

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINTH DAY

June 12, 2007

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

MINUTES TAKEN AND TRANSCRIBED BY

DIANA KRAUS, LUCIA BRAATEN and DONNA CATALANO

*(*The meeting was called to order at 9:35 AM*)*

P.O. LINDSAY:

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

*(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. LOSQUADRO:

(Not present)

LEG. EDDINGTON:

Present.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not present)

LEG. MYSTAL:

(Not present)

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

14.

P.O. LINDSAY:

Okay. Good morning, everyone. Welcome to our general session. If everybody could rise for a salute to the flag led by Legislator Caracappa.

(SALUTATION)

P.O. LINDSAY:

Before everybody sits down, I would ask that we have a moment of silence for two of our sons that were lost last week in Iraq; Army Corporal James Lundin and PFC Matthew Baylis.

(MOMENT OF SILENCE OBSERVED)

Now it is my pleasure to turn over the mike to Legislator Alden who will introduce our visiting clergy.

LEG. ALDEN:

Thank you, Mr. Presiding Officer. It's my pleasure to introduce Father Rick. He's from St. Mark's Episcopal Church in Islip, in the Hamlet of Islip. It's a beautiful gothic style church, a little Norwegian but originally by the Vanderbilts. It's got original Tiffany stain glass windows so it's a physically beautiful church. And then just a few words about Father Rick.

Anywhere in the community that there's a need you find Father Rick. And he's especially sensitive to the children and those folks that are coming out of high school and going into college or going onto their careers. He can be found volunteering his time for almost every cause that is in the Islip area. He's made this world a much better place. And with that I turn it over to Father Rick.

REVEREND SIMPSON:

Thank you, Cameron. Let us pray. Heavenly Father, we thank you for the blessings of this life, for our families, for our friends and those who love us. We especially ask your blessing on this Legislature. We pray for the blessings of good government that it may bring prosperity and peace to our people. In your holy name we pray. Amen.

P.O. LINDSAY:

Thank you very much, Reverend. Everybody can sit down.

PROCLAMATIONS

Okay, proclamations. We have the six winners of the Elementary School Science Fair at Brookhaven National Laboratories which was held on Saturday May 5th. The contest is open to all schools in Suffolk County for students in grade K to six. And in order to be entered into this contest, the students need to win their own school contest. Brookhaven National Labs then selects an all-out winner from each grade. The winner -- there's one from each grade level -- is awarded a medal. And Legislator Fisher, could you take over the mike?

D.P.O. VILORIA-FISHER:

Sure.

P.O. LINDSAY:

And the kindergarten award winner is from my district, so I'm going to present the proclamation.

D.P.O. VILORIA-FISHER:

Okay. And then you'll go out for the photo and I'll do the next one; right? Legislator Lindsay, that's Ricky Frosch, Kindergarten, and his project was Hot Wheels, Cold Wheels.

P.O. LINDSAY:

Yeah, Ricky Frosch, are you here? Ricky? Okay, Ricky, come on over here.

APPLAUSE

Congratulations, Ricky. That's a nice suit and a nice medal.

Ricky frequently plays with his Hot Wheels cars on the railing of the backyard deck. He noticed that on days when he left his cars out on the deck all day, the cars were hot from being in the sun. And some felt hotter than others. This gave him the idea that maybe the color of the car affected how hot the car got. He decided to investigate this using four different color cars: Black, red, yellow and white. Since the science fair is in the Spring, Ricky needed to assimilate the heat of the sun by placing his cars under a heat lamp for exactly five minutes each. He then used a laser thermometer that his dad borrowed from work to take the temperature of each car. Repeated the experiment three times on each car and found out that the black and red cars definitely got hotter than the yellow and white cars.

Ricky concluded that the darker color cars got hotter than the lighter colored cars. That's why it's better to wear lighter colors to stay cool in the summer. Very good, Ricky. And I have a black car so that's why my car is always hot; right? Congratulations, again. All right.

APPLAUSE

D.P.O. VILORIA-FISHER:

Our first grade winner -- Linda, do we have a --

MS. BURKHARDT:

Legislator Kennedy; he's not here yet.

D.P.O. VILORIA-FISHER:

He was here a minute ago. Yes, our first grade winner is Kailey -- I'm sorry. It looked like it was on. Sorry. Okay. Well, I'm just going to announce the winner. Our first grade winner is Kailey O'Donnell, who's in first grade. And Kailey's project was Saving my Snow Bunnies. And, Legislator Kennedy, Kailey is up here if you'd like to go --

APPLAUSE

LEG. KENNEDY:

Thank you, everybody. As a matter of fact as we know this is something that our children have come out and worked on as an important project. And Kailey I want to congratulate you because of the creativity that I saw with this project. Picking the Snow Bunnies, I guess, was a thing that took some time to think about and to come up with, but was a very important type of a project. You put the bunnies inside each other. And they were in the styrofoam container. And it was something that we could all appreciate and see had a lot of value to it. How did you like the project?

KAILEY O'DONNELL:

Good. Because me and my mom got to make the Snow Bunnies and watch them melt.

LEG. KENNEDY:

You liked it because you and your mom got to make the Snow Bunnies and watch them melt. And I think that's one of the things that's most important and made me want to be able to go ahead and honor you because projects like this do promote working with the children and their parents on creative and innovative things. So I'm glad to go ahead and honor you, Kailey. And I do have a proclamation that's on its way over from my office.

MS. BURKHARDT:

Use this for pictures.

LEG. KENNEDY:

Okay. And we'll deliver it right -- there we go. Kevin is here Johnny on the spot.

APPLAUSE

So, I congratulate you. And we will go outside and we will take some pictures on this. Thank you everybody. And thank you.

APPLAUSE

D.P.O. VILORIA-FISHER:

Thank you, Legislator Kennedy. Our second grade honoree is in Legislator Browning's District. And our second grader's name is Rae Specht. And the project was Does Age Affect Memory? Well, you can ask some of the Legislators sitting at the horseshoe that question. We're very interested in this one, Rae.

LEG. BROWNING:

Yes, Rae did a wonderful job. Rae is a second grader in my district. And she decided to do a memory test choosing -- she did it with 100 people. And broke it into ten different age groups from four to nine all the way up to eighty to eighty-nine years old. And she did find that the people who tested best were the ten to nineteen-year-olds. They had the best memory. But the one thing that I like that Rae identified was that women had a better overall score.

APPLAUSE

So, Vivian and Lynne, when all of these men don't remember, you know we will. So I would like to say congratulations to Rae on such a wonderful job. And this is for you. Thank you.

D.P.O. VILORIA-FISHER:

Congratulations, Rae.

APPLAUSE

Our third grade winner is Aidan Dwyer, and Aiden Dwyer's Legislator is Legislator Jon Cooper who's going up to the podium. And the title of Aiden's project was Battle of the Bugs! What is the Best Wing Design?

LEG. COOPER:

Thank you and good morning. First of all, I think that every kid up here today should get a second award for being so darn cute. Don't you agree? Unbelievable. I thought my kids were cute.

D.P.O. VILORIA-FISHER:

Your kids are cute, Jon.

LEG. COOPER:

Thank you. And some of you may recognize Aidan because he was standing here last year because he also was the first grade -- no, second grade winner last year; right?

AIDAN DWYER:

Yes.

LEG. COOPER:

So this is two in a row.

LEG. NOWICK:

Memory, memory.

LEG. COOPER:

Thank you, Lynne. Aidan got the idea for his project when he observed different types of insects flying in his backyard. Aidan saw that some insects like butterflies and bumblebees were able to hover while other bugs like wasps and flies flew at high speeds. Aidan did research and learned that insects have been flying for over 350 million years. How many in the audience knew that? See, not a hand going up. And that many species evolved special shapes for wings. He began to wonder if there was something special about the shape of insect wings and whether one design worked the best.

Aidan set out to find the answer. Over many months Aidan collected dead bugs that he found in his bug yard. His parents must have loved that. He did not want to harm any live insects in his project. He made test models of the wings of five types of insects. Aidan built a wind tunnel and a balance that tested the drag of the wings at different angles. Third grade, huh?

Aidan also made an instrument that measured thrust. Aidan conducted dozens of experiments and then he compared his results. Aidan's experiments discovered that no wing design is the best but rather the design helped to perform different jobs. Some insects like the Monarch butterfly and the bumblebee had broad wings that are designed to create large amounts of drag that help them hover at flowers and fly long distances. Other insects like the yellow jacket wasp and the robber fly have narrow wings that make thrust for speed to help catch prey and for defense.

Aidan also learned that all insect wings need a high angle of attack to work properly. Aidan's project raised new questions like how do the veins in wings help flight? And does a curved wing work better? The answers to these questions can help build a new type of flying robot. So congratulations, Aidan. We have -- you've seen one of these already. You'll have to make more space in your bedroom for yet another county proclamation. So congratulations.

APPLAUSE

And we're going to go outside and take pictures. Thank you.

D.P.O. VILORIA-FISHER:

Okay. Our fourth grade winner is Spring Yu. And, Spring, your Legislator is Legislator Romaine. And, Spring's project is called Strong Ice. Are you ready?

LEG. ROMAINE:

You want your mom and dad to join you? Come on up. Thanks. First of all, my congratulations to anyone that watches the History Channel. As a former history teacher, I certainly appreciate that. But watching that channel sometime ago, and Spring, by the way, won the competition -- the science competition for the Wading River Elementary School -- watching that, she learned that during World War II a proposal was put to Winston Churchill. And that proposal said we could build a war ship out of saw dust and frozen ice, believe it or not. And theoretically I guess that was possible but because of the war and a host of other things, it never got tested. But this young lady in front of us tested that proposition. And she tested that proposition with not saw dust and ice but ice and cotton balls if I'm not mistaken. And she used all types of additives. Egg shells, salt. What are some of the other things that you used?

SPRING YU:

Sugar.

LEG. ROMAINE:

Sugar.

SPRING YU:

Nerds.

LEG. ROMAINE:

Nerds candies. And what she found is through a lot of experimentation with a right combination of cotton, saw dust and frozen ice, she was able to put together a combination where the ice could withstand ten times the weight that a normal ice cube could withstand if it had cotton and saw dust in it. And in addition to that, that weight, it also took twice as long to melt. So she accomplished a great deal. She showed us the scientific principle of testing theories out and coming to conclusions.

So one day we may see ships or whatever built out of frozen ice, cotton balls and saw dust. And this young lady would have a lot to do with that. So, Spring, on behalf of the Legislature congratulations on your achievement. Great job. And we're going to look at this young man taking our photo. Get your mom. Mom, come in this photo.

APPLAUSE

D.P.O. VILORIA-FISHER:

You know, Spring, I'm looking at one of our DPW engineers back there looking very impressed by you. Okay.

The 5th grade award recipient is Olivia Gassner. And Olivia's Legislator is Legislator Eddington. Her project is Bows 'n' Bels. I think I remember a song that had those words spelled a little bit differently.

LEG. EDDINGTON:

Good morning. Olivia did a very interesting project with her violin. And I'm going to ask her to tell you -- she's a fifth grader. She can speak well for herself. Tell us what your project was and then we're going to have a quick demonstration.

OLIVIA GASSNER:

I wanted to see if the number of horse hairs on a violin bow affected the sound that the violin made. So I took a violin bow and a sound meter. And each time I took off 30 horse hairs and I measured the sound with a sound meter by decibels. And the difference between 166 horse hairs and one was only 20 decibels. So it wasn't that much of a difference.

LEG. EDDINGTON:

Okay. And she's going to give us a quick demonstration. Can you do that? I thought we might add a little music to the program, you know.

D.P.O. VILORIA-FISHER:

You know science and music are so tightly connected. Galileo's father was a violin maker. So he grew up, you know, building musical instruments.

LEG. EDDINGTON:

And since we're talking about lack of hearing today and memory, we're going to test to see if it's the elderly that has less appreciation for the sound so.

OLIVIA GASSNER:

What should I play?

LEG. EDDINGTON:

How about Take it Easy by the Eagles. Anything you want, just so we can hear the difference.

DEMONSTRATION

APPLAUSE

LEG. EDDINGTON:

Beautiful. That was with all of the strings?

OLIVIA GASSNER:

Yes.

LEG. EDDINGTON:

Excellent. Let's take a picture. Hold your violin and we'll get a quick picture with mom.

D.P.O. VILORIA-FISHER:

Thank you, Legislator Eddington and Olivia. Okay. Our sixth grade award recipient is Nathaniel M. D'Agati whose project is called Acid Oceans. Oh, very ominous sounding. And his Legislator is Legislator Dan Losquadro.

LEG. LOSQUADRO:

Now I hope with a name like Losquadro I can say D'Agati without a problem. Something that is near and dear to all of us when we talk about Broadwater proposal or stormwater run-off is our water quality. And we know how much time and energy we've invested into protecting our waterways, especially the Long Island Sound, which is a national estuary.

Well, Nathaniel here decided he would take it upon himself to collect some water from the Long Island Sound and test how our environment is affecting that water.

So I'll let him give a brief explanation of his findings. And we'll go from there.

NATHANIEL M. D'AGATI:

Well, I did get water from the Long Island Sound. And I wanted to see if the ph of the ocean water was affected by carbon dioxide. So what I did was I put the water inside a container and I put in a certain amount of carbon dioxide. And after two hours I saw if the ph changed or not.

D.P.O. VILORIA-FISHER:

And?

NATHANIEL M. D'AGATI:

And the more carbon dioxide I added, the lower the ph got. So it's harmful for -- to marine life in the ocean water.

APPLAUSE

LEG. LOSQUADRO:

You could see why I let him explain this. He's much better at this than I am. I want to say congratulations to you, Nathaniel. I'm sure your parents are very proud of you. So keep up the good work.

NATHANIEL M. D'AGATI:

Thank you.

APPLAUSE

LEG. LOSQUADRO:

And we have a certificate for you. So I'll meet you over there.

P.O. LINDSAY:

And that concludes our science fair winners. Congratulations to all you young people. I'd like to call Legislator Eddington back to the podium for the purpose of a proclamation with school crossing guards.

LEG. EDDINGTON:

As most of the know that on every corner it seems in our communities there are uniformed officers there, the crossing guards. And sometimes they get overlooked. And yet nothing could happen if they weren't there. They protect our children. They help the pedestrians. And they are an invaluable service to our community. They're there rain, snow, sleet. They are people you can always count on. And I would like to have them come up. And I realize we couldn't get them all here because they actually have to work. And I apologize to take you away from your duties. But if I could get you guys to come up? Cheryl, maybe you might want to say a couple of words. And then I would invite anybody from the Public Safety Committee to come outside and get pictures with us.

MS. FELICE:

Thank you, Legislator Eddington. On behalf of AME and the school crossing guards, we'd like to thank you for this distinct honor. And also say how fitting it is that the crossing guards were here today to witness the awards of the children that they hold so near and dear. Not one of these crossing guards wouldn't lay down their own life to protect a child. Any many of them have thrown themselves in harm way to protect the children of our community. And it is so fitting that they were here today to receive this honor. Thank you very much.

LEG. EDDINGTON:

Anybody like to come out and join us.

P.O. LINDSAY:

I can't release the whole Safety Committee, Legislator Eddington.

MS. FELICE:

You'll lose your quorum.

P.O. LINDSAY:

Okay. That concludes proclamations. But I do have a couple of announcements to the body. They'll be an executive session today at 12 noon. Immediately following the executive session is the annual photograph of the Legislature which is always interesting. And to everyone in the auditorium if you haven't noticed, there's a blood drive going on outside. And I want to thank everyone who pledged to donate today. There are still some slots open for anyone here who would like to donate. Just go to the front desk and they'll direct you. Thank you very much.

PUBLIC PORTION

And with that, we'll go into the public portion. First speaker is Peter Quinn. Peter, what is your science project for today?

MR. QUINN:

Good morning, members of the Legislature. As I am accustomed to talking excessively some of you might think about issues, I thought I'd begin by complimenting a few people in the Legislature.

First, Bill Lindsay and Gail Vizzini for attempting to improve the quality of our lives by arranging or encouraging the funding of a sewer district study. I think it's essential that the study include increasing the grade level of the sewer districts from secondary to tertiary because I think that's a way of minimizing the effluent problems that exists at these sewer districts.

Secondly I'd like to compliment Legislator Horsley and Legislator Kennedy, both of whom showed up at the LIPA meeting last week challenging LIPA on the management agreement with KeySpan. And I, too, was there. And I suggested that it was premature. And I suggested that certain things that are considered urgent, that if they're left on the shelf to rest a while lose their sense of urgency. Nonetheless the LIPA trustees voted unanimously to approve that resolution. And it turns out the next day Kevin Law, the Chairperson, regretted it because KeySpan was playing with funny money. And now there is a more expansive review of that management agreement.

And I might add that if LIPA hadn't spent all that money on fuel cells which were defective, and if LIPA had not spent \$200 million in what I call a bribe to Brookhaven town and various environs in Brookhaven town, there would be over \$200 million that could have been spent on renewable energy and energy efficiency. And I would hope that this Legislature would challenge LIPA to get that money back and invest in energy efficiency.

By the way, LIPA's own report on projected savings -- this was done in 2004 -- was to call for spending 73 million on energy efficiency. Unfortunately it's for a ten-year period, so it amounts to \$7.3 million a year; woefully inadequate. So I would hope that -- and I will provide some data to you as well that I would like to see better publicized, hopefully Newsday will print the megawatt usage on a daily basis over a month so that we really have a profile of how much megawatt or electricity is used. And that way the citizenry of Long Island can have a better perspective rather than listening to Kessel tell us about the sky is falling on energy -- increased energy use.

I thank you very much for listening. And I'll provide this to the clerk and have her make some copies.

By the way, LIPA is also calling for 279.9 generating plants, one in Edgewood and one in Shoreham. So not energy efficient. They're single cycled.

P.O. LINDSAY:

Thank you, Peter. You can get your medal outside and your photograph. Michael J. Cannell.

MR. CANNELL:

Good morning, Legislators. And thank you for the opportunity to come and present some remarks on Home Rule Message No. 9, which is in support of submission of an application for -- eventually submission of an application on behalf of Kravit Inc which is located in Nassau County. This supports legislation presented at the state level. This legislation at the state level brings the authority for submission of an application by Suffolk County as a grantee of the foreign trade zone here in Nassau County, which is in line with federal requirements -- that the -- the company that benefits from the zone going to the geographically closest grant holder which is Suffolk County.

A little bit of background on Kravit. We -- I spoke to this body -- the committee this past week. But just to recap a little bit for all of you here today, Kravit has been in business for 90 years this year. We were incorporated in New York City in 1918 as S. Kravit & Sons. We moved to Woodbury in 1953. And we're there until 1983, '84 when we moved to Bethpage.

We have about approximately employees world wide. We're family owned. In fact, Cary Kravit is the President of the company and the fourth generation of family leadership. We have about 1400 employees world wide. 450 of those are physically officed and housed in Bethpage. We have another hundred in the city. We have about another 400 down south in Anderson, South Carolina.

And we have others located in 29 corporate show rooms across the country including one in Canada, one in Chelsea Harbor which is London, and another one in Mexico City.

So we buy and sell product. We purchase product from and sell product into approximately 150 countries in the world. Our fabrics are known for their quality and their elegance. Our fabrics are found in Air Force One, in the senate chambers of the US Senate and the US House of Congress as well as the White House. Some of the fabrics that we have done have been used in the coronation robes of Queen Elizabeth. We service virtually every range of the design trade in the world. We are the largest wholesaler to the design trade -- to the home design trade in the world.

So that's a little bit of Kravit's background. We have approximately an 80 thousand square foot building in Bethpage which we're seeking foreign trade zone status.

My personal background, I'm a former manager at KPMG, the accounting firm where I headed up the foreign trade zone practice nationally for that firm. And so I've worked with grantees that are like Suffolk County and others around the country.

Specifically the benefit to Kravit and the benefit to the community is really to combat the rising cost of doing business on Long Island through the ability to defer import duties on the products that we do buy; and to help us more efficiently export US products. Approximately 50 percent of our sales are of US products. It makes it much more efficient for us to export those products to other countries. And it does this without impacting the local government, the state government. It gives us customs efficiencies. And I believe that it strengthens the inter county economic development efforts. And it provides a positive example that I think other countries can learn from and that can strengthen the overall economy here.

Just in closing, this Home Rule Message is revenue neutral to the administration itself. Doesn't require any outlay of dollars by the County or the administration. It's revenue positive to the County and region through continued growth of our company and companies like ours. And, you know, possibly more importantly it staves off revenue loss through retention of our operations here on Long Island.

P.O. LINDSAY:

If you could wrap up, Michael. You're out of time. Right here, Michael. If you could wrap up.

MR. CANNELL:

Those were the end of my comments. Thank you very much.

P.O. LINDSAY:

Thank you very much. Kleo King.

MS. KING:

Hello. Thank you. I was unable to attend the Health and Human Services Committee session last week where they were considering reappointment for individuals to the Suffolk County Disability Advisory Board. I've been a board member for the past three years and I'm up for reappointment. So I came here today to just give you a little bit of my background and ask to be reconsidered for reappointment.

I've been an attorney representing people with disabilities for the past 19 and a half years. I work with United Spinal Association which was formally Eastern Paralyzed Veterans Association on issues involving people with disabilities both court action and cases as well as legislative initiatives both on a federal and state level.

I've worked with various federal agencies in developing regulations, helping people with disabilities such as the Air Carrier Access Act and the Americans with Disabilities Act. I am a Suffolk County resident. I live in the Town of Babylon and have worked with Bruce {Blaurer} and his office for

many years on different issues that affect Suffolk County and access to people with disabilities whether it be playgrounds or children with disabilities or fishing areas for people with disabilities as well as different parks and other services.

I also work a lot in the building code of New York State and the Accessibility Provisions. So a lot of times my organization as well as myself is called upon to assess whether or not something is accessible and how to make it accessible so it can be used by all our residents. So, again, I'd like to thank you for giving me this time to request that I be reconfirmed for a position to the Advisory Board. Thank you.

P.O. LINDSAY:

Yeah, thank you, Ms. King; don't leave. Legislator Stern, this is your committee. I mean, do you have any comments for Miss King?

LEG. STERN:

No.

P.O. LINDSAY:

I know it's public portion but -- the only thing that I'd like to say, Ms. King, is I thank you very much for your service to the County. And I thank you for coming down here this morning.

MS. KING:

Thank you.

LEG. MYSTAL:

That's my committee.

P.O. LINDSAY:

It's your Committee, I'm sorry. I thought it was Veterans and Seniors. Okay, Legislator Mystal, do you have any comments for Ms. King?

LEG. MYSTAL:

No.

