll tell you --

LEG. VILORIA-FISHER:

It's a record.

P.O. LINDSAY:

Yeah, between Stern and Romaine, man, they've got more --

LEG. MYSTAL:

It's a record.

P.O. LINDSAY:

MR 29-2007 - Memorializing Resolution in support of New York State legislation to provide seniors with a choice to cap their school tax rate or receive a STAR rebate (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Home Rule Messages:

HR 05-2007 - Home Rule Message requesting New York State Legislature to authorize the Suffolk County Society for the Prevention of Cruelty to Animals to make inspections and impose fines (Eddington). Legislator Eddington?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second? I'll make the second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

HR 07-2007 - Home Rule Message requesting New York State Legislature to extend the One-Quarter Cent Sales tax Program to allow Suffolk County to continue to collect an additional sales tax until December 31, 2025 (Assembly Bill a.893 and Senate Bill s.4422)(Romaine).

LEG. ROMAINE:

Motion to table. My colleague has another bill that's competing and I'd rather have that issue debated at that time.

P.O. LINDSAY:

I second the motion to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, going back, we had a motion to waive the rules and lay on the table 1364-07 - Appointing a member to the Council on Environmental Quality --

LEG. VILORIA-FISHER:

We're going to vote on that, we need -- we discharged it, we're going to vote on that, it aged for an hour?

P.O. LINDSAY:

Yeah, that's why we're going to vote on it.

LEG. VILORIA-FISHER:

You were laying it on the table.

P.O. LINDSAY:

Oh, no -- yeah, it was discharged. We had a motion -- to approve it, yeah. It's a motion to approve ***1364-07 - Appointing member of the Council on Environmental Quality (Maria Brown)***, it was discharged previously.

LEG. VILORIA-FISHER:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Viloria-Fisher, second by Legislator Lou D'Amaro. All in favor?
Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. And then **MR 37-07** was assigned to the Budget Committee and we had made a motion to waive the rules and discharge it in committee and vote on the floor and it was also aging, and it's the **Memorializing Resolution requesting New York State Legislature to authorize Suffolk County to extend the temporary One Cent Sales and Compensating Use Tax**. I'll make the motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

I'll abstain on that.

P.O. LINDSAY:

Abstain, one abstention.

MR. LAUBE:

Seventeen (Abstention: Legislator Romaine).

P.O. LINDSAY:

Okay, go to your red folder.

LEG. MYSTAL:

Wait a minute. Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

We had skipped 1380.

MR. LAUBE:

Yep.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

1380 in Public Works, page ten.

MR. ZWIRN:

I have some answers.

P.O. LINDSAY:

You have the information?

MR. ZWIRN:

Yeah. It is not time sensitive, it could be tabled one cycle, but let me just -- if you want to table it, that would be okay with Public Works. But I will add that the fuel out there is going to be -- the fueling, Legislator Alden asked how it would be fueled, it is natural gas, but if the natural gas is interrupted there will be a dual fueling capacity, it will be able to take oil. It is several upgrades including recycling of the cooling water, it's an upgrade of the cooling system, it makes the chillers

more efficient. That's the answers that we got from DPW and questions that you asked; but then again, if you'd rather have somebody from DPW go into it in any more detail, you could table it and have it at the next General Meeting.

LEG. ALDEN:

And through the Chair? Does it have the ability of a co-gen?

MR. ZWIRN:

That I don't know. It's natural gas, I don't know if the natural gas is provided separately or --

P.O. LINDSAY:

Cogeneration is two fuels.

LEG. ALDEN:

No, no, no, cogeneration would be hooked up into the LIPA line. If we're not using it and we're running it, we could throw juice back and get paid for the juice.

P.O. LINDSAY:

You know, the term cogeneration at times means that it uses two different fuels.

MR. ZWIRN:

I don't have the answer to that. As I said, it's not -- they've spent \$1.8 million on this project, this is the next stage, but if you want somebody from Public Works to answer some of those questions, if that will affect the vote --

LEG. ALDEN:

One cycle doesn't kill it?

MR. ZWIRN:

It won't kill it but you're not going to -- the answers -- whatever the answers are the answers are going to be. The project is already halfway completed, so I assume that you're going to support the rest of the project.

LEG. HORSLEY:

Motion to approve, Bill.

P.O. LINDSAY:

Okay. Okay, what's your pleasure? Do you want to make a motion to table it for a cycle?

LEG. ALDEN:

I would ask, you know, if it doesn't hurt then table it for one cycle, I'll get some questions answered and then we go ahead and approve it.