P.O. LINDSAY:

Okay. Thank you very much, Ms. King.

MS. KING:

Thank you.

P.O. LINDSAY:

I'm sorry to slight you, Legislator Mystal.

LEG. MYSTAL:

No slight.

P.O. LINDSAY:

Rebecca Mowl. Good morning, Rebecca.

MS. MOWL:

Good morning. Can everyone hear me?

P.O. LINDSAY:

Yep.

MS. MOWL:

Okay. I just want to thank you for this opportunity to come here this morning to speak in support of the Memorializing Resolution in support of the Employee Free Choice Act. By acting today you are taking note of a grave injustice in America's work places and joining voices across this country who are demanding reform.

The Employee Free Choice Act is the most important labor law reform legislation to come forth in the last eighty years. It is made necessary by the practices of an undemocratic and dysfunctional national labor relations board which has corrupted the meaning of a free and fair election.

When workers try to form unions, all too often they are harassed, intimidated and even fired for their support of the union. This legislation will stop the wide spread practice and restore the intent of the Wagner Act when it became law in 1935.

The Employee Free Choice Act provides for recognition of a union when the majority of employees voluntarily signs authorizations, it offers mediation and binding arbitration to resolve first contracts, and it strengthens penalties for violations during organizing and first contract efforts. America's working people are struggling to make ends meet and our middle class is disappearing. The best opportunity available to working people to get ahead economically is to unite coworkers and bargain with our employers for better wages, benefits and working conditions.

This legislation is about working people having a free choice to pursue a better life. If the law is changed to allow more workers to make their own decisions without management -- excuse me -- without management coercion, more of America workers will be able to gain fair treatment on the job and improve their standard of living.

Once again I thank you for your support on this historic piece of legislation.

P.O. LINDSAY:

Thank you very much, Rebecca.

MS. MOWL:

You're welcome.

P.O. LINDSAY:

Joanna Ferraro-Levy.

MS. FERRARO-LEVY:

Ferraro. Good morning. I'm Joanna Ferraro-Levy. I'm the Associate Director of the Westhampton Beach Performing Arts Center, a community based 425 seat not-for-profit performing arts venue located on the Main Street in the Village of Westhampton Beach. I had originally come to the meeting this morning to speak in support of resolution 1431, which Legislator Schneiderman submitted to restore some funding to our organization. I have since learned that there are discussions between the administration and Legislator Schneiderman to resolve this issue by other means. But since I came this morning I just thought I'd share a few comments with those of who -- to thank all of you actually and to just talk a little bit about our organization.

In 2008 the Westhampton Beach Performing Art Center will be ten years old. And we've come a long way since a group of concerned community members purchased the shuttered 1932 movie theatre from United Artist for \$300 thousand and then raised \$1.3 million to renovate and restore the facility to revive the Villages downtown and to act as a state of the art handicapped accessible cultural beacon for eastern Long Island.

And since 1998 we've built a texturally rich diverse year-round program of the finest in world cinema, a highly praised children's program and a high quality main stage program of live

performances in dance, music and comedy that draws audiences from -- throughout Suffolk County and beyond. And since 1998 the County has stood beside us and supported us with downtown revitalization funding, cultural arts funding and omnibus funds as we broadened our geographic reach throughout the County.

And for our part we paid off our mortgage and we operate debt free. We keep our staff small and our administrative costs low. And we fund raise everyday because the truth is that even if we sell every ticket to every show, we still must raise a million dollars a year to keep the doors open and the curtain up. So from a fledgling community enterprise to a thriving year round performing arts center with a regional impact, the Westhampton Beach Performing Art Center continues in its role as the corner stone of the economic revitalization of the communities downtown as well as one of the cultural hubs of Suffolk County. And we are enormously grateful for the investment that Suffolk County has made in our organization. Our building is in Legislator Schneiderman's district. But each of you in the Legislature and the administration have played a role in our success. So we thank you.

P.O. LINDSAY:

Thank you. Cesar Malaga.

MR. MALAGA:

Good morning, Presiding Officer, members of the Legislature. I was here many times concerning speaking about Yaphank development. The more I read in the papers, you know, the more that I'm concerned that that area might be destroyed.

We have in our communities all the facilities that Suffolk County Executive wants to build in Yaphank. We have town, county, state parks that we do not use all year round. We are destroying the 400 acres that we the taxpayers own in Yaphank. County Executive does not own this property. We should not destroy the beauty of open space that we have in Yaphank. We do not think it is too late to review the plans that the County Executive has for the 400 acres of open space that taxpayers own.

Residents who need housing live in our hamlets. We should implement smart growth building in our communities to care for the need for housing. We have many vacant buildings in the so called industrial areas. We could change the building zoning and use that area for affordable housing. Those areas have all the utilities including paved streets and sidewalks.

Many of our schools have performing arts centers. Let's use those centers to provide entertainment for the residents; after all, it costs billions to school districts to build those performing arts centers. We do not need, you know, to build like proposed in the beginning the horse racing. Also, we can use portions of the Sunrise Highway for car racing. There are areas available for car racing on Sunrise Highway. We have many schools that have large athletic fields. Let's use those fields. We do not need to destroy the 400 acres.

The only ones who will benefit from this proposed project by the County Executive are the developers who contributed to the campaign of elected people. Jobs are available for construction workers in other areas.

Some developers present plan to Towns to develop shopping centers. Like for instance Tanger in Deer Park. They indicated that they made the traffic studies and environment studies, that there was no problem in building these shopping centers. Residents of the Town of Babylon were opposed to the plan. The Town of Babylon approved the plan to the objection of residents. Former Babylon Town council Legislator Horsley was one of them. Tanger after getting the approval from the Town of Babylon, comes to the Legislators asking to connect to the Southwest Sewer District. Once again, Legislator Horsley is in the front to approve the sewer connection. That's not right. Some elected people who get donations, they should not -- should be excluded from voting for any developers who

are asking for variation.

On the last thing I'd like to thank all the Legislators who voted against the IR 1022, the anti-loitering bill. I want to thank you. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Malaga. Carolyn Fahey.

MS. FAHEY:

Good morning, Legislators.

P.O. LINDSAY:

Good morning.

MS. FAHEY:

I'm here today to ask for your support for Home Rule No. 9 which supports state legislation to amend the county law to allow Suffolk County to submit applications to the Foreign Trade Zones Board for foreign trade sub-zones in Nassau County. Currently Suffolk County's foreign trade zone only allows us to submit applications on behalf of businesses located within our county boundaries. This state law will allow us to use this tool as a regional economic development program to assist those businesses in Nassau County who, by the way, also employ Suffolk County residents. You heard before from Mike Cannel, the Director of Global Trade for Kravit Fabric, Inc. Kravit approached Suffolk County asking us to assist them with this designation. And in order to do so we need an amendment to state law. Thank you.

P.O. LINDSAY:

Thank you very much, Carolyn. Tom LaGuardia. Good morning, Tom.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Good morning. I'm here to request the Legislature's support for tabled resolution 1380. It's capital project 1715. It continues Public Works upgrade of the Riverhead Power Plant. It includes the addition of one new cooling tower, some variable frequency drives on our hot water and chilled water pumps, replacement of several of the high temperature hot water pumps which will allow us to save a tremendous amount of water. Currently the high temperature hot water pumps use a once through cooling from public water supply to cool them. These new pumps do not need any cooling. And it also includes several other energy upgrades. So in the end we will have a more efficient plant, save energy and water.

LEG. ALDEN:

Point of order.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I would suggest maybe a rule change that if anybody that is part of government is going to come down and address us, that they would do it under a different section than the public portion. The public portion is for the public to come and express their opinions to us, concerns or to make suggestions to us. We don't have the ability for an open dialogue when somebody comes down and presents something and they're a member of government. So -- and this is a prime example of something that needs dialogue between at least one Legislator and the Department of Public Works. So maybe we should consider changing our rules to require anyone that is coming down and not acting as an individual, because you don't want to bar them from acting as an individual, but if they're coming down in the capacity of an elected or appointed official, they should address us during that portion where we could have a dialogue.

P.O. LINDSAY:

I don't want to inhibit any dialogue, Legislator Alden. I was just going to just Tom if -- you know, we don't have many public speakers. We'll be into the agenda rather quickly. Certainly this morning. If you could hang around because there were some questions about the resolution.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Certainly.

P.O. LINDSAY:

And if it's all right with you, Legislator Alden, I'll make a motion to take that resolution out of order as soon as we get to our -- the business portion of the meeting. And I will take your consideration under advisement. I'll talk to Counsel and see what we can do because I think it's a valid point.

LEG. ALDEN:

And even for Carolyn Fahey, who's just addressed us, I think there's some dialogue that could take place there, too.

P.O. LINDSAY:

Probably, and I'll have to double check with Counsel, but there is a portion for County officials to speak before the public portion. And they probably should have been in that portion of our agenda. And I didn't call that portion. I went right into public portion. If I had examined the cards, I would have called them out of order and we could have disposed of it then. But I think it would be very productive if Tom could hang around and we'll address this resolution first so that you could have your questions answered. Okay?

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Thank you, Tom.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Thank you.

P.O. LINDSAY:

Laura Ahearn. Good morning, Laura.

MS. AHEARN:

Good morning. I'm here this morning regarding IR 1450 amending the 2007 operating budget and transferring funds to create one additional supervising probation officer and ten additional probation officers for electronic monitoring program. Reducing the amount of sex crimes committed against women, men and children requires policy and lawmakers take a comprehensive approach, which includes strengthening sex offender registration notification laws, stricter sentencing, civil commitment, residency restriction laws resources for preventive education and use of GPS monitoring for intensified supervision.

Over the past ten years we've addressed each one of these elements. Law enforcements are required to notify the community on level two and level three offenders. New York State created an A-two felony enhancing sentencing for certain sex crimes against children. We now have a civil commitment law in New York State. We have a residency restriction law in Suffolk County. We've seen increased resources for prevention education but we've yet to see a strong commitment for the continued use of GPS monitoring in Suffolk County Probation. GPS monitoring is not going to eliminate sex crimes against children, women or men, but it's an important part of a comprehensive approach which already has been proven to be effective across the nation.

California currently uses GPS to track over 400 sex offenders. Since the program began in July of

'05 offenders were arrested for violating conditions of parole, but no new crimes were committed. Florida Department of Corrections reports that offenders supervised without GPS were two times more likely to commit a new felony within two years of release than offenders supervised using GPS.

In Suffolk County we have opportunity to be proactive in protecting the public from the likelihood of reoffending. And that is a real likelihood. Sex offenders being monitored under this program have been determined by the court to be moderate and high risk sex offenders. That's a designation that's done before the sentencing court. Evidence across the nation demonstrates that GPS offers probation an additional tool which acts as a deterrent to ensuring that monitored offenders are abiding by their conditions of probation. Probation is not a right. It's a privilege. And if a moderate or high risk sex offender can't simply stay within the designated boundaries assigned to them, what assurances do we have that they're not going to re-offend?

Lastly about five years ago working with Justice Oshrin, OCA and CCI we started working on designated parts across the state that hear specifically sex offenses. Westchester County was one of the first three parts to open. And they began their GPS program one year prior to opening their court. They report that offenders on probation with GPS use have a zero percent recidivism rate. Suffolk County is the fourth county in New York to designate a part strictly to sex offenses which opened in June. Probation at this point can't recommend additional offenders for GPS use because there aren't enough resources. I support GPS monitoring for level two and level three offenders -- sex offenders. And I would also ask that the policy be amended to include level one offenders as well at the discretion of probation.

I look forward to hearing from the Department of Probation and from the Probation Officers Union on their position so that we can all make sound and educated decisions about protecting our most vulnerable. Thank you.

LEG. ALDEN:

Just as a point of information this Legislature body did amend our laws so it's one, two and three at the discretion of the Judge and Probation.

P.O. LINDSAY:

Thank you very much, Laura. And thank you for your comments, Legislator Alden. David Rusk.

MR. RUSK:

Thank you, Mr. Chairman. My name is David Rusk. I'm a resident of Washington, DC, former Mayor of Albuquerque and New Mexico Legislator. For the last 15 years I've served as a speaker and author and consultant on urban policy, particularly with regard to issues of affordable housing and inclusionary zoning around the country.

I'm here to speak on behalf of resolution 1079 introduced by Legislator Schneiderman, which would require that when there is an extension of county sewage capacity outside of a currently approved area, to support new development that at least 20 percent of the housing units must be affordable to people at a 120 percent of varied median income or less. It's badly needed.

By my calculations based upon information from the National Association of Realtors the Nassau/Suffolk primary metropolitan area is the ninth least affordable housing market in the country out of 151. You need a wide range of policy initiatives to deal with this. But the heart of the problem is that you just aren't building enough housing for the growth of this community. And that really stems from the very limiting and exclusionary policies that are being carried out by your village and town governments and in so many very -- many cases that aren't allowing the greater use of the development of residential land.

A builder who received the national award for the National Association of Home Builders for Innovations and Workforce Housing in 2005 {Fransiscas Homes} {Franks Badia} said give me the density and I'll build the workforce housing. And this resolution would carry forth that spirit in terms

of promoting greater utilization of land for the purposes of more affordable housing on a mixed income basis.

I would also just like to advise the members of the Legislature that I really feel very privileged to have this opportunity to speak to you briefly this morning. I will be the lead off witness to Governor Spitzer's recently appointed commission on local government efficiency and competitiveness tomorrow in their first hearing in Saratoga Springs. My message basically is that throughout the state, the state of New York is suffering from the system of what I would call excessive little boxes governments. And that a path to solution of this is to look to the big box governments that you have. That is, county government. And to move through the Legislature and through the courts to empower county government more and more to be that local government which can do for the larger community collectively what the many little boxes just cannot seem to achieve in their very separate and independent and in their own eyes very sovereign capacity.

And so I think this kind of initiative by the County here is very much in the spirit of your acting as a local government but that represents all the people of interest of this County; to address a problem that many, many of the villages and towns just will not step up and deal with to the great detriment of the health and well being of people in this community and to the great jeopardy of the economic viability of Long Island. I thank you very much, Mr. Chairman.

P.O. LINDSAY:

Thank you, Mr. Rusk, for traveling so far to come and talk to us about this very important subject. Thank you.

MR. RUSK:

Thank you very much.

P.O. LINDSAY:

The Reverend John Best.

REVEREND BEST:

Good morning. I am here this morning representing LION, the Long Island Organizing Network of faith based organizations. And I also happen to be the moderator of the Presbyteria of Long Island which has churches throughout the Island.

You just heard one of our partners David Rusk. He is here on the Island and speaking to you today and will later in July be speaking and meeting with the Supervisors of the towns of Long Island in July because he's a partner with LION. One of the reasons that we have brought him here and the reason that I'm here is because we went through a process last summer and last fall speaking to the people in our communities, the people in our churches. And affordable housing was the top issue presented by the people of faith in the churches and synagogues represent -- and temples represented through our constituency. We're a people of faith.

And one of the basic requirements of life is to have some place to live. And it's not just the wealthy who can afford the large McMansions and so forth, but -- which has the money and the power; but it's important that the people, not just the poor people but the people who run the communities have a place to live. And where I live in the east end, it's becoming more and more and more difficult to have places for our firefighters to live, for our school teachers and now our doctors. The people who serve the medical staff on the east end just simply cannot find appropriate housing. And as you know, it causes all kinds of traffic problems. So housing is at the top of our list as people of faith. And I also want to say that I'm a father. I have two college graduates. And I speak for many parents. It's -- in terms of finding homes and appropriate places to live for our children for Long Island to be a sustainable place to live, this affects all of us.

Finally I'd like to say that as a representative of LION, as a religious leader I've been here at least once before in protest of something that you were considering doing. I'm very proud here today to

stand here today to support a very proactive and common sense, small action that will have some -- will help in this very large issue. There are many more things we hope to come and stand with you for and I'm proud to be here standing in support of my Legislator, Legislator Jay Schneiderman who is proposing this policy 1079 concerning sewer connections to promote affordable housing. As a Pastor I would have never have thought of such a thing to help, but it's a practical way of moving forward; taking this small step forward. Thank you very much.

P.O. LINDSAY:

Thank you Reverend Best. Daniel Del Valle.

MR. DELVALLE:

Good morning everyone. My name is Daniel DelValle, i'm the Vice President for Suffolk County Probation Officers Association. The association represents about 300 or so officers that are employed by Suffolk County Probation. I'm here to speak on behalf of IR 1450 which would amend the 2007 operating budget to expand the department's electronic monitoring program.

I think Ms. Ahean did an excellent job in giving you the facts and stuff like that. I would just like to kind of appeal to your hearts as parents, grandparents, uncles and aunts, this morning we had children come in, we gave them awards. And I think that's what basically we want to see more in Suffolk County. But I also ask you to just imagine those children as victims, victims of a drunk driver, victims of a gang shooting, victims of somebody selling drugs, victim of sex offenders.

I think that today when it comes to 1450 I hope you people will vote with your hearts and vote that's best for the future of these children. The expansion of the electronic monitoring program will work towards the County's goals of reducing the jail population for appropriate offenders. In addition we'll be better able to track the level two and level three sex offenders from areas and school where children congregate.

The unit also uses sobriety devices which determine whether high risk DWI offenders are drinking alcohol. And they're done through random testing. I'd like to make sure that all these types of interventions and initiatives are being used in reducing recidivism. On May 10th Director Desmond came to the Public Safety Committee and spoke about the GPS program. He reported that 75 offenders have been monitored over nine months. And that only three were re-arrested. So I think's there's somewhat some kind of proof that this method does deter crime. It is a proven and effective deterrent.

I'd also like to point out that the unit which is very -- they're having their own problems as far as staff shortages. The unit needs more staff basically to ensure that vacations and schedule time off for the employee doesn't become a problem. Many people when they came into the unit they had to forgo their vacations and times off to get into that unit. And they willingly did so.

When the unit was created several months ago, several case loads were left vacant. And offenders quite frankly weren't being supervised. It was several months before the holes in the case load were actually filled. This bill would allow the unit to be staffed adequately and also ensuring that the existing case loads are going to be covered.

Once against I just ask to appeal to common sense and to the benefit of the children of the County of Suffolk County. And that's it. Thank you. God bless.

D.P.O. VILORIA-FISHER:

Thank you, Dan. Our next speaker is Mark Vandeventor.

MR. VANDEVENTOR:

Good morning. I'd like to thank you for letting me appear today. My name is Mark Vandeventor. I'm from Manorville. And I'm speaking on behalf of bill 1079. And that is the affordable housing with the sewer connections. I simply want to mention to you that I'm with a group called LION, the

Long Island Organizing Network. I'm on the Affordable Housing Workforce Housing Committee with LION. And I took a look. I've been reviewing all the studies, all the legislative history. And I wanted to simply see you today and just briefly mention to you that we believe that this bill is consistent with the Suffolk County Workforce Housing Accomplishments and Recommendations Report of December 2005 which many of the members here are listed that explore the viable ways that Suffolk County can enhance affordability for our citizens. We believe that you must approve this bill because it will show your continuing commitment to affordability.

I had the privilege this year of attending the Sustainable Long Island Conference. And at that conference the Long Island Index released its report. And I was stunned to find out that the percentage of Long Island young people between the ages of 18 and 34 when they were surveyed, 69% of them said that they were very likely to leave Long Island the next five years. And I believe that this creates quite the intellectual drain force going forward.

Briefly, LION believes the {previllous} bill's essential to continuing the vital interlocking of solutions. We don't believe that there's one solution to affordable housing. We believe that there needs to be an interlocking set of solutions. And we believe that this will send a positive message to the citizens on affordability.

I operate an entity called Buy Suffolk Homes which is a private market alternative. And everyday we run across many, many people that can't afford homes that aren't close to being homeless. They aren't close to -- you know, they aren't people who are delinquent in their bills. It's just that the gap of prices has jumped away from them. And we believe that -- that you can be a big part of the solution. And we just ask that you approve this. I'd like to thank you again for letting me be here.

P.O. LINDSAY:

Thank you very much. And the last card is Christine Costigan.

MS. COSTIGAN:

Good morning, Mr. Chairman, members of the Legislature. Thank you for having me back yet again to talk about the same topic. And I'm sorry to bore you with it. But 2060 is on again today. This is the tabled resolution to authorize the issuance of a certificate of abandonment for lots in North Bellport that were lost for tax payment many years ago. Just over two years ago the County sent out notices to the executor of the estate. It was a great aunt. It was his great nephew. He followed the instructions in the town letters, filed the applications, paid the back taxes and that was all two years ago. It has sat for two years with being bounced around from one place to the other. The executor here was doing his fiduciary duty as anyone of you would have when you have to marshal the assets of estate. The costs were paid. And that money has to be acted on.

At this point where justice delayed is justice denied. We're frozen in time here. And I ask you to today to vote on this and to have in your mind that the vote will result -- if you turn this down, what you've done is taken somewhat three acres or so, this is again in North Bellport just south of the Sunrise. And it will stay forever as a weeds strewn litter infested place to do drugs. I mean I went to look at it and they were doing a drug deal while I was there.

If you approve this, it will turn into two or three houses of affordable housing. The affordable people are standing in the wings ready to go. This is the owner's intention. This is what will happen. But if you deny it, it has bad title. It will never be able to be sold by the County. It will be a blot forever in this community.

Mr. Rusk was just talking about workforce housing and modest housing. That's what this property is suitable for. And all the pieces are in place for it to happen.

So I ask you to today to approve this resolution and let it move forward; to vote on it to bring an end to this long history. But to bring an end to it positively for the best for the community and for the County. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Costigan. I do not have any other cards. Is there anyone else in the audience that would like to speak to us on the public portion? Seeing none I will accept a motion to close the public portion by Legislator Caracappa and seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen.

BUSINESS PORTION

P.O. LINDSAY:

Okay. If there isn't any Legislators in the room, we're about to open the business portion of our meeting. First I'm going to make a motion to approve the consent calendar, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I'm going to go to seven. I'm going to go to this resolution for Tom LaGuardia then I'll go to the capital program. Okay. I'm going to make a motion to take out of order Tabled Resolution 1380 which is on page seven of your agenda, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? 1380.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Mr. LaGuardia, if you could come to the microphone. Yes. **Resolution 1380** is now before us. **It's appropriating funds in connection with the Riverhead County Center power plant upgrades.** And I believe Legislator Alden had some questions about your presentation before. Legislator Alden.

LEG. ALDEN:

Thank you, Mr. Presiding Officer, and Tom, thank you. And I'm just going to take a guess at this, but the Commissioner of Department of Public Works and I have been playing telephone tag. So I think part of the conversation that we were going to have would have involved this so on my behalf I apologize for missing his phone calls, he missed a few of mine so we've been going back and forth.