LEG. KENNEDY:

I'll second the motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

Okay, we've got ***Procedural Motion No. 7-2007 - Authorizing funding for Community Support Initiatives, Phase II***. I believe it's been distributed to you. I need a motion.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Let's go to the red folder, the ***Certificates of Necessity:***

1447-07 - Authorizing transfer of Trolley vehicle to Central Islip Civic Council.

LEG. MONTANO:

Motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Alden.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yes, we actually have Nancy Manfredonia from the CI Civic Council here. But the only issue really is that we would like to get this done under C of N because my understanding is they're going to use the trolley in the Memorial Day Parade.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Correct, that's my understanding; that was the basis for issuing the CN was for the Memorial Day Parade.

LEG. MONTANO:

Right, otherwise it wouldn't need a C of N.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Correct, it was only to accommodate the parade, nothing else.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Does Legislator Montano get to ride on the trolley in the parade?

LEG. MONTANO:

Sure, right next to you.

P.O. LINDSAY:

Okay, we have a motion and a --

LEG. ALDEN:

You can blow the whistle.

P.O. LINDSAY:

I want to ring the bell. Do we have a motion and a -- we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Rick, that's under the trolley.

P.O. LINDSAY:

IR 1527-07 - Accepting and appropriating grant funds in the amount of 142,000 from the New York State Department of Transportation for a dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% support.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Let's move it, let's move it.

P.O. LINDSAY:

IR 1508-07 - Accepting and appropriating 100% additional State aid from the New York State Office of Alcohol & Substance Abuse Services to Suffolk County Department of Health Services at Brookhaven Memorial Hospital Center.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

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

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1509-07 - Authorizing planning steps for the acquisition under the Suffolk County Save Open Space Program, Hamlet Parks Component, for the Louis Oliver Property, the Town of Huntington, Village of Northport.

LEG. COOPER:

Motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Stern.

LEG. LOSQUADRO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Can I just get an explanation as to why a planning steps resolution as a CN?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The original planning steps for this particular piece of property was approved under the Greenways Program; the Greenways Program expired via referendum December 31st, 2006 and the funding died with it. What happened was the Town of Huntington, which is a joint partner on the acquisition, was unwilling for a significant period of time to accommodate the Grecco Land Reforms that were adopted by this Legislature, in particular the provision that says you can't pay above appraised value. As a result, the contract could not be finalized or consummated because of the town's unwillingness to follow that particular statute.

Now we finally got the town on board, I personally interceded to make sure that we're in compliance with that statute and now we have to fund it through a different vehicle. As a result, we're converting from the Greenways initiative which has sunset and expired into SOS, you need a planning steps resolution to get it started. What will happen is in another cycle or so, the acquisition resolution will be before the Legislature to attempt to complete the authorization. The sellers would like to complete the transaction by the end of July, the only way to accommodate that is to accelerate this particular planning steps resolution. But since it's a conversion of planning steps from the old Greenways to SOS, the issue with respect to, you know, is it a viable property, is it something that you want to acquire really is not the vote for it today, the substantive vote will be when you go to vote for the acquisition.

LEG. LOSQUADRO:

Well, I have a couple of questions, though. Because if I'm not mistaken, is this the property that Huntington came out and said there was \$56,000 addition or something they were putting on to

this, to the original sponsor?

LEG. COOPER:

Yes, it's the same parcel.

LEG. LOSQUADRO:

Well, we had a number of questions in committee and you were talking about the reforms that were put in. I raised the question in committee, I was very disappointed in the fact that Huntington came out and publicly put a price tag on a piece of property, something that the current Executive administration has been absolutely apoplectic about when this happened in the past because it damages the negotiation process by making these figures public. And our own Planning & Real Estate Department said that the dollar figure that Huntington was putting out there was not legal because it was not paying for a particular good or service, said something about buying goats or something, I don't remember exactly what it was. I had a lot of questions regarding this resolution.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, that's --

P.O. LINDSAY:

Did I hear buying goats? Naah.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The points that you have raised are precisely why a transaction was not consummated in accordance with what the Town of Huntington was proposing. We held firm, we did the right thing, we told the town, "Either you do it right or the transaction is not going forward;" That took a significant number of months to get to that point.