But has any consideration been given to creating some kind of a -- whatever you want to designate it like a district or an area that would be appropriate for us for a generating plant that actually could sell back excess capacity to LIPA? Because in my mind, and it's not just my mind, but over the course of ten years, we've asked this question and there's been presentations that there's a couple of areas of county government that would or might be appropriate for that. And one of them is actually where we're sitting right here, the North Complex. There's enough energy use here; that the problem with this energy use up here is not that's -- it's not 24 hours a day whereas in Riverhead, we do have some operations that -- like for instance the jail that go 24 hours a day. So that might be one of our most prime areas for a regeneration plant or cogeneration plant, whatever -- whatever term you want to use or something that we could actually build, use it as a back up or whatever you want to call it and then sell some of the power off.

And the other place that I just might think of throw out to you would have been Yaphank because the police operations, I believe, in some areas there are 24 hours a day and so are some of the Department of Public Works. So that was a prime question that I had. And this has become a very

costly subject matter. And that's backup generators because that's -- that's what essentially this is; isn't that correct?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes. You realize we don't generate electricity other than in an emergency situation. It's a misnomer the Riverhead Power Plant. It's not really a power plant.

LEG. ALDEN:

Right.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

It was given that name many years ago. We generate hot water, chilled water. And we distribute LIPA's electricity at the plant.

We have looked at cogeneration in the past there. It has turned out not to be economically feasible. That plant serves several buildings. The Riverhead County Center, which is a daytime operation; the Criminal Courts Building, which is a daytime operation; and the jail which is more of a 24 hour operation. But their loads at night are also relatively light. So cogeneration -- we're looking at cogeneration for both jails now. As you might know, the Legislators supported an energy engineer for the county a couple of years ago. He is now fully up and running. We are going to do a cogeneration plant in Yaphank at the New Skill Nursing Home. That makes a lot of sense. We will save approximately \$300 thousand a year in county costs when we put that in. That RFP will go out this summer.

We are now -- he is now refocused on the new Yaphank jail. We will be looking at whether cogeneration makes sense there. You really need two things. You need a 24 hour day operation. And you need a high heat base load to do cogeneration. Otherwise it doesn't make sense. If you can't reject that heat that you're generating, you know -- cogeneration, you're generating electricity and then you're taking the waste heat that normally would go up the stack and you're using it for hot water or to regenerate other electricity. So you need a high base heat load all the time. Definitely Skilled Nursing Facility has that. And we will be moving to do that.

LEG. ALDEN:

And then the other part of the question is, if we are going to spend, and over the course of ten years I voted for probably tens of millions of dollars to be spent for backup generators. That's dead money that's actually a dead asset because it only gets fired up or might only get fired up if and when there's a complete failure of the electrical distribution system. Is that not correct?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Not really. In today's market backup generators are very valuable. We are under two programs. One from LIPA and one from ISO, the group that runs the national grid. We are receiving checks from ISO on the order of \$100,000 a month that just have our generators available when they need them to support the grid. Not on a county power outage, but in a possible outage or a possible overloading of the grid other places on Long Island. And LIPA has a similar program. And we double dip. We get payments from both of them so --

LEG. ALDEN:

Is this generator part of that process, then, where we're going to get paid for this?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, we are getting paid for these generators. This resolution has nothing to do with the generators out there. This resolution supports the chilled water systems and the other systems at the building.

LEG. ALDEN:

Right. But I had a problem with us developing an energy policy and buying more backup generators. And even this project as presented, until you just came forward with this presentation, I didn't -- and I was not aware that we received payments for some of our backup generators. And

that was never part of the presentation that was given to the Legislature because then you use a different process when you evaluate a, you know, a project. If you're spending a million dollars and you possibly could get back ten or twenty or a hundred thousand dollars a month or a year, that's not a bad deal. And we would use a different evaluation system on that. So I'm glad that you came in today and I'm glad that you answered those questions.

P.O. LINDSAY:

And I would like to, you know, apologize not that I had anything directly to do with it, but the title of the bill is really a mis-representation. It talks about the power plant. It isn't the power plant. It's for our heating and air conditioning facility out there that's 50 years old and desperately needs to be re-built. And in that process of rebuilding it, and correct me if I'm wrong, like the new motors that they put in now are so much more energy efficient than the ones of 50 years ago --

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Absolutely.

P.O. LINDSAY:

-- that, you know, that we save in some electricity --

LEG. ALDEN:

That's all correct, but I still think that there's value in this type of a dialogue because we've never heard about our energy policy and the fact that we are getting money on a monthly basis. So, I'm actually -- I'm not thrilled but I'm encouraged.

P.O. LINDSAY:

Tom, who in Public Works heads up that unit that studies energy usage?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Mike Monahan is our current division head there.

P.O. LINDSAY:

Okay. It might be a good idea if the Chairman of Public Works, maybe you could have that unit in to give us a briefing on where we are because I agree with Legislator Alden. This is something that we should all be very, very aware of it in today's crazy economic world of energy. All right? All right?

LEG. ALDEN:

Thanks.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

We would be glad to do it.

P.O. LINDSAY:

Okay. I see Legislator Romaine wants to make a comment.

LEG. ROMAINE:

A comment and a question. The comment is we used the backup generators the sixteen years that I was at the County Center constantly. Power was constantly going out. And a backup generator would click in after about 30 seconds. Also, as you know, the County Center is a 24 a day building because you have the data center there that has to be kept up and running 24 hours a day. But let me ask you about the question. This upgrade is for the water coolers for the air conditioning?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

That's part of it, yes. That's the major cost.

LEG. ROMAINE:

Talk to me about the dehumidification in the building. What are you doing to dehumidify? Because right now the current system that the County has simply chills the air; does not dehumidify. So in

the summertime you can walk through the County office and you think you're in the Northwest forest because it's damp and cool. And the humidity according to the Health Department have reached in excess of 70% on most days in that building under the system of coolers that we have now, which led to the rotting of a lot of materials, books in there, the buckling of rugs and the constant running on the county system of all these individual dehumidifiers that had to go out just to keep photocopiers operating in that building. So is this going to dehumidify?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

The answer is that standard air conditioning systems require no additional special dehumidification. The problem with the Riverhead County Center is it's 50 years old. All of the systems and the controls that were run them are 50 years old. While the power plant does supply it with the proper water, there's no way to control it. So without any control, there is no -- there is no dehumidification which comes with a standard air conditioning system. So what we're doing is providing you cool damp air. That will be corrected when we start the construction -- reconstruction of the County Center this summer.

LEG. ROMAINE:

You started the reconstruction from what I can see. Anyone can see that walking around the building; that the reconstruction is started on that building. So what you're asking us to do is to spend some money for water coolers for air conditioning that will not dehumidify?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

All standard air conditioning systems dehumidifier. There's no special additional dehumidification required.

LEG. ROMAINE:

I'm going to tell you having lived in that building for sixteen years there is no dehumidification in that building. And humidity when that water cooler is on to cool that building will reach over 70 percent on most days, particularly hot days. So you walk in and there's a clammy feeling right away. And we had to go out and buy multiple units of individual dehumidifiers just to keep our photocopiers and our computers operating. It is a mess. And for you to say that well we're going to continue -- we're just going to improve the system but we're not going to dehumidify, we'll do that later, it sounds like we're going to be spending twice to achieve the same result that we could have from a good air conditioning system.

P.O. LINDSAY:

If I could just interrupt, Legislator Romaine, it's something that I've been monitoring, the renovation of that building because it's something that's been a passion with this Legislature.

The second phase of the renovations there went out to bid two weeks -- the bids were received, I think, two weeks ago. In that package Public Works was not satisfied with the bids that they received on the air conditioning/heating system. They re-put that portion out to bid; if I'm not mistaken, Tom, I think they're due back this week.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

That's correct.

P.O. LINDSAY:

And the construction is supposed to start on that second phase almost immediately as soon as the contracts going to be approved. So it isn't something in the future. It's moving along.

LEG. ROMAINE:

So let me end up, I have no problem of approving this if at the end of the day with the improvements that the Presiding officer said you can guarantee or you can provide some assurity that there'll be some degree of humidity control in that building.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, there will be adequate humidity control; that's correct.

LEG. ROMAINE:

And when should we achieve that? When should that be achieved?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Over the next 16 to 18 months.

LEG. ROMAINE:

Okay. So in a year-and-a-half from now we should have humidity control in that building?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

That's correct.

LEG. ROMAINE:

All right. Thank you, Tom.

P.O. LINDSAY:

Legislator Horsley. See, Tom, they're not going to let you go away from the mike until you guarantee something. Go ahead.

LEG. HORSLEY:

This is just very quickly. Do you have any idea, Tom, I know this is kind of arcane, do you know what we get back on the -- the sale back to-- on the generators to LIPA, what we get per kilowatt?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

It varies every month. It's actually rebid every month.

LEG. HORSLEY:

Oh, it is re-bid. Really? It's not a contract?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Not by us. Not by us. There's a special market for re-selling your power that the grid runs. And there's a different rate every month. And I believe we've been getting anywhere from 60 to 150,000. But I can get you the exact figures. We have a monthly record of exactly how much money we're getting each month.

LEG. HORSLEY:

I'm curious.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

I'll be glad to provide to each Legislator. What I'll do is I'll do an e-mail with that information.

LEG. HORSLEY:

Good. Thanks.

P.O. LINDSAY:

Good. Thank you very much, Tom. Mr. Clerk, we have a motion and a second on this resolution?

MR. LAUBE:

No, not for 1380.

P.O. LINDSAY:

Okay. I'll make a motion to approve. Legislator Alden, do you want to second it?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Okay. Legislator Alden seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. And we have the accompanying bond 1380A, same motion, same second. Roll call.

(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

LEG. COOPER:

Cooper, yes.

MR. LAUBE:

That's 18.

P.O. LINDSAY:

Okay. I'm going to jump around a little bit today. If you just bear with me.

And I'd like to go to the **Proposed Capital Program & Budget Amending Resolutions**; it's in a separate attachment in your file. For the purpose of discussion, I am going to make a motion to approve **Resolution No. 1 which is the Omnibus Resolution**.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. Questions? Any questions? Yes, Legislator Barraga.

LEG. BARRAGA:

I'm just trying to get an idea of how much of an increase is taking place in the Capital Program when you compare that with what the County Executive originally proposed? I remember reading where he had proposed a Capital Program where it was about 18 to \$20 million less this year than last year. I have a sheet here that was provided to me by Budget. And it shows that apparently between 2008 and 10 the Capital Program all funds was \$223,656,298. And now it looks to me like about 18,474,500 was added back for 2008 bringing about an 8.3 percent -- an 8.3 percent increase for that particular year. Now is that over and above that 18 million? Over and above the County Executive's proposal?

MS. VIZZINI:

Yes, it is, Legislator Barraga.

P.O. LINDSAY:

Legislator Vizzini.

MS. VIZZINI:

But it is less than our current adopted --

LEG. BARRAGA:

I understand that. I understand that. But it is about 8.3 percent above or over what he proposed in his Capital Program?

MS. VIZZINI:

It's over mostly due to advancing projects that are scheduled in later years. And some of it is adding additional monies.

LEG. BARRAGA:

I just want to firm up it is 8.3 percent increase over and above what he recommended for 2008?

MS. VIZZINI:

In the first year of the program.

LEG. BARRAGA:

Thank you very much.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Do we have enough time to go into just an overview of this because --

P.O. LINDSAY:

Absolutely.

LEG. ALDEN:

I really would like to hear what programs because I think that there was proposals for open space acquisition programs. There's -- we hopefully put back in all the college programs in subsequent years that would allow New York State to consider those projects for New York State funding? So if we can hear an overview.

P.O. LINDSAY:

Ms. Vizzini, would you take a few minutes just to go through the projects that were added back by the omnibus.

MS. VIZZINI:

Gladly. And I'd like to thank the omnibus working group for working with us to determining the direction of the omnibus legislation.

First and foremost the omnibus amends the capital program. The net result would be a reduction compared to the current program of \$10.5 million in the first three years of the program. And \$95 million over the five year program. That's a reduction that's 1.8% less than our current program and 90.6% less than our five year program.

It does, however, add money to the proposed County Executive's program. The Legislature added \$67.5 million over the five years, 44 million of that is in the subsequent years. And that has to do with the restoration of three projects for the college. These projects were in prior capital programs. The essence here is that SUNY is preparing its five-year financial program to determine which competing community colleges will be eligible for 50 percent funding of construction. That program goes over 2009 to 2013. In order to be eligible, the local sponsor would have to include these projects in their local Capital Program to show local sponsor support to be eligible for consideration of the state funding.

The addition of the three college projects is one of the features of the omnibus. The others are reduction in serial bonds of \$13.1 million. We've changed the method of funding for several drainage and recharge basin projects to Water Quality. In this regard we will be using cash and savings. \$6.7 million in bonded indebtedness over the twenty year life of the bonds associated with the 13.1 million.

The other feature in this is the provision of \$1.2 million in 2009 for a consultant's assessment of where we are in terms of sewers and sanitation for Suffolk County. We would take a very hard look at this particular priority in terms of enhancing existing capacity, potentially merging with public and private sewer districts and determining which would be the best fiscal and economic benefit, what actions to take from this point forward. This would position us very nicely for the potential inflow of outside monies, which have been discussed in the media since many people are recognizing that our sewerage is a concern for Long Island and particularly Suffolk County.

There are a couple of highlights in terms of what we've done in 2008. Basically we have included planning for reconfiguration of existing warehouse space into office space for the Board of Elections. We have advanced \$4.5 million for specialized equipment for security and general medical for the jail. There is a concern that we want to have sufficient lead time to purchase this specialized equipment so that when we are required to open the jail, which is April of 2010, we will have at least accomplished the long procurement process and not impede the opening.

We have provided certain monies for -- we've advanced the land acquisition component of William Floyd Parkway from 2009 to 2008 due to concerns regarding cost escalation. We've restored noise abatement structures on North Ocean Avenue, provided for planning for the Vanderbilt Museum and for a shared land acquisition project with the Town of Brookhaven.

When all is said and done it's anticipated that if all the projects move forward in 2008 that we've included, the debt service impact will hit in 2010. There will be an impact 1.94 on the average taxpayer unless there are reductions in other areas.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
A follow-up question. What's our history as far as moving forward with all the projects that we put in the capital project?

MS. VIZZINI:
Well, as you know some projects are priorities. Others increase in cost or have changes; and, therefore, some things do not happen. They're used as offsets. Lately we've been bonding about \$90 million; authorizing about \$90 million in indebtedness.

LEG. ALDEN:
Just -- I missed a little bit. The 477 -- you did mention sewers; right? So that's 477 money?

MS. VIZZINI:
No. Actually it's two things. The sewers is a separate study that we we're --

LEG. ALDEN:
Okay. That we're going to do.

MS. VIZZINI:
We're using assessment stabilization monies for that.

LEG. ALDEN:
That's out of 477, no.

MS. VIZZINI:
That's out of --

LEG. ALDEN:

That's out of sewer stabilization. Okay.

MS. VIZZINI:

That's out of 403. The 477 is the Water Quality.

LEG. ALDEN:

Right. How much is the sewer assessment money that we're using for the studies?

MS. VIZZINI:

1.2 million.

LEG. ALDEN:

Okay. And that's for '08 or is that spread out?

MS. VIZZINI:

Right now it's in '09.

LEG. ALDEN:

Okay. And then there was something else that you mentioned that sounded like 477 money?

MS. VIZZINI:

Yes, I definitely did. There are several drainage improvements, storm water remediation, recharge basin projects that originally the funding was included as serial bonds with bonded indebtedness. We've changed the serial bonds to Water Quality or cash. And, therefore, we would save on the bonded indebtedness.

LEG. ALDEN:

How much is -- how much is involved in that?

MS. VIZZINI:

We converted 13.1 million from serial bonds to Water Quality. And we would save 6.7 million in the associated indebtedness over the twenty years.

LEG. ALDEN:

Great. Thank you.

P.O. LINDSAY:

Does anybody else -- yes, Legislator D'Amaro.

LEG. D'AMARO:

Yes. Good morning. Question for Budget Review. I just want to make a point that there are some increases in certain projects particularly with the college budget and the capital programs proposed for the college budget. But the funds that were added back in the omnibus bill are all in subsequent years on those projects; is that correct?

MS. VIZZINI:

The three college projects, yes, subsequent years.

LEG. D'AMARO:

And the main purpose of adding back those projects in subsequent years is to allow the college to continue the application process for state funding?

MS. VIZZINI:

Absolutely. This would demonstrate our local sponsorship.

LEG. D'AMARO:

And if those projects ever get to a point where they're starting to move forward, they would have to -- they meaning the college -- would have to come back to this Legislature to actually appropriate the bonds and the spending at that time so we get another so called bite at the apple at that time?

MS. VIZZINI:

Absolutely. We would re-evaluate the priorities at that time.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Gail, for going over this. I do want to go back to the two items on -- regarding 477 account particularly capital project 5190. Gail, when I was asking you about the Quarter Percent extension and how that money is divided and by Charter Law how we can use those different monies, I asked about construction for, you know, using sewer money for construction for future sewer projects. And that was deemed to be not allowable. When I'm reading the description of project 5190, I'm looking at the last line which refers to \$450 thousand for land acquisition. Now why is that using 477 money and not another part of the Quarter Percent monies?

MS. VIZZINI:

Well, this particular road there's a drainage problem; storm water accumulation and flooding. What is needed is a recharge basin. So this would be land acquisition for a recharge basin. It's very similar to your argument regarding using Water Quality money to purchase land for leaching or recharge vis-à-vis sewers. However, when it comes to sewers, I think your question was the assessment stabilization reserve funds.

D.P.O. VILORIA-FISHER:

Yes.

MS. VIZZINI:

Not the Water Quality monies. Budget Review is --

D.P.O. VILORIA-FISHER:

Right, that was my question. You're correct.

MS. VIZZINI:

Yes. Budget Review is a proponent of broadening the Quarter Cent extension to allow for the acquisition of land for leaching basins and recharge basin. We would love to see that clarification in the legislation. I think that would meet your concerns. The current --

D.P.O. VILORIA-FISHER:

And that was also Legislator Horsley's concern.

MS. VIZZINI:

Right. The current rules of engagement for the Sewer Assessment Stabilization Fund monies is you have to be an existing district to be eligible. And I think that's where we were talking about if we were to enhance or build new, would we be able to use the money for land acquisition. Right -- you know, the Legislature is certainly in a position to change our current rules of engagement. But right now that money is dedicated to existing. So if we enhanced existing, we could use it. But if we --

D.P.O. VILORIA-FISHER:

Well, getting back to the 477 monies, because we've seen such a stress on that portion of our budget, we seem to be expending a great deal of that 477 account, could that land to be used for this purpose be bought, be acquired through another funding program in order to save the 477 monies for the actual project and not the land acquisition for the project?

MS. VIZZINI:

Not as the criteria for the different land acquisition projects are currently written. There is a focus on open space, farmland, parkland, hamlet parks. So that might be an area where, again, a broadening of the definition might serve purposes.

D.P.O. VILORIA-FISHER:

But, Gail, could we -- let's say then do the land acquisition through a capital funding -- you know, capital funding or bonding the way we do for DPW road widening projects? I'm just --

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

I'm just suggesting that our -- we have to be very zealous of our 477 account because we see the expensive projects that are drawn from that -- that account. And perhaps we could relieve some of the projects out of 477 to be funded elsewhere and leave the 477 monies just for the actual bricks and mortar and projects that are a direct impact on our water quality.

MS. VIZZINI:

That would be another option. A second option would be to increase the allocation to Water Quality.

D.P.O. VILORIA-FISHER:

Well, that's what I'm trying to do but -- we're trying to get there. Okay. But it would be legal, in other words, to --

MS. VIZZINI:

Well, I would have defer to Counsel in terms of the legality. In terms of what's in the omnibus, there is a general consensus that this would be an appropriate use of water quality money. It is for recharge basin, storm water mitigation and water problems.

D.P.O. VILORIA-FISHER:

Okay. But as other members of the Environment Committee know and, you know, we've been looking at this for a number of years how we're depleting our resources in the 477 account, and if we could at least when we have these projects use the capital funding that -- or bonding that we use for DPW projects where there's land that has to be acquired for highway construction or projects of that sort, that we use another source and not the 477 money; that we only use the 477 money for the actual project and not the land acquisition for the project. It's just something I'd like to have people think about for future use of 477 monies.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

On that same issue since -- does 477 funds have to go through that Water Quality Committee? Has this project been approved, do we know, through the Water Quality Committee? Because if we shift the funding and it doesn't get approval, then I'm concerned. It's a project that's in my district, that it won't happen.

MS. VIZZINI:

Well, the land acquisition is not until -- I think it's in 2010. So it would be given ample opportunity to go before the committee, determination made. And if there are changes necessary, we have opportunity this time next year to re-visit the capital program and the funding.

LEG. SCHNEIDERMAN:

Is this a -- is a portion of this that would qualify or the entire project? I know it's road run-off. Is it going -- is it only some of it that's being directly discharged into waterways and some of it going into -- already going into catch basins, do we know?

MS. VIZZINI:

It was the consensus of the working group to change the funding for the project in its entirety to Water Quality; not to differentiate whether it was the land acquisition or the recharge basin construction or even the surfacing part. That would certainly be another option at a later date.

LEG. SCHNEIDERMAN:

I'm afraid if the project looks too much like a regular road drainage project on a, you know, on a road that's being reconstructed, that it may get rejected by that Committee or rejected in part. I just want to make sure if we're going to do this, that we're not taking away funding from what is ordinarily an important drainage project.

MS. VIZZINI:

The only thing that's in 2008 is the \$20,000 for the land surveying. So if there are concerns or if the Committee balks, there is ample opportunity to change the method of funding. I think working group wanted to send the message that they do want to see less bonding, more use of Water Quality for appropriate recharge basins and appropriate projects. And this would be a good way to determine where the Committee stands on something like this.

LEG. SCHNEIDERMAN:

But somebody made a determination that this is a water quality project, not a traditional road run-off road drainage project? It's actually discharging into a harbor, a bay or something to that effect?

MS. VIZZINI:

The Water Quality Committee was not involved. This is the consensus of --

LEG. SCHNEIDERMAN:

No, I mean the working group.

MS. VIZZINI:

Right.

LEG. SCHNEIDERMAN:

Somebody actually looked at what this drainage project was that made a determination that it qualified as a 477 type of project?

MS. VIZZINI:

Based on the fact that it's for a recharge basin and that the primary problem here is the collection of the storm water.

LEG. SCHNEIDERMAN:

But there's recharge basins on all of our roads. It's just that some of these areas spill over into -- directly into waterways, which ought to be a primary concern. Some areas we don't have adequate depth to groundwater. I thought we were kind of studying these things holistically and coming up with a priority list of which -- which stormwater drains needed the most attention based on pollutants entering our harbors.

P.O. LINDSAY:

Maybe I could just jump in here.

LEG. SCHNEIDERMAN:

Yeah, Bill, if you could help me with this.

P.O. LINDSAY:

Yeah. You know, just going back in time, going back a few years ago, we had sponsored a resolution out of 477 to put filters in our storm drains that empty into our waterways to -- the greatest pollutant to our waterways is stormwater run-off. We all recognize that. Public Works has been moving forward on this. But one of the things that they've said right along, and I don't disagree with them, is rather than use inserts in every storm drain, where we can acquire the property, it's a more natural way of filtering the run-off if we can put it into culverts or reservoirs where it filters through the ground naturally.

The west end of the Island we don't have the properties. We have to use inserts. But, you know, where we have properties still available on the east end, they would prefer to do it that way. And I don't object to that. But I think the purpose is still the same. The purpose is to prevent the storm water run-off from getting into our waterways. And, Legislator Schneiderman, in your district, I mean almost everything empties into the waterways because it's a narrow strip of land out there, you know. And, you know, we didn't do any extensive research on this. We took the working group, thought that this would qualify on the 477.

We have fall back positions if the Water Quality Committee objects to that; like Ms. Vizzini said that next year it's only about \$20,000 in planning money. We'll find an offset to fund that either through Pay-As-You-Go or through a bond or whatever to make sure it moves forward. And in '09 where the bulk of the money is being spent, if it's determined that we can't use 477 money for whatever reason, we'll find an adequate bond for it and move the project forward anyway. But if that money is available, the message that the Committee was trying to send is, is that we would very much like to see the 477 money at our disposal used for bricks and mortars and physical types of projects rather than an ongoing salary line.

LEG. SCHNEIDERMAN:

And I share that sentiment as well. This is where the money should be going as long as the project qualifies. Thank you.

P.O. LINDSAY:

Anyone else? Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes, we do.

P.O. LINDSAY:

Okay. Roll call.

(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

(Not present)

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Caracappa?

LEG. LOSQUADRO:

He'll be -- just one second.

LEG. CARACAPPA:

Yes.

MR. LAUBE:

17 (Opposed: Legislator Barraga).

LEG. MONTANO:

Who's missing? Oh, 17-1.

P.O. LINDSAY:

Okay. On your Capital Budget work sheet, if you go to the last page, four of four, there's two resolutions that are not covered. There's three stand-alone resolutions, one of the them is covered in the omnibus so it makes that issue moot. But the two sponsored by Legislator Horsley, that's 5001. Legislator Horsley?

LEG. HORSLEY:

Motion to withdraw.

P.O. LINDSAY:

I'll second the motion to withdraw. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And 5054, Legislator Horsley? 5054?

LEG. HORSLEY:

Yes, motion to withdraw.

MR. NOLAN:

Budget Amendment No. 3.

P.O. LINDSAY:

Budget Amendment No. 3, okay.

LEG. ALDEN:

Just a quick question?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

We don't have to vote on him withdrawing his own --

P.O. LINDSAY:

Okay, okay, that's true. That's true. Okay. With those -- that concludes the capital budget.

LEG. HORSLEY:

One more, Stern's.

D.P.O. VILORIA-FISHER:

No, it's included in the omnibus.

P.O. LINDSAY:

No, it's included; it's already been approved when the omnibus was approved.

LEG. STERN:

I have a stand-alone.

P.O. LINDSAY:

I know but it's -- no, no.

LEG. ALDEN:
It just disappears.

D.P.O. VILORIA-FISHER:
It's absorbed.

LEG. MYSTAL:
Are we back on the agenda?

Resolutions Tabled To June 12th, 2007:

P.O. LINDSAY:
Yes, we're back on the agenda. Back to page seven, resolutions tabled to June 12th, 2007. And we're going to move through this fairly quickly, okay? **2022, making a SEQRA determination in connection with the proposed Francis S. Gabresky Airport Redevelopment of Long Island Jet Centers East, Incorporated, Town of Southampton.** I'll make a motion to table.

LEG. COOPER:
Second.

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

MR. LAUBE:
18.

P.O. LINDSAY:
1894, electing a cents per gallon rate of sales and compensating use tax motor on motor fuel and diesel motor fuel in lieu of percentage rate of such taxes pursuant to the authority Article 29 of the Tax Laws of the State of New York in a fiscally responsible and prudent manner.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
And I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1952, a local law to require proper supervision at hotel and motel swimming pools.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper. Do I have a second?

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second by Legislator Mystal. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes, please list me as recusing myself on this vote.

P.O. LINDSAY:

How did I know that? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

2290, a local law to require land registered with the Department of Probation prior to renting to sex offenders.

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table 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:

18.

P.O. LINDSAY:

2299, local law strengthening the policy for connections by premises outside the sewer districts. Legislator Alden.

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Who was the second?

LEG. NOWICK:

Me.

P.O. LINDSAY:

Okay. Legislator Nowick.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper. Is there a second to the tabling motion?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question, Legislator Kennedy.

LEG. KENNEDY:

I was just going to ask, Mr. Chair, if we could either through the Chair or through the sponsor and/or Counsel just a brief refresher on what this bill does?

LEG. ALDEN:

I'll give you a little history of what we've done in the past. We've deferred to an arm of Department of Public Works to make a lot of determinations on who gets hooked up to outside sewer districts. So with that for the tentacle response, I'll turn it to legislative Counsel.

MR. NOLAN:

This proposed local law applies to only the hookups -- outside hookups into sewer districts. It basically states when the Department of Public Works and the administrator of the district is considering an outside hookup, they have to make a determination that the hookup's in the best interest of the County and the residents. And it sets forth six criteria that the administrator has to consider in making that determination. And they include the environmental impact of the proposed connection, the tax impact of the connection on the affected sewer district, whether the applicant can demonstrate there's an economic benefit to the county in the hookup, whether there's adequate capacity within the affected sewer district, whether the proposed application will provide an economic benefit to the general area surrounding the district. And if the connection is for a proposed residential development, whether the applicant has incorporated affordable housing into his proposal. And that's what the law does.

LEG. KENNEDY:

Well, thank you very much for the explanation. And based on that I'll be more than happy to go ahead and support Legislator Alden's motion to approve particularly based on some of the action in my district where there's efforts to connect hotels to sewage treatment plants even as the County is attempting to dissolve them. There should be some criteria in place. Thank you.

P.O. LINDSAY:

I'm going to recognize Legislator Cooper in a minute but I just wanted to comment on it. You know, I was a strong supporter of raising the rates that was proposed by Legislator Alden to -- when we include someone in the sewer district that's outside the sewer district. My reticence to support this is really based on are we taking authority away from ourselves? When we set up this criteria that the administrative arm of our government has to use, does that kind of lock our hands? And I can't think of an incident now, but I know every time we get an outside hookup, it becomes an issue that we all scrutinize in depth. And really basically along the same criteria that you're proposing, but I'm kind of reluctant to take us out of play all together in making those determinations.

LEG. ALDEN:

Can I just respond to your questions?

P.O. LINDSAY:

Sure.

LEG. ALDEN:

Actually what it does is this adds to the debate. They still have to make a recommendation. They still have to look at the proposed outside hookup, but we're telling them in this legislation should it pass that we want you to take a look at these factors also.

Right now as it stands they don't have to look at these factors so they can recommend to us an outside hookup that contains no affordable housing, that contains no economic benefit to Suffolk

County. It contains no larger picture look at how this fits in with the economic benefits of even the area. So what we're asking to do is just in their initial look, before they even recommend anything to us, to make sure that they do take a look at these factors. So it's an addition to. And I don't think it ties our hands in anyway, shape or form. But it does at the beginning of the process make the -- I think it makes the process better in this regard that we're going to get a fuller picture and we're going to get a fuller evaluation as opposed to what's being evaluated now.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

That may address my concern. I shared Legislator Lindsay's concern. And as long as we have the opportunity when it comes back before us as a body to take into consideration special circumstances on a case by case basis and allow for one of these criteria to be waived in an instance, then that's fine. I didn't want our hands to be tied.

LEG. ALDEN:

Can I answer that?

LEG. COOPER:

Sure.

LEG. ALDEN:

And I'll defer to Legislative Counsel. This doesn't tie our hands. It requires the people that have been looking at these projects prior to us getting any recommendation from them, it requires them to just look at these. They still can present to us a project that contains none of these things, no economic benefit, no affordable housing component, a waste of assets basically. But we could still look at it on a case by case basis. This just requires that initial look by the Department of Public Works, the sewer agency, you know, to make sure that they are taking these into considerations.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Schneiderman and then Stern and then Kennedy.

LEG. SCHNEIDERMAN:

It reminds me a little bit about -- of the Dredge Screening Committee which we had created as a body and then later created some criteria for that group to review whether something qualified as a dredging project. My only real question here is whether -- this is really a question for Counsel, whether this would create a conflict with my own bill 1079 which creates a specific number or threshold to approve a housing development connecting to a sewer district outside the district for -- that has to be for affordable housing. It has to be at least 20 percent affordable.

MR. NOLAN:

If both bill were to pass, your legislation which has a requirement for affordable housing and residential communities, at least on that criteria would take precedence. Okay? This law says that the administrator has to look at that; the affordable housing, whether it creates affordable housing. Your law makes it mandatory.

LEG. SCHNEIDERMAN:

So it's not a conflict? So both bills could pass.

MR. NOLAN:

They could both pass. It might be a little difficult for the publisher -- the co-publisher to codify it, but you could pass both of them.

LEG. SCHNEIDERMAN:

So the waiver provision within Legislator Alden's bill would not affect my bill?

LEG. ALDEN:

There's really no waiver.

MR. NOLAN:

There is no waiver provision in Legislator Alden's bill. This bill would have --

LEG. SCHNEIDERMAN:

This advisory in a sense.

MR. NOLAN:

It asks the administrator to look at these criteria when judging these applications. Ultimately all outside hookups have to come here for ultimate approval. And then -- we're not -- and we are not bound by the criteria in this bill.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yes, thank you. Thank you, Mr. Chair. I just wanted to confirm, and I thought Legislator Alden did a good job in explaining it, but I just wanted to confirm with Counsel. George, I guess it's old (b) but it's new (c), that short provision there, which I guess would say that the Legislature ultimately has the final authority in making the approvals and is not bound by any of these provisions really whatsoever. We can take some into account, all into account or none into account.

MR. NOLAN:

Right. I think we're asking the administrator to take these things into account. And hopefully when they come here with an outside hookup, they'll be a fuller explanation of why they granted the outside hookup and that could guide us. But, no, we have the ultimate say. And we are not bound by this particular criteria even though it probably will guide us.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I also think that Legislator Alden is on the right track because, again, it seems to me that the sewer agency, its measure of review at this point looks at just some basic criteria based on some of the applications I've seen within my own district. And there really should be an expanded and defined set of criteria. We do it with land acquisitions, we do it with a bunch of other actions that we take here. And a set defined grid of criteria, I think, would be beneficial certainly to me and hopefully to the rest of my colleagues when we contemplate these requests to connect notwithstanding the fact that we have the ultimate decision to, you know, give greater weight or lesser weight to one of the criteria. I think it makes sense.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, one more question to Counsel. I'm reading the bill right now. Does the bill provide for the applicant for the hookup any opportunity to have any input other than the application itself into this determination?

MR. NOLAN:

The bill doesn't really address the applicant and what they can do. I presume when they go before the sewer agency they make their arguments. And they may want to address these particular points that are included in the bill to try to seek approval for their application.

LEG. D'AMARO:

Is -- the determination then under this bill would be made after the applicant had an opportunity to be heard at the sewer agency level?

MR. NOLAN:

I think the sewer agency gives them that opportunity, always, to come in, yeah.

LEG. D'AMARO:

Now, it's my understanding that another issue that the sewer agency looks at is whether or not the district has the capacity for hookup, especially if it's -- well, in all cases if it's outside the sewer district. Is this bringing additional authority to the sewer agency beyond just looking at the capacity issue? Well, I'll ask it another way. Does the sewer agency now have the jurisdiction or authority under the Charter to consider these factors without this bill?

MR. NOLAN:

I think right now they probably can use their own criteria. I'm not sure what criteria they are using. I'm assuming one of the things they do look at is capacity of the district, whether they can handle the additional capacity. This law is basically giving them six criteria that we want them to look at when they're considering an application.

LEG. D'AMARO:

Does the bill require when the sewer agency hears the application and makes a decision, do they have to issue a written decision applying the criteria?

MR. NOLAN:

Does not require that.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. I guess my question here would be to the sponsor. How far do you envision this going? For example, if you go down the list, you know, there are -- there can be some kind of environmental impact on almost any project. There could be some kind of economic impact or economic benefit, you can argue, you know, on any project to the area. Is there going to be some kind of criteria beyond the criteria? Does it rate a ten or a nine or an eight? And how far do you go if there's a particular project that's supposed to have a positive economic benefit on an area, how far out does the analysis go? How far out is the sewer agency supposed to do this analysis on whether a project in this part of town is going to have a beneficial or an adverse impact on a downtown, maybe a couple miles away? How far do they go?

LEG. ALDEN:

Well, that's the beauty of this. I tried to keep it very simple. I didn't try to reinvent the wheel. I didn't try to limit anything that they wanted to get involved in, the sewer agency. But this grows

out of a frustration over the past ten years of having projects recommended to us that have no economic benefit to Suffolk County. And that use up sewer capacity. They're not affordable housing. And they're not going to create jobs. So I end up asking those questions. And they've only been asked for the first time. And it wastes a lot of time as far as I'm concerned, and it wastes a lot of our time.

If in the first blush or the first instance someone would ask those questions, it's going to streamline the process. And we're going to start putting out that little seed in people's minds that if you're a developer and you're coming forward, this is what Suffolk County wants to see. We want to see something with an affordable housing component. We want to see something that is an economic benefit to Suffolk County. If we're going to allow them to hook up to something when they're outside the sewer district, we're going to allow them to hook up to something, show us how it benefits Suffolk County.

That's what I think this more or less does. And it doesn't get overly complex. It doesn't require a, you know, a triple layer analysis of economic benefit. It's a simple first blush look. Are you going to create new jobs? Is this going to do something in a more efficient manner? Is this going to save some of our precious water resources? It's a fairly simple analysis but it's something that's not being asked now. It's not required. And I think it states a first time statement from the Legislature that we're interested in these things when you're coming to look at an economic benefit to you as a builder or as a developer, we're looking for a benefit back for the people of Suffolk County. And we're coming forward with a multi-billion dollar plan and ability to filter water to save people's lives. Now show us what you're going to do for us.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
I'm just trying to cut the debate off so we can vote on this and move on. This is not chicken soup. Can't hurt. So let's vote. Twenty minutes into it already on a very innocuous bill that doesn't hurt anybody, doesn't do much. It's actually -- again, it's like having a nice cup of tea in the morning. And we have to have this debate.

P.O. LINDSAY:
Well, this is where the Caracappa theory's kicking in here. If you have nothing on the agenda, we'll find something --

LEG. MYSTAL:
Everybody's posturing.

P.O. LINDSAY:
All right. Legislator Kennedy.

LEG. KENNEDY:
You know, I'm just going to reiterate what I said before. Now what I'll do is I'll go to specifics. In my own case an application to expand by 90,000 gallons capacity sewer district four, nine months had to elapse before there was recommendation that the applicant review environmental criteria. Apparently the sewer agency at this point does not take environmental effects or impacts in a district into account for its conceptual approval in a first instance.

So while the sub criteria may not have the specificity that we've looked at, nevertheless the broad categories that the district has to address, I think, really are important in the first instance because to have to have an applicant consider some of these things after the fact, then raises even concerns out of the applicant. And it's a matter that the agency itself, I guess, maybe is well adept and equipped to handle, but ought to be able to look at it in the first instance with all. So again I support it. And it's chicken soup.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
One more question for Counsel. If the sewer agency applies the criteria and determines that the application does not fit into the criteria and recommends denial or -- I guess, recommends is the criteria key word, does it still come for a vote to the Legislature?

MR. NOLAN:
No, it would not.

LEG. D'AMARO:
It would not?

MR. NOLAN:
No, only if -- only if they are -- the way it works is the sewer agency is recommending it, then it gets here. And we approve it, what the sewer agency has recommended. So if they are turn it down in the first instance, then it would not get here.

LEG. D'AMARO:
Okay. So in other words under the present system, the only issue or recommendation made -- it's my understanding the only recommendation or criteria that's applied is whether or not the district has the capacity --

LEG. MYSTAL:
No.

LEG. D'AMARO:
Not even adequate capacity issues in this bill.

LEG. MYSTAL:
No.

LEG. D'AMARO:
So my -- well, my understanding, and you can correct me if I'm wrong, is that when an application is made, the sewer agency looks at it and says, okay, this particular sewer district has the capacity to handle the gallons, the flow into this district. And then it comes to this Legislature for policy determination. That's my understanding. Is that inaccurate?

LEG. MYSTAL:
Can I insert through the Chair? I have sat on many sewer district deliberations. That is not the only criteria that they use. They use criteria in terms of the environment, the capacity.

LEG. D'AMARO:
Legislator Mystal, with all due respect I want no know what legally the sewer agency has the right to look at presently.

MR. NOLAN:
I don't know what criteria they use at this point. To be honest with you I don't know what they do.

LEG. D'AMARO:
Do you know or does BRO know or does somebody know how many applications have been denied?

P.O. LINDSAY:
Mr. Brown is at the microphone, he might have something to add to this debate.

LEG. D'AMARO:

Yes.

LEG. BROWN:

I can't answer -- Dennis Brown from the County Attorney's Office. I can't answer the second question. But your first questions is you're correct. And it's County law 265 whether the district has capacity in excess of its needs.

LEG. D'AMARO:

So right now under the present system, the only issue is whether or not there's capacity. It's a number crunching exercise.

LEG. BROWNING:

Capacity in excess of its needs, yes.

LEG. D'AMARO:

Okay. So now we're taking the authority that we have, we're passing it down to the sewer agency and saying if you deny on this criteria, we don't even get to hear the case. And I question that. I don't think -- I agree with the Presiding Officer that I'm not prepared to take that step with this bill if that in fact is the effect of what we're doing.

LEG. CARACAPPA:

Mr. Chairman.

LEG. MYSTAL:

Can we vote?

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. MYSTAL:

Let it go.

LEG. CARACAPPA:

Having served on sewer agencies, there are several a year that are turned down. And just as we're saying, I just -- I don't know if things are getting confused here. If they're turned down, they never make it here. They re-apply if the builders wants to re-apply. Under the criteria, if it's a county sewer district, it's under certain criteria that was explained by Mr. Brown. If it's a new sewer system, like an on-site sewage treatment plant that a developer wants to buy, there are certain other criterias like Legislator Mystal said. There are health criterias. They see if they can hook up to it, existing sewer district before building a new one. So right now it serves as if it's denied within sewer district, we never see it any way. So the new proposal's basically a lot of the old; right? Under the new criteria if it's not -- if it never passes a sewer agency, it never gets here anyway; right?

LEG. D'AMARO:

Joe, if I can just respond to that.

LEG. CARACAPPA:

Yeah, I was just trying to clear it up.

LEG. D'AMARO:

I appreciate it.

LEG. CARACAPPA:

I don't know if I missed something on your part.

LEG. D'AMARO:

My only concern though is when it doesn't get here now, it's because there's no capacity.

LEG. MYSTAL:

No.

LEG. CARACAPPA:

Not necessarily.

LEG. ALDEN:

No.

LEG. D'AMARO:

Well, the agency doesn't have the authority to deny an application if there's sufficient capacity.

LEG. ALDEN:

Yes, they do. They absolutely do.

LEG. D'AMARO:

Well, maybe the County Attorney's Office can --

LEG. CARACAPPA:

I've served on as a voting member on many occasions. And I voted down certain proposals because I just didn't think it was right for the community seeing that we don't have housing powers or zoning powers, sometimes the best way to stop a project is through sewer agency. And that's we've done on occasions.

LEG. D'AMARO:

And I appreciate that. I just want to make sure that the sewer agency right now has the legal capacity and authority to act in such a manner. And, Mr. Brown, I think you're telling me something different.

MR. BROWN:

I have a couple -- I could state a couple of things. It's governed by Article 5-A of the General Municipal Law. And the -- the administrator cannot act inconsistent with the parameters that are set forth in the General Municipal Law. The statute is really silent as to whether these additional factors can be imposed. From a practical standpoint if these factors were considered and a denial to a connection was denied, could it be viewed as arbitrary and capricious? Well, that would be for a court really to view. But that standard is what I told you, it's excess capacity.

LEG. D'AMARO:

So looking at the black and white statute, the authority of the sewer agency presently is to determine whether or not there is excess capacity for the application. And then it gets kicked up to the Legislature?

MR. BROWN:

That's correct.

LEG. D'AMARO:

Is it your opinion that the only permissible basis to deny an application is if there is a lack of excess capacity?

MR. BROWN:

That's what the statute says. It's silent on these other additional factors.

LEG. D'AMARO:

Are you aware of any cases where the authority of the sewer agency to act beyond the excess capacity issue has been challenged?

MR. BROWN:

I would have to double check that for you.

LEG. D'AMARO:

So it's possible, though, that right now the sewer agency only has authority to determine capacity?

MR. BROWN:

That's correct. And it can't act inconsistent with Article 5-A. The question is, is this inconsistent with Article A. And on that respect the statute is silent.

LEG. D'AMARO:

Right.

MR. BROWN:

So is it a vague area? Yes. Could this be subject to legal challenge? Yes.

LEG. D'AMARO:

Okay. The point I'm trying to make -- thank you, Mr. Brown. The point I'm trying to make is I don't disagree with the concept of the bill. I just want to be a little bit careful of expanding the authority of the sewer agency to deny an application on the basis that they don't presently have and we never get to hear the application. That's my concern. And what I'm being told by counsel is that that is a possibility.

P.O. LINDSAY:

First of all, our Counsel, do you concur with Mr. Brown's analysis?

MR. NOLAN:

Just would saying that the County Law -- New York State County Law is a section of law, chapter of law that the County Legislature can supercede by a local law. It's -- section Two of the County Law states that we can supercede County Law. And so I feel comfortable we can enact this law.

LEG. D'AMARO:

But it hasn't been superceded yet. And the sewer agency then may not have the authority to go beyond the excess capacity issue.