I'm satisfied from the perspective of the County that we're in compliance with the Statute in terms of what the County is paying on appraised value and what the town is paying on appraised value. This is converting it from Greenways to SOS in terms of funding. You know, I share -- I didn't know you had raised the concerns at a previous time, but --

LEG. LOSQUADRO:

I had at committee.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- those are absolutely on-point concerns; when they were brought to my attention, I went ballistic and I made it a point not to allow that contract to go forward because you're absolutely right.

LEG. LOSQUADRO:

All right. Well, if the Chairwoman of the committee is satisfied that this is going to bring us into compliance --

LEG. VILORIA-FISHER:

Well, I'm never happy to see planning steps come in as a CN because our committee process is so important. And I'm just wondering why, what is the expedience here?

LEG. MYSTAL:

He just said why.

LEG. VILORIA-FISHER:

I know, but --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

If you want to let the process go through the committee, the only concern I've got is that the -- the only reason I was approached with respect to this was because the first step, which is the planning

steps, wasn't felt to be a major substantive issue at this --

LEG. VILORIA-FISHER:

Right, I heard you say that and the issue with Huntington.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right. So that the issue -- what will happen is if this gets adopted tonight, the only advantage is that you can then lay a bill on the table at a subsequent meeting, probably a meeting -- not this meeting, but another meeting from now because in between the CEQ process can be completed with respect to the actual acquisition and you'll have the ability to vote on June 26th on the substance. That will be the question of this is the authorized contract with the dollar amount in front of you, the heart of the vote will be on the substance of the authorization.

LEG. VILORIA-FISHER:

Well, to tell you the truth, I'd almost rather have that --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The only reason it's important is because the sellers --

LEG. VILORIA-FISHER:

To tell you the truth, I'd almost rather have that as a CN, because when we look at the planning steps, we have the maps before us, we have a little bit more background and I would like to look at that in committee. If it's going to blow the deal, you know, I could say have a CN, but --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I thought -- I mean, my personal view is that a CN for the acquisition would be problematical because there you're being asked to look at what you're actually paying, consummating, finalizing --

LEG. VILORIA-FISHER:

So you're saying the appraisals have all been done, it's gone through ETRB, all of that?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I hear what you're saying; normally I would not like to go through this process, but this one has an unusual history to it. And again, the only deadline that's really being imposed at this point is a deadline from the seller; the seller is saying after all of this time, they would like to close the deal by the end of July. You know, sometimes people react to that and say, "Well, we want to take our own normal process and go forward and do it on our clock," you know, the problem is we can't say to them we're going to have a meeting in July to accommodate him.

LEG. VILORIA-FISHER:

But we did go through planning steps and the appraisals and ETRB and --

LEG. LOSQUADRO:

Well, yes or no.

P.O. LINDSAY:

First of all, I know Legislator Romaine wants to talk, but Legislator Losquadro asked a question of the Chair of the Environment Committee, so you still have the floor, go ahead.

LEG. LOSQUADRO:

Yes and no, I don't recall. I mean, I know the Chairman and I are both members of ETRB, but I can't recall whether or not this has gone through the Environment & Trust Review Board process; do you have a definitive answer as to whether or not it has?

LEG. VILORIA-FISHER:

I can't remember.

LEG. LOSQUADRO:

I don't recall it coming before ETRB yet. I recall it on the floor of the Legis -- at Environment Committee, but I don't recall this at ETRB yet. So that is something we would have to meet at our next meeting, if it's even on our agenda.

LEG. VILORIA-FISHER:

(Inaudible).

LEG. LOSQUADRO:

So I don't see a compelling rush to this, I think this can --

P.O. LINDSAY:

Let me just say this. Being that it was an approved planning steps once before, it went through the process and the funding source ran out, if worst comes to worst, we approved it today, you's are going to get a chance to examine it at ETRB; if it passes that muster, it will come back before the committee for acquisition, so it isn't as if this is the last bite at the apple. And I don't really care, I mean, if you want to commit it to committee or just defeat the CN and it goes to committee automatically, I don't care, but I think you're going to get a couple of more bites here anyway.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Bottom line, folks, is you should have a comfort level. I'm not trying to push or jam anything through; the request was made to accommodate the seller. I mean, as long as you don't feel uncomfortable with the seller's --

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Maybe I'm getting this wrong here, but as a member of this Legislature I've been told by admin -- by the administration, amongst others, when I served on -- a very short question -- on Environment last year that it doesn't matter the funding source for planning steps, what matters is the funding source for the acquisition resolution if it's forthcoming.

LEG. LOSQUADRO:

That's right.