MR. NOLAN:

I have not looked at the section of law that Mr. Brown cited so I can't say that.

P.O. LINDSAY:

The Presiding Officer has a representative on the sewer agency. And as of matter of practicality, when an outside hookup comes before the sewer agencies, a lot of the aspects that Legislator Alden wants to codify really are considered now whether we have the absolute right or we don't have the absolute right. It's things that are taken into consideration. And I, you know, site the Tanger project that we just debated a few months ago extensively. You know, the whole issue there was not only the capacity issue, but he had to make his case about economic development in terms of that project moving forward.

MR. NOLAN:

Did you say section 265, Dennis?

MR. BROWN:

265. And I wanted to clarify the record. I said General Municipal Law. It's Article 5-A of the County Law. But also, if I may, there's one case that I can -- I can reference where it's not directly on point, but traffic congestion was considered in determining a sewer connection. And that was held to be arbitrary and capricious by the Court of Appeals.

LEG. D'AMARO:

The Court of Appeals, which is the highest court in the State of New York, held that that was an exercise of -- beyond the jurisdiction of the sewer agency? Was that the basis?

LEG. BROWN:

That's correct. The rejection of a sewer connection permit because of traffic congestion was arbitrary and capricious.

LEG. D'AMARO:

Right. It's my understanding once again that presently the sewer agency does not have authority to deny an application other than for lack of capacity. This bill would change that. And this bill would give the sewer agency the authority to deny on these grounds and, therefore, these applications are not going to reach the Legislature where I believe they belong.

P.O. LINDSAY:

All right. I'm going to give Legislator Alden a chance to respond. And then I'm going to recognize Legislator Vilorio-Fisher.

LEG. ALDEN:

Well, first I'd like legislative Counsel just to very briefly respond to a section of that, but that's an absolute mis-statement of what this does.

MR. NOLAN:

Well, the section of law, I believe, that Mr. Brown was speaking to states that if a Suffolk County sewer district has capacity in excess of its needs, the administrative head may contract a municipality's district's individuals within or without the district for the collection of the sewage. I don't think that language would prevent us from passing this law in establishing criteria or would prevent the administrative head on his own from establishing a criteria to judge outside hookups. The language is permissive. He may contract with outside agencies. It doesn't stop him from developing criteria.

LEG. D'AMARO:

But we just heard that there was a case that applied a different criteria and the highest court in the state struck it down on the basis that the sewer agency exceeded its authority. How do we answer that?

MR. NOLAN:

Well, I haven't seen the case. Nobody called me before today with the case.

LEG. D'AMARO:

Look, you know, again, I am not necessarily opposed. I just want to go carefully and make sure that we're not going to deny people access to this body where the authority truly lies. And on that basis I'd like to answer these questions and perhaps table this for a cycle.

LEG. ALDEN:

Well, it's been tabled for almost a year so as far as giving opportunity to raise your concerns, I'm glad you're raising them today but this is the first time you've raised a bunch of them. But I would just appreciate an up or down vote. We can either make the statement today that we want to prioritize economic development with our precious sewer resources, we want to make a priority of economic development, we want to make a priority of affordable housing or we just want to leave it as far as it's been going right now; that every application that they decide in their own minds and

whatever reasoning they're using to do that, that every application that comes before us, we're using that as an excuse to approve hooking up people at sand mine; people that don't create one job; people that haven't created one affordable house. We actually have people hooked that live in Nassau County. So those are the kind of recommendations that have come forward to us. This is non-binding. We're just asking them at the first blush, right in the first instance, take a look at these things. We think they're important as Legislators.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

It seems to me that in practice many of these criteria are being used already. And that's been represented by Legislators Mystal and Caracappa and Presiding Officer Lindsay, that these criteria are already being used. And, Mr. Brown, if you could just come up again. My sense would be that if we were to codify criteria that are very clear, that we wouldn't be running into that issue of being arbitrary and capricious because then the administrator is acting within a set of criteria that have been codified by this Legislature.

MR. BROWN:

I can't say that there would be a judgement that the district was not -- that the administrator was not acting arbitrary and capricious. It's really a fact driven question. The best I can speak to is what the statute says. And excess capacity is what the statute speaks to. I can't find any cases particularly on point with respect to this resolution. But generally it's -- traffic congestion was one case that we found. It dealt with the --

D.P.O. VILORIA-FISHER:

But what I'm going to is what Counsel said; probably I should have asked George, because -- George, you said that it was permissive. And so that we could set up more stringent criteria.

MR. NOLAN:

I don't think the state law even sets the criteria. It says if a district has excess capacity, then it may contract with outside entities.

D.P.O. VILORIA-FISHER:

But they're not prohibited from setting up criteria that is clearer because it seems that in practice there are criteria that are being used. So if we don't want it to be arbitrary, then we should codify the criteria.

MR. NOLAN:

I don't think codifying the criteria presents any conflict with the state law.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I'm just going to go one more time at this, I guess, from our own direct district experience. Galleria got an expansion approval in October -- I'm sorry -- September of 2006 for a 90 thousand gallon expansion for a plant that is woefully impacted by environmental conditions in my neck of the woods with ground water gone wild. And at that time that was not part of the criteria that was before I guess or applied. So while environmental concerns may be something that sewer agency considers, perhaps maybe it's something done inconsistently.

The fact that we would have articulated and set up criteria is clearly within our purview. And we delegate authority to the sewer agency to even act. It's a power that's reserved with us under the statute; only by our act did we create it. So, I think again set criteria makes sense. It gives a guide

post. And there's an opportunity to go ahead and resubmit if there's a denial; if there's change in condition. I'm going to support it.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I would just like to hear the answer to the question I've been -- I hear a question and then a lot of words and then another question again. Will this change our ability to approve or disapprove? What I'm hearing from the sponsor is absolutely not. It just focuses on more things to look at; or ask them to look at more things. I don't see that as taking away from us. But I want to hear a declarative statement like, no, it will not take away any power from this Legislature.

LEG. ALDEN:

You want to hear it from the sponsor, no, it won't.

LEG. EDDINGTON:

Thank you. And how about George? Two lawyers are better than one.

MR. NOLAN:

No, I don't believe it will, Jack.

LEG. MYSTAL:

I don't know about that, two lawyers are better than one.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just a couple of quick points and then I'm happy to move one. First of all in response to Legislator Alden, this bill only reached this Legislature last cycle. It hasn't been here for a year. It was sitting in a committee for a year of which I am not a member. So I'm not sure why you would make that comment.

I want to assume what Legislator Fisher says is accurate. If we establish criteria, we are then granting further authority to a sewer agency; and applications that otherwise may have wound up coming to this Legislature may actually never get here. So, that's something to consider.

D.P.O. VILORIA-FISHER:

Can I just respond?

LEG. ALDEN:

And I could respond to it also.

D.P.O. VILORIA-FISHER:

Actually, Lou, what I'm hearing, though, is that the sewer agency is using some of these criteria already. And it seems to be done anecdotally or maybe even arbitrarily. And codifying them, I think, gives us more authority because we're giving them the criteria that they have to use evenly and in every case rather giving them the discretion of using the criteria willy-nilly. So that's how -- that's how I see that.

LEG. D'AMARO:

Okay.

LEG. ALDEN:

May I?

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
To Budget -- not to Budget Review. To the Clerk's Office, when was this bill filed?

MR. LAUBE:
Laid on the table 11/21/2006.

LEG. ALDEN:
Okay, 2006, that's last year. What is the purpose of us getting a stack of ground up tress, for lack of a better word, every time we come in here? That's because that's what we've established as notification to the Legislative body, the Legislators, that these are proposed pieces of legislation; is that not so?

MR. LAUBE:
That's correct.

LEG. ALDEN:
Okay. And we've been doing that forever, which, I think, that that process really needs to be changed. And Legislator D'Amaro has really pointed out a total flaw in that; and I'm glad for him to bring that forward to us; that all we are is just grinding up trees, and we're wasting a lot of time and energy but putting these on the table. There's got to be a more efficient, a more -- a faster, easier way to do this kind of thing. And I think the Clerk's Office would agree.

Second point, these are not mandatory. There's no language at all in this bill that makes this mandatory. If they want to, they could still deny or approve on capacity. We're just asking them to look at something that, I think, common sense would tell you let's take a look at this. Thank you.

LEG. MYSTAL:
Can we vote?

LEG. MONTANO:
Can we vote?

P.O. LINDSAY:
Nobody else wants to talk? Okay. Mr. Clerk, I believe we have a motion to table which takes precedence first.

MR. LAUBE:
Correct.

P.O. LINDSAY:
I guess we better call the roll, there was so much discussion on it.

(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)

LEG. COOPER:
Pass.

P.O. LINDSAY:
It's your motion. How can you pass on your motion?

LEG. COOPER:

Maybe I've re-thought things.

MR. LAUBE:

The motion's been made. I'm looking for a yea or nay.

*(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)*

LEG. COOPER:

Yes, to table; on my motion to table.

LEG. D'AMARO:

Yes.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Two.

P.O. LINDSAY:

Motion to approve. Roll call.

*(*THE ROLL WAS CALLED BY TIM LAUBE, CLERK OF THE LEGISLATURE*)*

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

I'll pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

18.

LEG. MYSTAL:

The Joe Caracappa rule strikes again; 45 minutes, strikes again.

P.O. LINDSAY:

Okay. I am going to make a motion, being that it's 12 o'clock, to go into executive session.

LEG. D'AMARO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Before you do that, I'd like to offer a quick motion to discharge a particular bill if you don't mind.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

After we held the Ways and Means Committee meeting on Wednesday, it came to my attention -- well, first let me make the motion to discharge to the full Legislature resolution number 2188 of 2006.

LEG. LOSQUADRO:

Was it distributed?

LEG. D'AMARO:

Yes, we're going to distribute it right now. Justin.

LEG. ALDEN:

At least read the title.

P.O. LINDSAY:

Yeah.

LEG. D'AMARO:

Well, give me a chance; all right? It's the bill *authorizing conveyance of parcel bearing Suffolk County Tax Map No. 1000-015.000-05.00-025.003 to the Town of Southold pursuant to*

Section 72-H of the General Municipal Law. This is the resolution that's dealing with the 72-H transfer of property of Park View Lane and Ryder Farm Lane to the Town of Southold. I've been informed that the Town Supervisor has indicated now to the County that the town is prepared to take the roads through the 72-H and to bond and repair them and maintain them putting to rest pretty much the issue for the residents who have really been suffering with these roads that are in complete state of disrepair.

Just for your recollection, this was property that was taken by tax default, I believe, by the County. The property is consisting of two roads. There was some dispute as to who should maintain or repair the roads. The town has now indicated a willingness to do so. And I'd like to discharge this today.

LEG. MYSTAL:

Is this a Romaine bill?

LEG. D'AMARO:

No.

P.O. LINDSAY:

Let me just get -- let me get -- we have a motion to discharge this bill from committee and a second is by Legislator Vilorio-Fisher. And on the motion. First is Legislator Alden and then Montano.

LEG. ALDEN:

Just a point of order. Do we need the resolution from the town first before we do these?

P.O. LINDSAY:

Well, the motion right now is just to discharge it. If you approve the discharge when it's before us during the debate of that motion, we can, you know, we can address that at that time. Okay?

LEG. ALDEN:

Fine. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I just had some procedural questions. You say, Legislator D'Amaro, that you found out that the town approved this?

LEG. D'AMARO:

No. My understanding is that the Town of Southold Supervisor has indicated the town is prepared to accept the transfer of the property.

LEG. MONTANO:

When was that? Again, why is it necessary to discharge at this time in lieu of having a discharge petition submitted so that we would have known it was coming up or not just waiting the two weeks? I think we're going to be back here in two weeks. And it is nothing against this bill. But the reality is that I would prefer a system where if we're going to vote on anything, it would be on the agenda before we get here. We have a process for discharge.

In fact I have a bill pending that would require any bill to be discharged filed so that we're notified in advance that we're going to vote on a particular bill. So I'm just wondering what the context of this is in terms of getting here at this point so that we can vote on it later without really having, you know, had an opportunity to realize that this would be on the agenda.

LEG. D'AMARO:

Sure. If I can just quickly respond.

LEG. MONTANO:

Go ahead.

LEG. D'AMARO:

The bill has been debated at length at the committee. The last several times it has come up in committee, it was just past over and tabled for the purpose of waiting to see if an agreement could be reached. So the agreement now is that it's going to remove the property from the County, give it to the town, where in my opinion it belongs. And the town is prepared to accept it. So I don't really see the need for it to go back to committee.

P.O. LINDSAY:

We're debating the bill. The motion is to discharge it. You know, if you don't want to discharge it from committee at this time, vote it down. And if we do agree to discharge it, then, we can debate it on the merits of the bill after it ages.

LEG. MONTANO:

Well, I'm not. If I may, I'm not debating the merits of the bill. I'm debating the procedure with respect to the discharge. And what I'm asking is, number one, why do we have a discharge petition before us at this late date without having had -- if in fact we knew that this agreement had been reached before a petition to discharge could have been submitted; or the other aspect is if it's not that important an issue that has to be resolved within two weeks, it should go to committee and be discharged in the regular course of business.

P.O. LINDSAY:

And under our rules, you can discharge a bill on the floor with a positive vote or you can take the petition.

LEG. MONTANO:

I'm aware of that. I'm asking why it was discharged. I'm trying to get the facts behind it. I know that it's a permissible issue. I'm just asking why it came out in this context.

LEG. D'AMARO:

Well, I just thought I answered that. It's a 72-H.

LEG. MONTANO:

I know what it is. What I'm asking is --

LEG. D'AMARO:

Well, I was trying to answer but you know -- no, let's call the vote. That's fine with me. If you want to cut me off, that's fine.

LEG. SCHNEIDERMAN:

Let's call the vote. These people have been waiting a very long time. The discharge -- it complies with our own rules. And let's have a vote on it.

P.O. LINDSAY:

Okay. So we have a motion to discharge. What was the number? **2188**. And we have a second. Right, you have the second? Okay. All in favor of discharging petition -- discharging and letting 2188 age for an hour say aye. Opposed?

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

One opposition.

LEG. COOPER:

Mr. Chair, I'd like to make a motion to discharge -- motion to discharge **Home Rule Message No. 10-2007**, please.

P.O. LINDSAY:

Okay. We have a motion to discharge the Home Rule Message 10-2007, seconded by Legislator Viloría-Fisher.

LEG. COOPER:

And this is being done as a discharge motion because we just got the state bill numbers.

D.P.O. VILORIA-FISHER:

And I'd like to be a co-sponsor on that, please.

P.O. LINDSAY:

Okay. But on the discharge?

D.P.O. VILORIA-FISHER:

No. On the bill.

P.O. LINDSAY:

Okay. Any discussion? All in favor? Opposed? Abstentions? Discharging Home Rule Message 10.

MR. LAUBE:

18.

LEG. D'AMARO:

We have the numbers, do we not?

LEG. COOPER:

Yes, we do.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Call the vote.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. All right, I'll go back to my original motion at this time to go into executive session. And the purpose of the executive session is to discuss the PFC, the proceedings having to do with the clean up of the plants in several locations in Suffolk County, and the merger between National Grid and KeySpan; that all plays into the whole thing, yes? Do I have a second?

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

We are now in executive session. And I would like BRO to certainly stay in the room and County Attorney, Mr. Ratigan, our consultant.

D.P.O. VILORIA-FISHER:

Our aides in or out?

P.O. LINDSAY:

No aides.

***(EXECUTIVE SESSION WAS HELD FROM 12:11 TO 12:35 PM
AFTER EXECUTIVE SESSION, A MOTION WAS MADE TO ADJOURN
AND TO RESUME AGAIN AT 2:30 PM FOR PUBLIC HEARINGS)***

***(*The following was taken & transcribed by
Lucia Braaten - Court Stenographer*)***

[THE MEETING WAS RECONVENED AT 2:35 PM]

P.O. LINDSAY:

Mr. Clerk, you want to call the roll?

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:

(Not Present).

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not Present).

LEG. LOSQUADRO:

(Not Present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present).

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
(Not Present).

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not Present).

D.P.O. VILORIA-FISHER:
(Not Present).

P.O. LINDSAY:
Here.

LEG. LOSQUADRO:
Mr. Clerk, mark me present, please.

MR. LAUBE:
11 (Not Present: Legislators Romaine, Caracappa, Montano, Kennedy, Stern, Cooper and Viloría-Fisher)

P.O. LINDSAY:
Okay. I welcome everybody to our afternoon session. And we'll start the public hearing. Ladies, quiet. We open with Recessed Public Hearings.
Public Hearing on IR 2579 - A Local Law to broaden eligibility under the 72-h Transfer Program (Schneiderman). It doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to address us on this subject?

LEG. SCHNEIDERMAN:
Motion to recess.

P.O. LINDSAY:
Seeing none, Legislator Schneiderman makes a motion to recess, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:
12 (Not Present: Legs. Romaine, Caracappa, Montano, Kennedy, Cooper and Viloría-Fisher)

P.O. LINDSAY:
Okay. ***Public Hearing on IR 1056 - A Local Law to enact a Suffolk County Homeowners Protection Act (Alden)***. And I have one card, Willard Christy. Please come forward, Mr. Christy. Okay, Mr. Christy, you've got five minutes.

MR. CHRISTY:

My name is -- is this on?

MR. LAUBE:

No. There's a switch there.

P.O. LINDSAY:

Just turn it on, it isn't on.

MR. CHRISTY:

Okay. My name is Will Christy. I live in the 10th Legislative District. My Legislator is Cameron Alden. I brought to his attention a situation that I've seen many contractors fall into and a lot of homeowners as well. The issue is that a general contractor would come and do some work in your house and you're very happy with the work that that person did. The subcontractors would be the plumbers, you know, the electricians, the tile-setters and so forth. What happens sometimes is that the general contractor doesn't pay his subs and usually trying to make some kind of deal, like 50 cents on the dollar. So the sub has no other alternative but to put a mechanics lien on the homeowner. Now sometimes that homeowner might want to do some work so that they could sell their home. Well, guess what. You've got to pay, the homeowner has to pay that lien to take it off so he could sell his home. That's not fair to the homeowner, because in good faith that person did pay. It's not fair to the subcontractor, because in good faith he did his work. And beware if he got the stuff sent to you by Loews or Home Depot. Guess what, they could put a lien on your house as well for the material that's in your home.

So I suggest that two additional sections would have been submitted into the language of the Article 2 of the Home Improvement Contractors. One suggestion to be added in the language would be under additional "G", which is no -- is not there right now, is that all contractors for home improvements shall work -- shall include a statement to the effect that all subcontractors used in conjunction with a home improvement contract will be paid in full by the licensed home improvement contractor, and the homeowner will be held harmless from liens by such contractor.

Now I'm not trying to do away with the liens, because that's under the State Law. A person has a right to put a mechanics lien on your house if he doesn't get paid, but it shouldn't be at the expense of the homeowner if in good faith that person did pay. Now, how can we do this? How can we protect the homeowner? Well, you have another section in that Home Improvement Contractors, which it says under Section 345-21, which -- Prohibits Act it's called, I want to add an additional sentence under "E". "Failure to enter into a written contract with the -- which provides homeowners with the protection from liens being placed on a home by the subcontractor as a result of the home improvement contractor failing to pay the subcontractor for work performed or materials delivered." Now, again, this bill is not intent to stop a mechanics lien, that's not the intent of this. The intent is to protect the homeowner, that the person in good faith paid the contractor. And also should protect the subcontractor who in good faith went to that person's home, did the work. You know, I could see if somebody's not satisfied, that they're going to hold back and there's a situation there, but I'm talking about in good faith, both parties have done what they were supposed to do. And we have to find a method to put a little bit of pressure on the contractors to pay their subs and to reduce the possibility of a lien on the homeowner, and that's it.

P.O. LINDSAY:

Thank you, Mr. Christy. Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Alden, what's your pleasure?

LEG. ALDEN:

Since we meet again in two weeks, I'm going to ask this to be recessed.

P.O. LINDSAY:

Okay. We have a motion to recess.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

15 (Not Present: Legs. Caracappa, Kennedy and Viloría-Fisher)

P.O. LINDSAY:

Okay. *Public Hearing on IR 1408 - A Local Law to improve pool safety and protect against accidental drownings (Cooper)*. And I have one card, Vincent Brandi. Brandi, Vincent Brandi or Brandi?

MR. BRANDI:

Brandi.

P.O. LINDSAY:

Brandi.

MR. BRANDI:

Yes, hi. Good afternoon. As you said, my name is Vincent Brandi.

I am the Granduncle of Anthony Muniz, who drowned last week in a neighbor's backyard pool. I'm here today as a spokesperson for my nephew, as well as the Muniz and Morrisette Families. I also hope I serve in some small capacity as the voice of the families of the children that have already faced this horrific tragedy, as well as those that will before this summer ends.

My purpose here today is to express our support for Resolution 1408, proposed by Legislator Cooper. We believe this is the first step in addressing the issue of backyard pool safety. I say this is the first step because more is needed. We would also like to see the following added to this resolution or, if not, to any future resolutions on pool safety.

First, I have looked at town ordinance throughout Suffolk County and they vary regarding the fencing placed around swimming pools. I would like to recommend, and we as a family believe, that this should be standardized to a six-foot nonclimbable fence with lock gates.

Second, pool covers should be required, capable of supporting up to 500 pounds for all in-ground swimming pools when not in use.

Third, that we encourage pool companies to do more to provide information to their customers on pool safety and the safety of children around pools. I have, in preparing for today, taken the opportunity to go on the websites of a number of local pool companies, and they are an attraction for children, they advertise. Certainly, I recognize them doing that, but not one area talked about pool safety or provided any packets of information or literature on pool safety for their customers. I guess, in speaking, when you become a pool owner, you also become a lifeguard.

Lastly, we have seen the impact nationally on the laws that have placed a name and a face to a law. Our family respectfully requests that this Legislature pass this resolution as "Anthony's Law". Our family would be honored to have Anthony's name placed on this law.

Thank you for giving us the opportunity to speak before you today.

P.O. LINDSAY:

Thank you, Mr. Brandi. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Mr. Chair, before I make the motion to close, I wanted to thank the family for coming out today and their friends and neighbors that joined with them. And I wanted them to be aware that we have already amended the resolution and the official title does now refer to it as Anthony's Law, and I hope that it provides some solace for your family.

(Applause)

I also nearly lost one of my five children several years ago, not in drowning, it was a health incident, Christopher was six. And I know it's unspeakable heartbreak and my heart goes out to all of you. And I know the funeral was only yesterday and I'm really grateful that you took the time to join us here today. And I look forward to working with you and achieving passage of this bill. Thank you. And I'll make a motion to -- I'm sorry, to recess the public hearing based on feedback that I got from a couple of my colleagues in the Legislature, as well as input from the industry. I want to make a few minor changes to the resolution, so I'd like to recess it today with the goal of closing the public hearing at the next meeting.

P.O. LINDSAY:

Okay. I have a motion to recess. Do I have a second.

LEG. STERN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

14.

LEG. COOPER:

Thank you very much.

MR. LAUBE:

Make that 15. (Not Present: Legs. Caracappa, Kennedy and Vilorio-Fisher)

P.O. LINDSAY:

Public Hearing on IR 1409 - A Local Law establishing crime prevention requirements for scrap metal processors (County Executive). And I don't think I have any cards on this subject. Let me just double-check. No, there doesn't appear to be. Is there anyone in the audience that would like to address us on this subject? Seeing none --

LEG. ROMAINE:

I make a motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

15 (Not Present: Legs. Caracappa, Kennedy and Cooper).

P.O. LINDSAY:

1410 - A Local Law establishing regulations for supported scaffolds (County Executive). I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? I don't see any hands.

LEG. ALDEN:

I would make a motion, except I just had a question. Did the County Executive amend his --

P.O. LINDSAY:

Mr. Sabatino, would you give us some insight on 1410, the scaffold bill?

MR. SABATINO:

The public hearing can be closed. A corrected copy was filed on the last cycle to change the height to 20 feet to match Federal language.

P.O. LINDSAY:

Okay. Does that answer your question?

LEG. ALDEN:

Motion to close then.

P.O. LINDSAY:

Yes, motion to close by Legislator Alden, I'll second it. All in favor? Opposed? Abstentions.

MR. LAUBE:

Fifteen. (Not Present: Legs. Caracappa, Kennedy and Cooper)

P.O. LINDSAY:

1144 - A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species (Viloria-Fisher). I have no cards on this subject. Is there anyone in the audience that would like to speak? Please come forward, sir.

DR. BRIDGEN:

My name is Mark Bridgen and I'm here on behalf of Cornell University, Cornell Cooperative Extension, and the Long Island Nursing Industry to thank Legislator Viloria-Fisher for introducing this legislation, and also for all the time and effort that she's taken to actually make sure that it's very accurate. And thank you very much for your efforts on behalf of the environment.

D.P.O. VILORIA-FISHER:

Thank you very much. I'll make a motion to close, Mr. Chair.

P.O. LINDSAY:

Motion to close by Legislator Viloria-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Do I have a second? Second by Legislator --

D.P.O. VILORIA-FISHER:

Nobody understands.

P.O. LINDSAY:

Nobody understands. Second, do we have a second to close?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Caracappa, Kennedy and Cooper)

P.O. LINDSAY:

Okay. ***I.R. 1467 - A Local Law to amend park rules and regulations relating to dog run areas in Suffolk parks (Stern)***. And, boy, do I have some cards here. Ginny Munger Kahn. I hope I pronounced it correctly.

MS. KAHN:

My name is Ginny Munger Kahn. I am president of the Long Island Dog Owners Group. We are a community organization of dog owners dedicated to increasing recreational, social and competitive activities for Long Island dog owners and their dogs.

First, I would like to thank you so much for your unanimous support for I.R. 1361, what we call the "Five New Dog Parks Bill", which directs the Suffolk Parks Commissioner to identify at least five new dog parks on Suffolk County parkland within the next 120 days. We have already begun working with the Parks Department to identify appropriate sites for these dog parks, and we are very excited about this initiative. Thank you so much for our support.

This new bill is a companion bill to that resolution. The purpose is to increase access to Suffolk parkland by people who own dogs by amending existing Suffolk Law to allow for the creation of dog parks with natural boundaries. Suffolk County Law only allows for fenced in dog runs right now, but fenced dog parks are not workable everywhere all the time. The unofficial dog park I've been going to for 30 years, for example, has landmark status and a fenced dog park is not a good solution there. No one wants to look at a fence in that beautiful setting. There is, however, a historic landscape plan there that we can use to create a designated off-leash area that would keep the dogs separated from other park users with a natural border of hedges. This bill will allow for a long sought after solution at that park.

Just as importantly, there are other areas, large isolated fields ringed by dense woods, that have been used by dog owners informally as off-leash areas for years. The County can get better control of these areas by posting rules for their use without having to spend thousands of dollars in unnecessary fencing costs as a result of this bill.

Allowing for off-leash areas outside of fences within designated areas at designated times is nothing new. It's been done in communities from New York City to California and many places in between for almost 20 years. We have testimonials from these park -- from Parks Department officials from these places that we will be presenting to you in the next couple of days. In our conversations with these Parks Department officials about their off-leash areas, we have found no meaningful problems at all and many benefits, including cost savings and more flexibility in terms of the use of this space.

One very important point about this bill, its impact will be limited in terms of the number of parks involved, the specific locations within the parks and, in some cases, time constraints or seasonal constraints. In other words, we are not talking about who let the dogs out. We are talking about creating well defined areas with clear rules that establish when they can be used and the responsibility of dog owners to control their dogs and make assure they are licensed and vaccinated at all times.

The vast majority of dog parks created in Suffolk County parkland in the next few years will be and should be fenced. But, in limited circumstances, natural border dog parks are the only solution to providing dog owners for the opportunity to exercise their dogs off leash. It's the only way to fully realize our shared goal of increasing access to Suffolk County parkland for people with dogs.

One thing is I would like to acknowledge the numerous people who have come today in support of this bill. These people come from Huntington and Babylon, from Brookhaven and Islip, from Southold and Southampton. These individuals are leading efforts to create off-leash areas in their own communities throughout Long Island. In respect for your time, we have asked that not everyone speak, but please be assured there are dog owners from around Long Island supporting this bill.

Please feel free to contact my colleagues or me with any questions at lidognews@yahoo.com. We also will be coming before the Parks Committee in another week to answer questions then. We urge you to consider I.R. 1467 favorably.

(Applause)

P.O. LINDSAY:

Michael Kahn.

MR. KAHN:

Good afternoon. My name is Michael Kahn and I'm a resident of Huntington, and I'm here to speak in support of I.R. 1467 as well.

As Ginny just noted, this bill is a companion bill to the one you unanimously passed. With the previous bill, this Legislature has already taken steps that will enable profound improvement in the quality of life for Suffolk's 600,000 dog owners. You've demonstrated that you understand that dog park policy is really about people, not just about our dogs. But to truly make it possible for residents across the County to enjoy recreational and social activities with our dogs in County parks, there will be some instances where the best way to accomplish this is an area bounded by natural borders, even time-sharing or through segregation from other park users. In fact, in some of your districts, this may be the only way to establish a dog park for your constituents.

This bill does not mandate that you open up all the parks to natural borders or segregated areas, it merely creates the flexibility that's needed to apply the best solution in each location where a dog park makes sense. That may mean a fenced dog park, it may mean natural borders, it may mean time-sharing during specific hours or times of year, as they've done very successfully in New York City and many other locations.

Because this legislation does not require permanent fencing, it's also easy to make mid-course corrections when that's needed. And we're not asking you to enter into uncharted territory here with this legislation. Not only has LI Dog researched hundreds of other successful natural borders dog parks, but the good news is that we've already had a very successful one right here in Suffolk County. We established a combination natural borders segregated area and segregated hours dog park in one of our County parks just last year and it worked beautifully. We did this at Coindre Hall Park in Huntington, and it's our successful experience with this that helps explain why you have so many Huntington residents in particular speaking on behalf of this legislation today, because we know it really works.

For those of you unfamiliar with Coindre Hall, it's a former Gold Coast estate with hills cascading down to the mouth of Huntington Harbor and gorgeous views across Huntington Bay and Long Island Sound. I've been going to this park with my wife and dogs for 30 years now. I love that park, it's my favorite place on Long Island. And many of our closest friends today are people my wife and I met at the park through our dogs. The park's now a vibrant community and social network of

people of all ages and backgrounds who share a love for the park and for enjoying recreation with our dogs. And our presence at the park has deterred vandalism and gang activity in this otherwise isolated location. It's also the only goose-free grassy area in the vicinity of Huntington Harbor. And I notice the lawn outside, if you would like any help, just give us a call after the meeting.

A number of years ago, the County authorized a pilot off-leash dog area in a segregated portion of Coindre Hall. All was going quite well until a review of the very law that we're asking you to change today made it clear that only fenced dog parks were permitted. Because of the landmark status of the property, fencing inside of the mansion is inappropriate, yet it's at the top of the property where we have the views that makes all of us want to go to this park, and building a fence and run down in the woods would take away the joy we have in going there. It also would be inaccessible to the many, many seniors who spend hours at the park with their dogs and with their friends. But when you love a place and it plays an essential role in your friendships and social network, you don't simply stop going there. So, for several years, many people have come to the park and let their dogs play off leash as they always had, but no longer in a segregated area.

It became clear that in the absence of a sanctioned structured dog park, we needed to find a way to make the park work well for dog owners, as well as those looking for an environment free of off-leash dogs. So, after researching what worked elsewhere in country, we decided to implement a "Share the Park" campaign last year. Starting in February, every weekend for five months, we voluntarily segregated the off-leash dogs to a little used field away from the site lines from the historic mansion, leaving the other 85% of the property that we'd previously used available to all other users. This worked beautifully and better than anyone expected. The very first day, we put up our cardboard signs saying "All Dogs this Way". Everyone who showed up just accepted the concept, and more importantly, every dog got it right away as well. Most of the dogs are responsive to their owner's commands, but dogs simply want to congregate where the action is and where they saw other dogs at play.

P.O. LINDSAY:

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

MR. KAHN:

Okay. The bottom line is this "Share the Park" campaign worked perfectly. We continue to do it. Unfortunately, because the law doesn't permit us to do it, after five months, the Parks Department said they just couldn't allow us to do it, but we know it works.

To wrap up, more than anything else, your jobs come down to improving the quality of people's lives. This is a true legacy issue for you. For generations, after all of us are gone, there will be literally millions of Suffolk residents who will have enjoyed afternoons and evenings in the park with their friends and with their dogs. By passing this bill, you would complete the process of making all of that possible. We already know the need is there and we already know these solutions work, so we urge you today to pass this legislation and finish the job. Thank you.

(Applause)

P.O. LINDSAY:

Richard Robbins.

MR. ROBBINS:

Good afternoon, Ladies and Gentlemen. My name is Richard Robbins of Melville, and I have lived in Suffolk County my entire life. I am a dog trainer and a canine behaviorist, and I evaluate shelter dogs to place them in suitable homes. For over 12 years, I have been a pet assisted therapist as a volunteer, which means I take my dogs to nursing facilities to interact with the residents. These facilities have included the Veterans Hospital in Northport and the Long Island State Veterans Home in Stony Brook. I have been going to Coindre Hall for over 20 years. As Coindre Hall has landmark

status, a fenced run is not possible. For many years I have visited Coindre Hall with disabled veterans for the expressed purpose of enjoying watching the dogs run, play and have fun.

My father was a retired Master Sergeant in the United States Army and he was a combat wounded disabled veteran. My dad was wheelchair-bound and he had a tracheotomy, and his wheelchair was very large to accommodate his needs. If Coindre were fenced, I would not have been able to bring my dad into the run due to his wheelchair, and the same holds true for many of the veterans that I have brought there for an outing. It would not be comfortable to have dogs running and playing or chasing a frisbee if one were confined to a wheelchair and restrained by a fence. The openness of the field allows the elderly or infirmed to safely enjoy the experience of dogs romping and having a wonderful time, a feeling that often reminded these heroes of when they were younger and healthier with their own dogs. It is truly heart-warming to observe, and many veterans have told me our visits were the highlight of their month.

After my father passed away, his dog was now in my care, and as I senior citizen himself, he cannot run with the youngsters like he used to. I have a young dog rescued from a shelter that needs to run, play and wrestle, and he is able to do that at Coindre while my father's senior dog is able to relax and watch the world go by. This would not be possible in a fenced run, as my senior dog could be in danger of being knocked around by the exuberance of the youngsters.

At Coindre Hall, I have been a Park Steward for many years, and every month we have many volunteers that pitch in for a sweep of the area and clean up any droppings that may have been overlooked, plus litter left behind by other parks users. We bring our own garbage bags, and when we are done, there is not a gum wrapper in sight, all at no taxpayer expense. Thanks to the dogs there, there are no goose droppings. Additionally, the presence of dogs makes the parks safer, as people engaging in criminal activity do not want an audience.

Coindre has been a perfect example of the great success of an unfenced dog park for close to 50 years. We dog owners are a very diverse group and we cherish the parks that we take our dogs to. We are responsible for our dogs' actions and behavior and our dogs come when called. Our dogs are licensed and vaccinated. We help new folk with training issues and the rules of the park to make everyone's visit to the park a good one, with or without a dog. We are excellent caretakers of the park. We respect eachother, we respect others without dogs, and we appreciate the beauty and freedom of an unfenced dog park, where a fence would not be appropriate or possible because of size, landmark status, or geographic constraints. If you fence in a dog park, it can only be used for that purpose only.

We are taxpayers and voters and we are tired of feeling like criminals chased by the Parks Police and issued \$50 tickets for engaging in an activity legally enjoyed by millions of other good folk all over the country. In the winter, we are often the only people using the park, making good use of parks with we pay for and keeping the area safe for the entire community.

Many nondog-owners come visit the park for the sole purpose of enjoying and watching the dogs romp and play, creating well behaved social dogs, dogs that are less apt to bark excessively or otherwise engage in destructive behavior. The legalization of off-leash activities in designated areas and allowing both fenced and unfenced areas would bring Suffolk County in line with the rest of the country and would create a wonderful legacy for the dogs and citizens in the future.

I implore you all to support Legislator Stern's bill, I.R. 1467, to make life so much better for everyone, two and four-legged. Thank you all very much for listening. Applause.

(Applause)

P.O. LINDSAY:

Our next speaker is -- is it Ed McMullin? Ed McMullin. Folks, I ask -- you know, everybody's entitled to five minutes, but we've already gotten about 15 minutes of testimony on this subject and we still have many more speakers. Please try not to be repetitive, if you could.

MR. MC MULLIN:

I'll be very brief.

D.P.O. VILORIA-FISHER:

Thank you.

MR. MC MULLIN:

My name is Ed McMullin, I'm from Lake Grove. I want to first thank you for supporting the Five Dog Parks Bill. It is a very nice thing and we are going to enjoy them. I'm here basically to describe an experience I had in Canada in Edmonton. There they have ten dog parks along the North Saskatchewan River. Actually, they're not dog parks, they're general use parks, but they're leash-free and they are fence-free. Everybody uses the parks, bicyclists, runners, walkers, picnickers, soccer players, everybody, and in addition, you're able to take your dogs through the park. Now the unusual aspect of this series of parks is that they have designated areas where you walk along and there is a sign that says, "You are now entering a leash-free area," and you can take your dogs off leash and let them romp around. As you walk further, you'll enter -- you'll encounter another sign that says, "You are now leaving a leash-free area, please put your dogs back on lead," and this works. It worked very nicely up there. There have been no reported incidents of dog interfering with any other users, and everybody up there has the free enjoyment of the parks. It works because the dog owners relies that they have a huge responsibility to make sure their dogs are trained correctly and that they behave correctly, and if there's any problem, they simply put the dogs on lead and that's the end of the problem. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, sir.

(Applause)

P.O. LINDSAY:

Thank you, Mr. McMullin for your brevity, I appreciate that. Arlyne McMullin.

MRS. MCMULLIN:

I'll try to be as brief as my husband was. My husband and I are both campers and we travel around the country, this country and Canada, with our two very energetic Shelties. At a camp ground, they are always on leash, if we go into a town, they're always on leash, but they need places to run around. We keep a -- track of where there are dog parks throughout the country so we can take them. Most of the places are fenced, but we've come across some wonderful places that are unfenced. One of my favorite places is down in Pinellas County in Florida, and they have a fenced area, which is the paw playground. But they also have about a half mile long stretch of beach that is used by both the people and the dogs. There are signs at each end of this beach that will say, "This is a leash-free area." However, as I said, you can't miss it. You'll come in and you will see the dogs playing together.

Dogs will go where other dogs are, they want to be together. Somebody's throwing a ball, somebody's throwing a frisbee, usually, you're not going to have one dog. They want to play together and you'll have five dogs running after the same ball. Whoever gets it, fine. They'll bring it back and go out when the next ball is thrown. They really love playing together. Fenced, unfenced, they rarely will run off away from the area. When conditions permit, leash-free dog parks would provide an additional way for dog owners and their four legged companions to enjoy the beauties of Suffolk County parks. Thank you.

(Applause)

P.O. LINDSAY:

Grace Yonelunas, and forgive me if I mispronounce your name.

MS. YONELUNAS:

Hi, good afternoon. My name is Grace Yonelunas and this is my son, Daniel. We're from Commack. We've been going to Coindre Hall for two years now and have never been to a more beautiful place. It's unbelievable how well the people and the dogs get along in this environment with nature. On any given day, for instance, you can see my son sitting at one of the picnic tables playing chess with Harry, who's an old-timer that's been frequenting Coindre for 40 years with his dogs, or maybe Dorothy, another elderly woman who sadly lost her dog this past winter. She still visits Coindre to enjoy the park, the company and the dogs. Dorothy will be filling Daniel in on an Indian tribe she read about in Readers Digest that will help him on his next social studies test. Then there's Peter, who is very ill, and on a bad day needs to just sit, rest and enjoy the view while Daniel throws the ball for his dog, Jenny.

This past Saturday, there was a game of catch going on where three dogs decided to play doggy-in-the-middle. They kept running back and forth with the children while they threw the ball to each other and everyone enjoyed themselves. None of these activities would be able to occur if the dogs were in a separate area that was fenced in and was either inconvenient or impossible for one of the senior or sickly people to get to. While I'm not saying that dog parks should not be fenced, as some dog owners are more comfortable knowing that their dogs are confined, I don't think that all dog parks should be.

It has been proven that in many cases where there are natural borders such as woods or trees, there is no need for a fence. Coindre Hall, for example, is a historic site and it would take away from the beauty of this magnificent place to enclose areas with fences. Coindre has also been used for over 40 years by dog owners without fences and has worked well. People that take their dogs to unfenced areas are confident that they can control their dogs verbally and that their dogs are friendly and obedient. Dogs by nature want to play together and usually stay together with their owners in control and we control where they stay.

I ask you to vote in favor of Legislator Stern's bill, I.R. 1467, in favor of natural borders where feasible to ensure the freedom and the enjoyment of not only this generation, but the future generation to come. Thank you.

(Applause)

P.O. LINDSAY:

Nicolette Burke.

MRS. BURKE:

Hi. My name is Maria Burke and this is my daughter, Nicolette. She's nine years old and we're from Commack. And when told about what was going on here, she took it upon herself to say that she wanted to speak on behalf of the dogs. Go ahead.

MISS BURKE:

Humans are animals just like dogs are animals. As they say, man, also woman, is a dog's best friend. When you cage up your loving companion is like punishing them for being good. Maybe not every dog is good, but it matters how you raise them. You should put up -- you should not put up a gate. Putting up a gate is a bad idea, because people bring their dogs there to play with other dogs and also to be free, not in a small backyard. If you put a gate up, then the area will feel smaller like a backyard. If you put a gate around Coindre Hall, people will have a different view. My friend, Katherine, said someone should write a Bill of Rights for dogs. Now me and my friend are going to have to work on that.

(Applause)

LEG. MYSTAL:

It's unfair political pressure.

MRS. BURKE:

Am I next?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MRS. BURKE:

Okay. My name is Maria Burke, I am from Commack. And unlike the others speaking here today, I do not own a dog; I am a non-dog-owner who comes to Coindre Hall specifically for the purpose of enjoying the atmosphere that is created there by having the dogs there. That was not my original intent for going there, however. Obviously, I can attend any park I choose, especially a park without the dog presence, and normally I would choose one without dogs, since I don't own a dog. But I have a very good friend who spoke, Grace, she does own a dog, and I have a nine year old who, although she's a little timid of the dogs and somewhat shy of people, has a special love and passion for dogs. So I chose to go the first time to Coindre Hall with my friend and my daughter, Nicolette.

I must say that my expectations were very different than what I actually experienced there. After all, I heard stories from my friend about the amount of dogs that would be at the park at different times and all the different breeds that would be there together. I guess I couldn't really imagine all those dogs getting along, so I was somewhat apprehensive about going there, and on top of it bringing my nine year old daughter. Well, what I pictured and expected was a very chaotic, noisy place with dogs running amock, lots of barking, fighting, biting, no control; in my eyes, how else could it be? Well, I'll tell you. I find at Coindre Hall such serenity and being with nature, it's amazing, and I do believe that the dogs being "free" there has most to do with this.

As far as control, I am amazed at the owners who are absolutely responsible for their dogs' actions and behaviors and how well controlled the dogs actually are without being confined by any gates or fences. I love watching the interaction of the dogs together, of the people together, of the dogs and the people together. I don't think I would see it the same way through a fence. The socialization of the dogs themselves just amazes me and now I bring not only my own children but my nieces, my nephews just for the experience.

For me and for my children, being able to attend Coindre Hall is a very comfortable and welcoming experience. The socialization it provides for the dogs, the kids, the people who attend is invaluable. Nicolette, as you can see, is much -- Well, she's much less timid around dogs now and she's much less shy with people.

I can definitely tell you that had the dogs been in a fenced-in area, I never would have felt comfortable entering that area. Not being a dog owner, I would have felt somewhat intimidated by the separation and segregation of it and no way would I have entered. My children and I would have been on the outside looking in. In a confined and gated area, my children would not receive quite the same experience of being welcomed and fitting in which contributes to their socialization. I can tell you that a little girl who was quite timid in general of dogs has come out of her shell and is now in her element amongst the dogs at Coindre Hall and she feels quite comfortable being so.

I can tell you that an adult who would not normally have chosen to attend a park with dogs, let alone unconfined dogs, also feels very comfortable along the dogs at Coindre Hall. This is coming from a person who probably wouldn't have been involved in something like this but the experience prompts me to be an advocate. I personally feel that the dogs at Coindre Hall are confined by the natural borders that exist there already and don't need fences. In addition, not seeing gates or fences only adds, as everyone said, to the natural beauty of such a place like Coindre Hall, which is why I ask you to vote in favor of Legislator Stern's bill, IR 1467. Thank you.

(Applause)

P.O. LINDSAY:

Michael Mascotte? Mascotti?

MR. MARCOTTE:

My name is Michael Marcotte and I'm speaking today --

P.O. LINDSAY:

Marcotte, oh, it's an R.