LEG. ROMAINE:

That's why I'm wondering why we're even doing this. We had a planning steps resolution, it had an identified funding source. Okay, now that we're ready for acquisition, we're going to change the funding source. What the heck is wrong with that; why do we need this resolution? I don't get it. Unless there's a logic that I'm missing or unless the administration officials that have repeatedly appeared in front of the Environment Committee have misled the members of the committee, I'm trying to understand it.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

This particular planning steps resolution that you're talking about was adopted under a program that no longer exists; the program itself expired, the authorizations have expired. It was done pursuant to a provision in that statute that required the town to have a binding commitment to participate in the process. So when you convert the beginning of a process to the beginning of a new process, you have to have a planning steps resolution.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We do -- you know, we've --

LEG. ROMAINE:

Am I wrong? They told me that repeatedly.

P.O. LINDSAY:

Did everybody -- I'm trying, I'm trying.

LEG. HORSLEY:

Lynne's got to go.

P.O. LINDSAY:

Legislator Montano.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The Greenways initiative only expired several months ago, so I don't know what experiences you could be drawing upon, you know, from the Greenways initiative.

LEG. ROMAINE:

(Inaudible).

P.O. LINDSAY:

Legislator Montano has the floor.

LEG. MONTANO:

I don't think I was really -- Paul, I don't think I was really following at all on this. If we're going to acquire it, is there a requirement that we have a planning steps or can we just go into direct acquisition?

LEG. ROMAINE:

Yeah, just go to direct acquisition.

LEG. MONTANO:

If we're going to be doing this -- from what I understand on the cover, we're going to be doing this by July or whatever date we're going to close. Is there a requirement that we need planning steps if we're that far ahead?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes, we need to have planning steps and then we need to have an authorization. It's one of these quirky situations where a parcel that started under a program that has expired --

LEG. MONTANO:

All right, no, I understand that. I was just wondering if we actually needed planning steps as a requirement of the Statute or we can go right to acquisition.

P.O. LINDSAY:

Okay, do we want to vote for this or you want to put it back in committee? Do we have a motion?

LEG. LOSQUADRO:

I'd rather put this back in committee.

P.O. LINDSAY:

Okay, we have a motion to approve and a second?

MS. ORTIZ:

Yes.

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. You want to make a motion to recommit, is that your intention?

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

I'll second; why not?

P.O. LINDSAY:

Is there a second to Legislator Losquadro's motion to recommit?

LEG. VILORIA-FISHER:

Joe has it.

P.O. LINDSAY:

Joe? Okay, second, and probably it's moot because if the motion to approve fails it automatically gets committed to --

MR. NOLAN:

No, it gets ten; it has to get ten.

LEG. COOPER:

Mr. Chair, if I could just ask one question to clarify because I'm a little confused. My understanding is that the appraisal has been -- the surveys were done -- the survey was done, the appraisal was done, there's an accepted offer.

LEG. NOWICK:

No, it can't be accepted.

LEG. LOSQUADRO:

I asked that question.

LEG. NOWICK:

If it hasn't gone through ETRB, it can't be accepted.

LEG. VILORIA-FISHER:

We haven't gotten an answer to that, whether it went through ETRB or not.

LEG. LOSQUADRO:

Could you put that on the record?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That's all been completed. Again, the transaction didn't get to the --

LEG. COOPER:

So why do we need the planning -- I don't understand why we need the --

LEG. ALDEN:

Paul just answered that; why are you making the guy repeat it?

LEG. CARACAPPA:

It's a different lending source.

LEG. MYSTAL:

Different funding source, you have --

LEG. COOPER:

I know, but when we do the acquisition resolution we can always change it; I don't understand --

LEG. MONTANO:

I can't hear.

LEG. ALDEN:

Use a different mike.

LEG. COOPER:

Legislator D'Amaro was saying because we don't want to cloud the title, is that the rationale? Because if not, I don't understand why we need this and why we can't just move to an acquisition resolution with whatever the funding source might be.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The reason is because we are converting it from a program that has expired which has certain terms and conditions in that program for how you can be eligible to be acquired. You're now going to be switching that to something that has a different standard and different starting point and a different funding source, that's -- this is the first one we're running into coming out of the expiration of the Greenways Fund.

LEG. COOPER:

But haven't we already accomplished everything that the planning steps was supposed to accomplish? That's been done already, so why can't we just move right to the acquisition resolution? I just don't understand that.

LEG. VILORIA-FISHER:

The funding source.

P.O. LINDSAY:

The same question has been asked and answered three times.