MR. MARCOTTE:

That happens all the time. I'm speaking today because I've done a tremendous amount of research on unfenced, off-leash areas for the Long Island Dog Owner Group.

Several communities across the United States have found that unfenced, off-leash areas work better for them than fenced areas; there are a few key reasons for this. In many cases, Parks Departments have limited park space for all the residents who want to use it. It has worked better for them to allow the residents to share the park space by creating designated areas for dog owners and other park users who don't have dogs. In some cases, the shared spaces designated by time such as New York City's 9 to 9 rules. Some of Portland, Oregon's parks allow dogs from 5 AM to Midnight, but some parks have set times where other activities take place and the dog owners don't use the park during those areas.

Another reason is cost, especially in the case of those communities that have created very large off-leash areas. In those cases, the money is better spent on other ways to improve the park experience for their residents, yet another reason is that some feel that the chain link fence commonly used when creating a dog park is not exactly the most attractive addition to a park. In those cases, the Parks Departments and municipalities have decided that an off-leash area, in keeping with the natural look of the park, was better for all concerned.

While there are several parks with unfenced, off-leash areas scattered across the United States, I have personally visited Winslow Park a few times which is located right across the sound in Westport, Connecticut. They have allowed dogs off-leash on 17 acres of the 29 acre park for the last nine years. A split-rail fence that dogs could easily cross designates the on-leash and off-leash areas of the park. There are a few openings for people and dogs to enter, but even they don't have gates. There are signs at these openings to let people know they will encounter dogs running free under voice control of their owners and that if they are uncomfortable in the presence of off-leash dogs, they may wish to use other areas of the park.

Winslow Park is a beautiful park and is, in fact, called Westport's most prominent open space. They feel no need to hide dog owners and their dogs away in undesirable areas, as has been done when creating dog parks in some communities, but instead welcome them and, in fact, celebrate that they are there by creating a special page on the Westport Historical Society's website titled "The Life & Times at Winslow Park, Featuring the Dogs of Winslow." On this page, there are charming photos of dogs taken by professional photographers for the exhibit. I found Winslow Park to be a very pleasant place enjoyed by the local residents, whether they were dog owners or not. The different

groups seemed courteous to each other and, in fact, a few mountain bike riders apologized to us for disturbing us and our dogs as they rode by.

Winslow Park has worked well for several years, as have other parks like Point Isabelle in California which has had a shared-use policy at their 21 acre park since 1987. Other uses listed at the East Bay Regional Parks website include bay fishing, jogging, bird watching and kite flying.

If unfenced, off-leash areas can work so well for so many in other locations throughout the United States, it seems likely that it can also work well for the residents of Suffolk County in those few parks where a fence solution is simply not practical. The dog owners here are much like those in other communities; we love our dogs, we love the great outdoors, as do our dogs, and we enjoy sharing in the experience of it with them. We know that by giving them a chance to get enough exercise and the opportunity to be around other dogs and people, that they become well adjusted members of society which makes life better for all the residents of the communities they live in.

I would like to personally thank County Executive Steve Levy and the Legislators of Suffolk County for the wisdom and consideration they have shown to the dog-owning population of Suffolk County in the recent passage of a bill to create five more dog parks within the County. I'm here today to ask that you also see the wisdom in the passage of a bill which will allow the creation of off-leash areas in parks where a fence solution is simply not practical. The passage of this bill will make sure that dog owners in those communities will not be excluded from their parks, but instead have the opportunity to enjoy the great outdoors with their dogs as other dogs owners across this great country of ours already do.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Marcotte. I don't have any other cards on 1467. Anybody else in the audience want to speak on this subject? Seeing none, Legislator Stern?

LEG. STERN:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have --

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

11 **(***AMENDED VOTE*** - 12)** (Not Present: Legislators Schneiderman, Montano, Alden, Kennedy, Mystal & Cooper).

P.O. LINDSAY:

Okay. **Public Hearing on IR 1482 - A Local Law prohibiting sex offenders from residing in close proximity to libraries (Romaine).** And I have one card, Laura Ahearn.

MS. AHEARN:

Good afternoon. According to the U.S. Justice Department, sex offenders have the highest rate of recidivism compared to any other violent felon released into the community. Rapists repeat their offenses at rates of up to 35%; those that target girls, 29%, and those that target boys, 40%.

Further, a study published in the journal *Law and Human Behavior*, 52% of convicted child molesters and 39% of convicted rapists are charged with another sex offense within 25 years of being released

from prison.

Responding to this public safety crisis, the Federal Government established sex offender registration and notification guidelines for all 50 states, better known as Megan's Law. Megan's Law gives us an opportunity to be made aware of the presence of those that have been caught and convicted, and to take necessary precautions and educate ourselves and our children about prevention.

One of the unintended effects of Megan's Law is that when sex offender notifications were implemented in communities, we started to become aware that registered offenders were selecting locations to reside that gave them ongoing daily eyeshot contact with potential victims directly across the street from day care centers, directly across the street from parks, right next door to elementary, middle and high schools.

In March of 2002, Legislator Caracappa responded to his community when a registered sex offender moved in across the street from an elementary school. He introduced and passed legislation that was the County's first attempt to restrict where sex offenders who were on Social Services could reside. After a number of communities across Suffolk reported sex offenders moving into locations where children were very close by, Legislator Cooper, in January of '06, introduced and this Legislature passed the County's first residency restriction law, which prevents all registered offenders from residing within a quarter mile of the property line of any school, but not limited to any public or private nursery, elementary, middle or high school, licensed day-care center or playground.

Residency restriction laws are not going to eliminate sexual victimization, but they will reduce the potential by limiting a sexual predator's ability to have direct daily and ongoing contact with potential victims.

Further, our Residency Restriction Law provides statutory guidance to the community and to sex offenders as to what the boundaries are. After passage of both Nassau and Suffolk's residency restriction laws, law enforcement mapped out the areas which would be off limits to registered offenders and provided a visual depiction of the no resident zones. In keeping with the resident -- the legislative intent, there were many restricted zones and are.

I have spoken with Legislator Romaine about his proposal to expand the residency restriction zones in Suffolk to include libraries. There are approximately 64, according to Suffolk County Library System today when we polled them, but we would have to verify. I see you shaking your head, so that might not be accurate.

I have also spoken with Legislator Schneiderman today regarding his Introductory Resolution 1542, to expand the residency restriction areas to include senior housing sites, which include any nursing home, adult home, assisted living facility, retirement community or other housing development with ten or more units of housing. Just in Brookhaven, Babylon, Huntington, Islip and Smithtown, the Towns reported a total of 225 facilities that fit within that definition, but that doesn't include Section 8. So it's -- we called just -- it was introduced today. We called just to get a general number, but that's a very broad definition for senior housing.

Measures to protect our most vulnerable must be our top priority, and we must be extremely cautious to avoid the creation of what are known as exclusion zones. These will lead to the overturning of residency restriction laws.

In 2005, the City of Binghamton passed a residency restriction law that was so exclusionary that after briefs were filed in Federal Court, the City was forced to repeal their law before an argument was even heard. That left the community with no additional protections and lawmakers scrambling for alternatives.

Before we can support the expansion of our existing Residency Restriction Law, we would like to see what the potential impact to the existing law would be. We need more information. And before this committee makes a decision that could potentially lead to the overturning of our Residency Restriction Law, I would only ask that law enforcement provide this committee a map of the residency restriction zones as they exist now, and how they would be affected if libraries were added, so that we can all make sound decisions and recommendations that are based on fact.

D.P.O. VILORIA-FISHER:

Can I just ask her something?

P.O. LINDSAY:

Yeah. Laura, Legislator Viloría-Fisher --

D.P.O. VILORIA-FISHER:

Laura, you just read my mind, because I was going to ask questions about mapping and actually creating de facto exclusionary zone by having too many of these areas. Are there any kind of overlay maps showing where right now there are exclusions as to where sex offenders could live, and would we be able to overlap that with where the libraries are? Do we have something existing now that shows that?

MS. AHEARN:

Well, law enforcement -- when the Residency Restriction Laws were passed both in Nassau and Suffolk, law enforcement provided a visual depiction of the exclusionary zones that exist now, in other words, the residency restriction zones. So they mapped out all of the areas in the law and they went the quarter mile, so you could visually see through GIS mapping.

D.P.O. VILORIA-FISHER:

Okay. I thought I saw that somewhere. Okay.

MS. AHEARN:

And they could -- and that would -- that would have to be, you know, a question for law enforcement, but if they were able to already map out those zones, I'm sure it would take additional resources and labor for them to input all these additional potential zones.

D.P.O. VILORIA-FISHER:

With the radius around them, right?

MS. AHEARN:

Exactly. And that's what I feel we have to do. More than anything, I'm an advocate for child victims, and I want to ensure that sex offenders don't have access to potential victims.

D.P.O. VILORIA-FISHER:

Right.

MS. AHEARN:

But I also want to ensure that the existing Residency Restriction Law that we have right now is not going to be compromised, and I'm not even sure that once we fully mapped it out it's going to be that visually obvious if there are, but making a decision beforehand just seems to me that it's wrong-headed.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Laura. It's very logical.

P.O. LINDSAY:

Laura, Legislator Romaine has a question of you as well.

LEG. ROMAINE:

First of all, I'd like to commend you for your efforts against sex offenders who prey on our communities. And obviously, it would have been good to have this mapped before we decided to protect schools, but I guess there was an overriding feeling amongst our 18 Legislators to protect children, and no map, no matter how many, how exclusionary it was, would have prevented, I dare say, 18 Legislators here, or most of the 18, from saying, "Let's protect our children."

Now, once you go beyond schools, or playgrounds and parks, and you think where do children go, where do I find a great deal of children weekends, late afternoons, and libraries become a point of contention. And we find more and more that libraries are afflicted by people hanging out there, adults, who have no reason, who are not patrons of that library, just hanging out there.

This is as precautionary a piece of legislation as schools or playgrounds would be. It is to protect our children. And I dare say, looking at the schools, we had one County official actually get up and say at a public meeting that, my God, you know, we're getting the -- we have trailers now for homeless sex offenders who have been released from prison, that they're actually out east, because east end Legislators voted restrictions on the schools, and because schools are so close together in the west end, that's why they're out in the east end. I couldn't believe that statement, but that actually was made by a County official at a Town meeting in Riverhead.

The purpose of this legislation is the same purpose of the legislation for schools and for parks, and that's to provide a measure of protection for our children. And no matter how many exclusionary it may be, we should have considered that when we looked at schools, but we didn't, because we had another objective in mind, and it's that same objective that drives me to introduce this bill.

But I thank you, because I know you've been a vigilant advocate of people who are preyed on by sex offenders. Thank you.

P.O. LINDSAY:

Did you ask a question?

MS. AHEARN:

Yeah, I was waiting for the question, but I don't --

LEG. ROMAINE:

Question is --

MS. AHEARN:

I don't disagree with you, Legislator Romaine.

LEG. ROMAINE:

Right.

MS. AHEARN:

But what I would add is that we worked very hard to put into place every single law that is out there to protect our most vulnerable, and we also have to work just as hard and be just as vigilant to protect those laws. So, initially, Residency Restriction Laws started across the nation, down South, and then across on the West Coast of the United States, but they were limited in the zones. And in Iowa, and I think we would leave that up to our Counsel here to talk about the situation with Iowa with the exclusionary zones, but it was made very clear in very succinct language that if you create an exclusionary zone, the law will be challenged. And in Binghamton, it was repealed even before they could put it into place. And I don't want to put this Legislature at risk, and I don't want to put the laws at risk. We have to make sound decisions.

I don't disagree with you, I think libraries are a site where children are frequenting. What I would add is that, typically, libraries, parents will accompany their children, the younger children

especially, to libraries, so the level of vulnerability compared to a child walking home from school is a little different, but the fact that there is a vulnerability is why we have to consider it. And I don't disagree, a library could be part of a restriction zone, but we have to do it responsibly.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Laura, you used the word protecting the most vulnerable, and the bills that we've passed so far have all affected children, whether it's a school, or playground, or a day care center. And as I look through the Criminal Justice work page at some of the sex offenders in the area, and there obviously are a large number of pedophiles, but there's also an alarming number of people whose victims were senior citizens. And I know we had passed a bill requiring the screening of employees at nursing facilities.

And you had mentioned, I guess in passing another bill, which is being laid on the table today that has to do with sex offenders residing in close proximity to seniors or large groups of seniors, nursing homes, assisted living type of facilities, and you have to remember that they are vulnerable, too. And when you say protecting the vulnerable, we have not yet extended these protections to that group of individuals, and I think it's something worth -- at least worthy of consideration.

MS. AHEARN:

Absolutely. And that's why I included that in there, because the mapping then, the initiative to map out Legislator Romaine's libraries should also, if you put this on the table, should also -- instead of law enforcement going back a second time, maybe what they need to do is include the senior facilities as you've defined them in the policy.

But what I would also add, too, is that Legislator Lindsay and Legislator Stern took the initiative when we did have a senior citizen who was a great risk. We had a sex offender in Legislator Mystal's district who was residing in a nursing home. And the legislation that you're talking about screening, the primary Legislative intent for that policy was that we wanted to ensure if a sex offender moved into a nursing facility that the entire facility, residents and next of kin would be notified, because none of them were being notified. So, of course, seniors are a vulnerable population, as are women and as are men. But what we're trying to do here is map it out, not to exclude these people or these populations, but to include them if it's not going to overturn the Residency Restriction Law. I don't disagree with you, they are a vulnerable population, but we have to see how far we can push it.

LEG. SCHNEIDERMAN:

I certainly don't want to undermine the law we've already passed, I think that's a very important law, but the facts underground are that a trailer filled with homeless Level 2 and 3 sex offenders appeared one day in my district within a couple of hundred feet of 180-plus units of senior housing, and not only the seniors, but also the grandchildren, you know, lots of kids running around at this facility. It's also very close to a nursing home as well and --

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

-- you know, I think we need to think --

P.O. LINDSAY:

We're not taking testimony on that bill.

LEG. SCHNEIDERMAN:

I just wanted to hear your comments.

P.O. LINDSAY:

You did.

LEG. SCHNEIDERMAN:

So did you have any other thoughts on that?

P.O. LINDSAY:

You did.

LEG. SCHNEIDERMAN:

Thank you. Thank you.

MS. AHEARN:

On the Correctional Facility?

LEG. SCHNEIDERMAN:

No. I'm making a comment and trying to --

MS. AHEARN:

Well, I have to -- I'll be quite frank.

P.O. LINDSAY:

He wants --

LEG. SCHNEIDERMAN:

The Presiding Officer -- you don't have to -- you don't have to respond.

P.O. LINDSAY:

He wants comments on the senior citizen component, which is a different bill.

LEG. SCHNEIDERMAN:

That's okay. I think you've already commented. I just wanted to make that point, Laura, that's all.

Thank you, Mr. Presiding Officer.

MS. AHEARN:

Thank you.

P.O. LINDSAY:

Thank you very much.

MS. AHEARN:

Sure.

P.O. LINDSAY:

Thank you very much. Is there anyone else that would like to speak on 1480 -- 1483? Yes, Mr. Zwirn.

MR. ZWIRN:

If I might, Mr. Chairman. Thank you. We would agree with a lot of the comments that Laura Ahearn just stated and caution the Legislature, as you move forward with these exclusionary zones, I mean, nobody wants to have the obligation of having to house, you know, sex offenders who are homeless in the County anywhere. But the County Executive has responded to the exclusionary zones that the Legislature has set and we have finally arrived at a location within the grounds of the correctional facility in Riverhead, it is inside the guard post, in the parking lot; I'm not sure if Legislature Romaine's bill is trying to aim to specifically remove that.

LEG. ROMAINE:

Nope.

MR. ZWIRN:

And Legislator Romaine, for the record, has stated no. Because we have done a mapping of that area and it comes -- it does not come within the --

LEG. ROMAINE:

We have other things.

MR. ZWIRN:

But there may be other bills coming along the way that will try to get them out of the correctional facility at Riverhead. And we would just caution you that if that happens, the County Executive will follow the lead of the Legislature and look for other locations around the County to try to find a suitable place to put these people.

And the comments that Legislator Romaine meant -- what he stated was that a public official from the County stated that -- paraphrased something that I said, not only at Westhampton Beach, the residents there, but also in Riverhead, that if the County Legislature hadn't passed certain of these bills, we wouldn't be here today. And I said it was with all good intent to keep them away from schools, but we weren't here a year ago, we weren't having this debate a year ago because these homeless sex offenders were in someone else's community until bills were passed so we were here today now discussing the location that they were at that time, and that's simply the facts.

We think we have found a suitable location. There are Deputy Sheriffs there, there are CO's. So we would just caution you and try to get this bill recessed so that we don't have to go out again and start another search and make people in other comments crazy and having these discussions over and over again; we think we found a good, suitable location.

P.O. LINDSAY:

Thank you, Mr. Zwirn. Legislator Losquadro has a question.

LEG. SCHNEIDERMAN:

Can I ask a question?

LEG. LOSQUADRO:

Yeah, Mr. Zwirn?

LEG. SCHNEIDERMAN:

Don't go away.

LEG. LOSQUADRO:

As soon as you mentioned that, I had a question for you. Since those individuals are being housed on the grounds of the correctional facility, who provides security.

MR. ZWIRN:

There's a private security firm, in addition the Deputy Sheriffs are there at all times and Correction Officers are on the premises. But specifically, there are two security guards assigned to the trailer, and generally there's never more than one or two of these individuals, if they're there at all, so it's usually almost one on one. But they've got a private security that has been hired by DSS to watch them.

LEG. LOSQUADRO:

DSS wouldn't utilize our own law enforcement staff, Corrections or Deputy Sheriffs?

MR. ZWIRN:

They -- first of all, it doesn't seem to be necessary. If they need, the Deputy Sheriffs are there 24/7, so if they have an incident they are there. Also, the Town of South --

LEG. LOSQUADRO:

No, I'm not saying that they -- whether or not they needed assistance, but if this is on the grounds of that facility, you know, I don't know, is there any contractual obligation there?

MR. ZWIRN:

Not that we're aware of, no.

LEG. LOSQUADRO:

Okay.

MR. ZWIRN:

And let me just state, when they stayed at the Westhampton Beach trailer which was also in Legislator Schneiderman's district, the Town of Southampton Police said in Riverhead, the night we had a meeting in Riverhead, the residents there had stated that they never had an incident at all while they were there with the private security guards. There was incident where they had to take somebody who had a diabetic attack and they had to take them somewhere to get a candy bar, that was the most serious incident.

LEG. LOSQUADRO:

We always prescribe to the "hope for the best, plan for the worst."

MR. ZWIRN:

Right.

P.O. LINDSAY:

We're getting far adrift of the bill.

LEG. SCHNEIDERMAN:

Don't go anywhere, Ben, I have questions.

P.O. LINDSAY:

On the bill.

D.P.O. VILORIA-FISHER:

On the library bill.

P.O. LINDSAY:

On the library bill.

LEG. SCHNEIDERMAN:

It actually has to do with -- I have a question about the comments Mr. Zwirn just made about the sex offender trailer at the Correctional Facility.

P.O. LINDSAY:

I know, guys, but I must have another 20 cards yet and we still -- we have just touched the agenda. You want to keep it going, keep it going; go ahead.

LEG. SCHNEIDERMAN:

Briefly. Mr. Zwirn, you spoke with some finality of the site at the Correctional Facility in Riverhead -- which I guess technically is Southampton, but within my district -- that's the first I've heard that this is going to be a permanent site for homeless sex offenders. My understanding was that you were looking at other sites and there would be some kind of rotation of these individuals.

And I also wanted to add to that, the site in Westhampton that I mentioned that's right next to the senior housing facility, are you removing that trailer or is your intention to use that as an overflow for sex offenders? Because I --

MR. ZWIRN:

No, as I stated that night --

LEG. SCHNEIDERMAN:

I think it's a very inappropriate site.

MR. ZWIRN:

As I stated in Westhampton Beach that night and as I stated in Riverhead, that trailer will remain there in the event that it's needed. But for the most part, they will be kept at the Correctional Facility in Riverhead.

LEG. SCHNEIDERMAN:

And other sites are not being looked at, at this point?

MR. ZWIRN:

I'm not aware that they are at this particular time.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Okay, I do not have any other carts on 482. Is there anyone in the audience that would like to speak on 1482? Seeing none --

LEG. ROMAINE:

Motion to close, please.

P.O. LINDSAY:

Motion to close by Legislator Romaine.

LEG. COOPER:

Mr. Chair, I'd like to make a motion, if I could, to reopen the Public Hearing on IR 1409.

P.O. LINDSAY:

Well, wait a minute. Could I just finish with 1482 first before I get any new motions? Do we have a second --

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

-- to close on that? You don't want to recess this with Legislator --

LEG. ROMAINE:

No, I want to close it.

P.O. LINDSAY:

Okay. We have a motion to close. Is there a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. Oh, gotcha; that's 17 (Not Present: Legislator Barraga).

P.O. LINDSAY:

Legislator Cooper, now is -- you know, did you --

LEG. COOPER:

Yes, I'm sorry. I'd like to make a motion at the request of the sponsor to reopen the Public Hearing on IR 1040 -- 1409 with the purpose of closing the public hearing; it was recessed.

P.O. LINDSAY:

Okay. So we have a motion to reconsider on 1409; they just want to close it.

LEG. EDDINGTON:

Second.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

And there's a second by Legislator Eddington?

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Okay. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I was going to ask Counsel earlier, but seeing as it was recessed I felt it best to hold my question. I was advised that a component was added to this regarding privacy and disclosure of the information that was going to be collected; could you comment on that?

MR. NOLAN:

I don't know if that language is added, I haven't -- the most up-to-date version I have is as of 4/30, so I don't know if it's been amended.

P.O. LINDSAY:

Legislator Losquadro, all we're doing is closing for further public comment and --

LEG. LOSQUADRO:

I don't know if that change would be substantive enough that it would require a different public hearing and I don't want to delay this any more than it has to.

P.O. LINDSAY:

Do you know, Mr. Sabatino, if that component is in a revised bill?

MR. SABATINO:

Mr. Chairman, Section 5 of the bill was changed and filed yesterday in anticipation of closing this hearing. It's very simple language, it just basically states that the information that is accessed would remain confidential, it's really just one sentence. So the confidentiality clause has been incorporated in Section 5.

LEG. LOSQUADRO:

Okay. My concern was that these dealers would be able to, you know, sell this information to marketers or things of that nature, as unfortunately many people do. So if that's been added, that's fine.