LEG. ALDEN:

Three or four times.

LEG. LOSQUADRO:

Bill?

P.O. LINDSAY:

If you don't accept it, but the answer has remained the same. Legislator Losquadro and then Stern.

LEG. LOSQUADRO:

Very simple; I will withdraw my opposition to moving this forward. I asked you a pointed, direct question, you didn't have an answer and then someone else asked the same question and all of a sudden we had an answer. Have the steps been completed, is this through ETRB and do we have an accepted offer? Now I'm seeing a nodding of a yes, when I asked you this question before you

didn't have an answer to it. Where are we?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's going to go back before the committee because you've now passed the second resolution tonight --

LEG. LOSQUADRO:

Yes or no; did it go before ETRB and do we have an accepted offer?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It went before the committee after the other planning steps but never got consummated for the reasons I described before.

LEG. LOSQUADRO:

I understand that, but the appraisals were completed, it went before ETRB and there's an accepted offer with the owner.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right.

LEG. LOSQUADRO:

Under a different program I don't care.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Under a different program, right, but never consummated. That's why when you asked me the question is it going to go back before the committee, the answer is yes because it's got to go through the next step after it gets out of --

LEG. VILORIA-FISHER:

That wasn't his question, Paul.

LEG. CARACAPPA:

A formality.

LEG. LOSQUADRO:

But it will be a formality because it will be the same numbers.

LEG. VILORIA-FISHER:

Right, it would be the same numbers.

LEG. EDDINGTON:

The answer is yes, Paul, yes.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I'm not -- it will be whatever the appraised value shows.

I haven't seen the second resolution that's got the dollar amount in it, but it should be consistent with the appraisal that we originally received, yes.

LEG. LOSQUADRO:

Hold on a minute.

P.O. LINDSAY:

Hold it. Come on, come on, let's not lose our focus, let's get through this, we're beating the hell out of it.

LEG. MYSTAL:

Good, we made him lose it, let's vote.

P.O. LINDSAY:

I mean, you asked the question, let --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Is the concern that there's going to be less scrutiny or more scrutiny? Because that's what I guess I'm having a hard time handling.

LEG. VILORIA-FISHER:

Okay. Mr. Chair, may I, through the Chair?

P.O. LINDSAY:

Wait a minute.

LEG. VILORIA-FISHER:

Dan, would you --

P.O. LINDSAY:

Wait, I have a list here.

LEG. LOSQUADRO:

I'm done.

LEG. VILORIA-FISHER:

But I can answer the question that he's asking.

P.O. LINDSAY:

Go ahead.

LEG. VILORIA-FISHER:

Okay. Paul, I think maybe it's just a question of you're answering the wrong part of the question.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay.

LEG. VILORIA-FISHER:

When Dan asked has it been through ETRB and you said it has to go back to committee, but that -- don't interrupt, let me just finish. What we're saying is if it has already gone through the process of planning, which is what Jon's question was, Dan and I were concerned that we had not -- I have no recollection of it being at ETRB and we want to make sure that it's gone through that process. But when Jon just asked you the question again, you had originally said no, when Jon asked you the question you said yes, that it had gone through the appraisal, it had gone through ETRB. And so I agree with Dan that we don't have to recommit it, we can just approve it this way because you're saying you're doing it because it's a funding source change.

LEG. LOSQUADRO:

A program.

LEG. VILORIA-FISHER:

It's a different program because it was under Greenways. We just wanted to make sure that the process had been adhered to, that it had gone through ETRB. Okay? And it has, we're satisfied, you don't have to say anything else.

LEG. MYSTAL:

Good. Bravo, let's vote.

P.O. LINDSAY:

Legislator Stern, did you want to add something?

LEG. STERN:

The motion is withdrawn, so I am certainly not going to prolong it any longer. Let's vote.

P.O. LINDSAY:

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

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

And before I go, I just want to correct one thing on the record from before.

LEG. MYSTAL:

Don't correct anything.

MR. LAUBE:

Eighteen.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Local Law 2 of 2001 dealt with the issue of transferring Insurance Risk Management from Audit & Control to Civil Service and it was done with a Permissive Referendum, 60 day close. Local Law 2 of 2001, I think it's important to put on the record because the issue came up earlier in the day, so it was done the right way.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Bill, I'd like to make a motion to reconsider Memorializing Resolution 20 for the purposes of recusing myself.

LEG. COOPER:

Second.

LEG. MONTANO:

For the purposes of what?

P.O. LINDSAY:

We have a -- of recusing himself. We have a motion.

LEG. ALDEN:

I'll second.

LEG. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Motion by Legislator Schneiderman to reconsider, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, the motion is back before us.

LEG. SCHNEIDERMAN:

Seventeen. I'm sorry, seventeen, list me as recused.

MS. ORTIZ:

No, no, no, that was just to reconsider.

MR. LAUBE:

That was just to reconsider.

LEG. SCHNEIDERMAN:

Oh, okay, right. I'm sorry, that was just to reconsider, okay.

P.O. LINDSAY:

Okay, I'm going to get to that. There's a motion to reconsider, the motion carried, the resolution is back before us. Do I have a motion to approve?

LEG. MYSTAL:

Motion to approve.

LEG. HORSLEY:

Second.

LEG. MYSTAL:

Seconded by Horsley. Same vote, let's go.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Recusal.

MR. LAUBE:

Seventeen (Recusal: Legislator Schneiderman).

LEG. MYSTAL:

Presiding Officer, a moment --

P.O. LINDSAY:

Wait a minute, I still have more business. What do you got?

LEG. MYSTAL:

One of our own is being honored tonight, Lynne Nowick has been named by Long Island Business News, 50 Top Most Influential Women on Long Island, I think she deserves a hand.

Applause

And she would like to be able to go and receive the award, if you all will move this thing along.

P.O. LINDSAY:

Well, if you would shut up I'll finish the agenda.

We have one veto, it's Resolution 382. Legislator Romaine, do you have a preference?

LEG. ROMAINE:

Yes, I'd like to move to override this veto.

P.O. LINDSAY:

We have a motion to override *382, it's to waive the fee for use of the County Showmobile for the Suffolk County Volunteer Firemen's Association Annual Parade.* Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Okay, roll call.

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

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

Yes to override.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes to override.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

Yes.

LEG. COOPER:

No.

LEG. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Eleven, it fails (Opposed: Legislators Eddington, Montano, Barraga, Mystal, Cooper, Viloría-Fisher & Lindsay).

P.O. LINDSAY:

Okay, we have late starters.

LEG. ALDEN:

On the late starters, can I make a request?

P.O. LINDSAY:

What.

LEG. ALDEN:

That the Presiding Officer appoint either a subcommittee or a committee to look at alternatives to this and also a paperwork reduction act? Because we get overloaded with faxes, you know, the hard copy and it's just -- I think it's a waste of taxpayers' dollars. But if we have this many late starters every time, there should be an alternative to having something like this in place.

LEG. CARACAPPA:

Here here.

P.O. LINDSAY:

Okay, we'll take your suggestion and look at it to appoint a committee, okay?

LEG. ALDEN:

Okay.

P.O. LINDSAY:

But I still have to lay these --

LEG. ALDEN:

No, I know.

P.O. LINDSAY:

Okay, a motion to waive the rules and lay on the table.
Do I have a motion?

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion and I have second for the following; 1502 goes to Public Works; 1503, Public Safety and set the Public Hearing for 6/12 in Hauppauge, 2:30; 1504, Health & Human Services; 1505, Ways & Means; 1506, Public Works; 1510, assigned to Ways & Means and set the public hearing on 6/12, 2:30 in Hauppauge; 1511 to EPA, set the Public Hearing at the General Meeting 6/12, 2:30 in Hauppauge; Memorializing Resolution No. 34 to Labor, Workforce & Affordable Housing; 35 to Health & Human Services; 36 to Budget & Finance. We have a motion and a second.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Do you have a motion and a second?

MR. LAUBE:

I didn't have a motion and a second.

MS. ORTIZ:

We didn't have a motion and a second.

P.O. LINDSAY:

Yeah, we did have a motion; come on, guys. We had a motion by Legislator Mystal, second by Legislator D'Amaro.

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

And I make the second motion to adjourn.

P.O. LINDSAY:

Okay, we have one other comment before we adjourn.

MR. BROWN:

Thank you, Mr. Presiding Officer. Ms. Bizzarro just asked me to correct the record with respect to the mandatory referendum; the only conversation she had was with George Nolan yesterday with regard to 1352, which I think George stated earlier. Thank you.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Thank you for the disclaimer.

P.O. LINDSAY:

All right, we have a motion to adjourn --

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

-- by Legislator Mystal. Do we have a second?

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

*(*The meeting was adjourned at 5:31 PM*)*

{ } Indicates Spelled Phonetically