P.O. LINDSAY:

Okay. So we have a motion. Do we --

MR. LAUBE:

You didn't call the vote to reconsider yet.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Barraga).

P.O. LINDSAY:

Okay, 1409 is back before us.

Public Hearing on IR 1409 - A Local Law establishing crime prevention requirements for scrap metal processors (County Executive). Do I hear a motion?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Eddington.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Barraga).

P.O. LINDSAY:

Okay, 1409 is closed.

Public Hearing on IR 1501-07 - 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 (County Executive). I have no cards on this issue. Is there anyone in the audience who would like to speak on this issue? Mr. Sabatino, you want to speak on this issue?

MR. SABATINO:

Yes, Mr. Chairman. The Public Hearing should be recessed because there are some changes that have to be made, there were one or two mistakes that were in the earlier version.

LEG. ALDEN:
Motion to recess.

D.P.O. VILORIA-FISHER:
Motion to -- oh.

P.O. LINDSAY:
Motion to recess by Legislator Alden, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
17 (Not Present: Legislator Kennedy).

P.O. LINDSAY:
Public Hearing on IR 1503-07 - A Local Law to prohibit text messaging while driving (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman, what would you --

LEG. SCHNEIDERMAN:
Motion to close.

P.O. LINDSAY:
Motion to close. Do we have a second?

LEG. ALDEN:
Second.

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

MR. LAUBE:
17 (Not Present: Legislator Kennedy).

(*The following was taken by Lucia Braaten & Transcribed by Alison Mahoney - Court Stenographers*)

P.O. LINDSAY:
Public Hearing on IR 1510 - A Local Law to establish a Prompt Payment Policy, and I have 13 cards. Debra Allonus?

MS. ALLONCIUS:
Good afternoon, Chairman Lindsay and members of the Legislature. I do support the IR 1510 only in the aspect that the people are being -- our day-care providers are being harmed. We are in a very crux situation in the County with meeting our TNAF expectations and day care is an integral part of this program. If we lose too many of these providers, it's going to have a direct impact on our capability of meeting the participation requirements, and I just wanted to bring that to the forefront so that everybody was aware of that. Thank you. Have a good day.

P.O. LINDSAY:
You're welcome. Thank you for your brevity.

LEG. MYSTAL:
Thank you.

P.O. LINDSAY:
Tatyana Reyes; and I'm sorry, I was having trouble making out the first name, if I mispronounced it.

And on deck we have Edna Guarino, so if Edna, you could get ready to talk. Go ahead.

MS. REYES:

Good afternoon. My name is Tatyana Reyes, I'm the owner of two group family day-care providers serving Suffolk County and I have another one in Nassau County at the present time. I'm serving about ten families with 12 children, each facility there -- ten of them on each facility are DSS providers, they are backlogged in about five to six months, I have been losing my stuff. Gratefully and thankfully to DSS, I am serving many of kids, probably of many of the secretaries that work for you or any other places. I wonder how many of you will feel changing your secretary or your stuff every month due to no payment, not even just because you -- you want them and you need them, but you can't pay them. Well, that's the situation that we're going through right now, changing our assistants because we just can't afford them, and not because we don't want to have them but just simply because we're not getting paid.

Besides that, it's been five months since I didn't have a payment, my house went into foreclosure. I wonder how many came and said to me, "You know what, we will stop it"; nobody did. Now, I was paid five months, then we went back to 45 days, it's never -- we never get a letter saying, "You know what, we are running behind 30 days, 40 days, two months," we never know when we're going to get paid. Yet those parents know that we're there serving those children and that if every house or every group family day-care or center was to close, then many of those families could not go to work and most of them then will go to shelters and then, of course, DSS will have the money to pay for it, and that won't be a choice.

Also, as a landlord, I have one of my tenants who is on DSS, I have no problems getting paid in the beginning of the month, but yet with child care it could go five -- four and five months without getting any payment.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Ms. Reyes, thank you for coming here today. How delayed are your payments right now; did they get them down to 45 days?

MS. REYES:

My -- I'm still waiting for March payment.

D.P.O. VILORIA-FISHER:

Okay, that's a lot more than 45 days. And do you have a contract with the County?

MS. REYES:

Yes, I'm contracted with the County, this is my third year.

D.P.O. VILORIA-FISHER:

Okay, you are contracted. Okay, and you say your house was foreclosed, that's because you had to borrow against your house in order to meet your payroll?

MS. REYES:

Correct. And right now I'm pending on the actual foreclosure date because they ruled, when they actually got my payment back, they said, "Okay, you are in a -- " it's a five month period that they put you, if you make your payments on time then you go back to a contract. Well, right now, I just went back to a ten day back because I have not received the payment that supposedly, by Mr. Levy, we're going to be receiving at least every 30 days. Since he announced that we were going to be receiving it, at least 30 days, I've got a lot of people calling me and saying, "Oh, well, now you

received your payment correctly," let's say CDA which is an agency that lent us money --

D.P.O. VILORIA-FISHER:

When you say that County Executive Levy said you were going to be receive it in 30 days, you mean at a press conference or something or a letter?

MS. REYES:

We were -- no, Ms. Edna called {Foreale} and she had a meeting with him where he mentioned he had hired staff to meet our needs so DSS could cut our checks and he's saying that he did hire one supervisor position and after that then another position in it, but you guys have incremented at about 20% and yet you keep losing the staff and that staff is not being replaced.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Ms. Reyes, and we'll keep the conversation going. Thank you.

P.O. LINDSAY:

Thank you.

MS. REYES:

Thank you very much.

P.O. LINDSAY:

Legislator Romaine, did you have a question of that speaker? Too late.

LEG. ROMAINE:

Too late, I'll just make a gratuitous comment then and --

*(*Laughter From Legislators*)*

P.O. LINDSAY:

I asked if you had a question.

LEG. ROMAINE:

-- just compliment the author. I do not like to see the County of Suffolk labeled as a deadbeat County. I know if I don't pay my bills and if this lady doesn't pay her bills on time, there are consequences and there really needs to be consequences for Suffolk County to pay its bills on time. We should have a system to pay legitimate bills in a timely fashion.

D.P.O. VILORIA-FISHER:

I'll welcome cosponsors.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I'm a cosponsor, I already indicated to the Clerk.

P.O. LINDSAY:

Edna Guarino. Edna? And Brigitte DeBaere is on deck.

MS. GUARINO:

Good afternoon. I'd first like to ask, I did e-mail all of you a copy of the letter that I did not feel that I could address here properly in five to ten minutes, I just wanted to find out --

P.O. LINDSAY:

We got it, we got it.

MS. GUARINO:

Thank you. Then I'll make this very brief, this is just a short follow-up.

D.P.O. VILORIA-FISHER:

Edna, can you pull the mike down a little bit, it's hard to hear you. Thank you.

MS. GUARINO:

Out of the two supervisors that have vacated their positions in the accounting unit, one was in charge of six permanent positions and five temps; that was just one unit of the accounting unit; she dealt mostly with welfare items such as HEAP payments, rent payments, etcetera. She did vouchers manually when mistakes were made. The other supervisor was her supervisor who supervised her unit as well as the day-care unit; out of these two positions, one was signed-off on in June.

I spoke with Ms. Clark in the accounting -- she's in management. I spoke to her -- today is -- I spoke to her yesterday, and she told me that she was -- that one position had been signed-off on, the other as of yesterday was not signed-off on, she is not sure which supervisor was signed-off on or where she's going to be able to place her. I find this absolutely appalling. These positions were vacated in April, there is absolutely no excuse knowing what these families are going through, to have to put them through more by not having signed them. The monies are in this budget. Those positions must be filled, they have to be filled. If we don't get these people paid, you're not going to have day-care, we're shutting down. And that's all I have to say. Thank you very much.

LEG. ROMAINE:

A couple of questions.

P.O. LINDSAY:

Hold on, Edna, Legislator Romaine has a question for you.

LEG. ROMAINE:

Is it your contention that the County is not paying its bills on time because there are vacancies, budgeted vacancies for which we pay taxes for that are left vacant; is that your contention?

MS. GUARINO:

Yes, it is. In January, I submitted my payment, I should have had my January payment of 2005 in the month of -- the end of February, the very beginning of the month of March. When I did not receive my check, I called the accounting unit, I spoke with Mr. Moore and he told me the reason our checks were coming in late was he had lost 20% of his account personnel, okay, his Account Clerks. These are the ones who -- if you'll bear with me for a moment, I will -- they could make copies of these if you would like. The only thing I had to do was cross out the names of the last names of the children to protect their confidentiality.

LEG. ROMAINE:

Well, I'm sure --

MS. GUARINO:

This is my attendance sheet.

LEG. ROMAINE:

-- you can e-mail that, I saw an e-mail that you had sent earlier. It's my understanding that you're contending that one of the possible reasons that day-care providers are not paid in a timely fashion, despite the fact they're legitimate providers, is the fact of the lack of staffing vacancies, vacancies that are fully funded.

MS. GUARINO:

Yes.

LEG. ROMAINE:

Fully budgeted that we're paying taxes for that are not filled in a timely fashion.

MS. GUARINO:

Yes, since 2005.

LEG. ROMAINE:

If this continues, if the progress of late payments continue to day-care providers, what is the potential impact, particularly for poor families that depend on day-care providers to care for their children as they seek employment?

MS. GUARINO:

They're not going to have day-care, because no one is going to continue to lose their homes. We're not going to continue to have to call our creditors and beg them, "Please, don't do anymore damage to us than you've already done." It is so deplorable.

LEG. ROMAINE:

I know --

MS. GUARINO:

I don't even believe I live in this County anymore.

LEG. ROMAINE:

I know if I pay a bill late or a credit card bill late, there's a penalty or interest.

MS. GUARINO:

Interest rates, you -- it's not just interest.

LEG. ROMAINE:

Right. Does the County -- is the County saying when we pay late we'll give you a -- you know, we'll impose a penalty on ourselves and we'll give you -- because that's lost interest to you?

MS. GUARINO:

No. Not only do we not --

LEG. ROMAINE:

They're not offering that.

MS. GUARINO:

No, they don't offer anything. We're lucky to get our checks, that's how I feel at this point, that's how I feel. It's a disgrace. I've serviced this County for over 30 years and I have seen nothing like it in the past two years. It has destroyed day-care. You're not going to have day-care and it's not going to be a strike, it's not going to be anything, you're just going to not have it.

P.O. LINDSAY:

Okay, Edna.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Edna, I'm going to be asking this question of each person. How long is the delay in your payments,

what is the longest delayed receipt that you have?

MS. GUARINO:

I hand carry -- mine might be a little bit different because I hand carry my check to the accounting so that it doesn't hold it up any longer than is necessary. So it would be like using this new computer system they're bringing in that they don't have the personnel to implement. So mine is -- they had it down to 44 days, my last check that I received, I'm still waiting for March's check. I was told they have gone up in days, they're at 45 now. And because they --

D.P.O. VILORIA-FISHER:

But if you're waiting for March's check, then that's more than 45 days.

MS. GUARINO:

Yes, it is, definitely.

D.P.O. VILORIA-FISHER:

Okay, so you're waiting for a check for March.

MS. GUARINO:

Excuse me, no; April's check, I'm sorry.

D.P.O. VILORIA-FISHER:

May, June. So it's about 60 days.

MS. GUARINO:

Right.

D.P.O. VILORIA-FISHER:

Okay, thank you.

P.O. LINDSAY:

Thank you. Brigitte DeBaere, and Lou Liguori is on deck.

D.P.O. VILORIA-FISHER:

Liguori.

P.O. LINDSAY:

Liguori.

MS. DeBAERE:

Hello. Brigitte DeBaere, Associate Director of Rainbow Chimes in Huntington. And I'd like to thank you for allowing me to address you today on this important topic that greatly affects our child care industry in Suffolk County. I'm here to discuss the DSS subsidies late payment issue.

The County's perpetual delayed payment history in this matter has caused our agency extreme hardship and has the potential to put us out of business. We depend on the prompt receipt of these funds to effectively run our programs. These monies are used to ensure the well-being and safety of our children, they are used for such basic needs as food and heat in the winter and air-conditioning in the summer. We need these funds to pay our teachers as well. In fact, we've had to hold up our payroll on more than one occasion. We've even had trouble paying our payroll taxes for which we were penalized with severe penalties and interests. We have had visits from LIPA at our door on more than one occasion and KeySpan has even turned off our gas.

We are in collection status on some of our bills and we are in danger of being delinquent on more than one of our loans. Our Executive Director, Kathleen Roach who's not able to be here today, has even gone into personal debt in order to lend the center funds to pay our bills.

When the County was paying us on a 60 day schedule, we were at serious risk of going under, we could not survive. At 45 days, we were glad to see that it's going in the right direction, but working with such a tight budget, at least we can meet our minimum payments on our bills, but there's no way that we can ever -- ever --

LEG. ROMAINE:

Catch up.

MS. DeBAERE:

-- catch up on any or if there's any unforeseen expenses, there's no way that we could cover that. At this time, approximately 53% of our families currently have a contract with DSS; that number translates into approximately 73 children and we project a total of 83 DSS subsidized children when we begin our summer program. And I would be extremely disheartened if we were forced to disenroll our DSS children due to the County's late payments. And it would be a disastrous and unconscionable situation for these families and our community if we had to -- if we and other day cares in this County were no longer able to afford keeping DSS children on our roster.

I realize that the Department of Social Services had made some attempts to rectify the situation, sometimes we've even had personal visits with a payment, but we -- and of course we are grateful for this. But we're asking that all day-care centers, whether they be home care, family-based or center-based, be paid in a timely manner. We're asking that the Legislature ensures that the County meets its obligation by passing the day -- the prompt payment law.

And in response to Legislature -- Legislator Romaine; what happens to children that are -- that do leave our center because we can't afford them? They'll go into unlicensed care, care that's not supervised by the State, that's not regulated, that's not visited by the Department of Health, that's not a quality -- there's no quality program going on, and that's the fate that awaits children that -- and also, if it's not -- if it's not unlicensed care, then it's care by family members, two days at grandma's house, two days at Aunt Becky's house, etcetera.

So we're just trying to maintain the standards that we're very proud of, that we have a very good day-care system in Suffolk County and if it works, it's a real plus and benefit to our community. Thank you.

P.O. LINDSAY:

Brigitte, wait, before you go, Legislator Kennedy has a question for you.

LEG. KENNEDY:

Hi. How are you?

MS. DeBAERE:

Good.

LEG. KENNEDY:

Good. You may have mentioned this already, I apologize, I was out of the room. How many children do you serve over there at Rainbow Chimes?

MS. DeBAERE:

Right now we're about 135.

LEG. KENNEDY:

About 135 kids?

MS. DeBAERE:

Yeah.

LEG. KENNEDY:

And you span from what; do you have any infant slots or --

MS. DeBAERE:

We have 24 infant slots, infant being six weeks to 18 months.

LEG. KENNEDY:

Okay. And you do go all the way up to -- do you have kindergarten certification or --

MS. DeBAERE:

We have our preschool. And then we don't have actual kindergarten right now, we used to, it's a program that we used to have, but we do have before and after school care. So our children, in essence, range from six weeks all the way up until 12.

LEG. KENNEDY:

Wow. And so you probably start at, what, six, 6:30 in the morning and run until around six at night?

MS. DeBAERE:

Six to seven.

LEG. KENNEDY:

Six to seven, 6 AM to 7 PM.

MS. DeBAERE:

Six in the morning to 7PM, that's right.

LEG. KENNEDY:

Tell me a little bit about what's going on with the payment stuff at this point.

D.P.O. VILORIA-FISHER:

She just did.

LEG. KENNEDY:

How much better? Well, okay, so then let me cut to the chase.

MS. DeBAERE:

It's gotten better, it's gone from --

P.O. LINDSAY:

She's already testified that the payments are at least 45 days behind schedule, John.

MS. DeBAERE:

It's gotten better. I think it went down to about 41, but it's now up to again 45. So it had gone down significantly from the 60 day for us, but it's starting to creep it's way back up and that's something that we want to prevent.

LEG. KENNEDY:

Have you had any interaction with the department, Brigitte?

MS. DeBAERE:

Myself personally?

LEG. KENNEDY:

Well, is somebody from the department working with you as far as trying to improve the payment?

MS. DeBAERE:

I know David Moore has visited our site and he as well indicated to us that it's a lack of staff in his office that is --

LEG. KENNEDY:

He's got a lack of staff in his office and that's why you're not getting paid, okay. Did you get your Federal tax lien resolved yet?

MS. DeBAERE:

Yes, Kathleen Roach had to get a personal loan to cover that.

LEG. KENNEDY:

I'm sorry, say again?

MS. DeBAERE:

Kathleen Roach had to --

D.P.O. VILORIA-FISHER:

The Director, Kathy Roach had to get a personal loan.

MS. DeBAERE:

Yes.

LEG. KENNEDY:

A personal loan in order to take care of the tax lien due to the fact that we weren't paying on time. Okay, thank you.

MS. DeBAERE:

Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Just very quickly, Brigitte, because the question I was going to ask was about the IRS penalties. Do you know what percentage you had to pay on those penalties?

MS. DeBAERE:

I'm not aware of that information, that's something I --

D.P.O. VILORIA-FISHER:

Okay, Kathy mentioned that at the Health Committee meeting.

MS. DeBAERE:

Yeah, she would -- Kathleen Roach would know that, she's indisposed.

D.P.O. VILORIA-FISHER:

Okay, but there were indeed penalties --

MS. DeBAERE:

Yes, there were penalties.

D.P.O. VILORIA-FISHER:

-- that had to be paid on that back payment of taxes and on -- and there was interest.

MS. DeBAERE:

Yes, yes.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Brigitte.

MS. DeBAERE:

Thank you.

P.O. LINDSAY:

Lou Liguori, and then on deck is Sister Margaret Kraici.

MR. LIGUORI:

Good afternoon. My name is Lou Liguori, I'm from Tutor Time in Medford and Middle Island; most of you probably know my wife Kathy Liguori who is also my business partner.

I'd like to also commend many of you over the course of the months have visited our establishment over the past couple of months to see what our Tutor Time is about, and I'm sure from the responses that we've impressed most of you upon your visits with that. I'm also, as you may know, our schools are in a geographic location where our demographics require us, or just by the demographics alone, warrants us to have DSS families in our program just by default, to the degree of one of our schools has 60% DSS, the other school has 28% in there. And every year we do our business plan with our staff, with the state of the company, state of our business, and unfortunately one item that we need to always talk about is the DSS enrollment that we have in our schools, and it's because -- because we have to bring it up as a subject, the payment practices of having those families in our system is what we're always faced every year, year after year. And I'd have to say, over the past two years it has just gotten completely out of hand and it has -- always causes us to make that decision whether or not to care for these families in our program.

And to be honest with you, me and my business -- my people in my centers, and I'm sure most of these child care providers here, shelter those families that we take in for care. We shelter them from the practices that we're engaged with with the County. We do not divulge and talk to them at all about, you know, us not receiving payment for the care that we're providing to them and, I mean, it would be probably flabbergasted to hear some of the things that are going on there. It's unfortunate, again, that we have to sit, as business owners for child care centers, that we have to talk about whether or not we should care for these children. We would prefer to care for these children as individuals and provide educational systems for them, but the way this is all set up, it's causing us to make some decisions year after year whether or not to care for them.

One of the things that after further investigations, and I've written some grants for our schools in the past for some fundings for some playground equipment and things like that, and I found that the State or these State grants, they're -- you know, they have a Prompt Payment Law; I mean, it's fully disclosed in these grants that they're obligated to pay these grants within 30 days. And that's kind of like, you know, where it sparked for us to say, "Well, why isn't the County doing their part?"

One step further with it is that we're only finding -- we found out that the money that we're receiving for these services is TNAF funds which is money from the State, this is pass-through money that the County gets from the State to pass it along to the providers, so this is not even the County's money. And again, we raise the question, what are we doing with the money? And I know that my wife and other associates that have been working on this to try and get one of these bills like this passed, you know, they're getting caught up in, you know, the County and Janet DeMarzo and her people are having these difficulties on paying these bills on time and not providing proper staffing. And to be honest with you, we have our businesses that we need to run, and I commend all the people that have come to these meetings since the beginning of the year, my wife included

and Edna and all these other people that have been fighting and battling for this commonsense bill to be passed and to be followed through on. Because it's apparent that if something like this is not passed, the County is not going to be accountable and not going to hold themselves accountable to pay promptly.

Along with that, I mean some of the -- you're going to hear it from people who have really, really hardship cases and we're fortunate that we don't have those extreme hardship cases but, you know, we do endure anywhere between 700 to \$1,100 a month in credit lines to basically float ourselves notes to pay our expenses on time in lieu of waiting for the County money for the care of the children that we've provided. We also do not receive and last year we did not receive advertising benefits from our corporate office in the tune of \$5,500 because we don't pay our royalties on time from them for monies that we're waiting for from the County.

The final thing that I would like to use as a point is that I hope that we as a group pass this resolution and move on with a 30 pay -- a 30 day payment practice for child care and many other indices in the County. And you know, this is -- passing this is just scraping the surface of the needs of these child care centers of providing the services that they need. We do not want to be in an economic business, we want to be in a child care business and providing educational things for these children.

D.P.O. VILORIA-FISHER:

Lou, I just have the two questions I've been asking the other speakers. How delayed is your payment now?

MR. LIGUORI:

Best case scenario is 46 days, that's the bulk of the payment, but we do have some payments that are 320 days out in the tune of --

D.P.O. VILORIA-FISHER:

And some are 320 days out?

MR. LIGUORI:

Three hundred and twenty days is the tune of about \$9,000.

D.P.O. VILORIA-FISHER:

Okay. And Lou, a few people have said something about not being able to continue to have these children in the centers and I just want to make it clear to everyone why that's not possible. If you can't pay the teachers and you can't keep the teachers, what are the regulations under, you know, State law under which you're certified regarding the ratio? If you can't pay teachers and you can't keep them, then you --

MR. LIGUORI:

Well, we're bound by our licensing agency to obviously adhere to the ratios of staff to children depending upon the ages. And as I said earlier, we are in a demographic community where there is a need for us to care for children. And in some cases in certain DSS programs, in one school we occasionally do have to turn parents away and tell them that we don't take that program.

D.P.O. VILORIA-FISHER:

But if you don't have the number of teachers because you can't pay them, you have to let the kids go because your ratio wouldn't be legal, you would have, you know, too few teachers for the numbers of kids. That's my point, if you have six month old kids, you have to have one teacher for every --

MR. LIGUORI:

One and four for infants.

D.P.O. VILORIA-FISHER:

One and four for infants. So if you can't meet payroll and you lose a teacher you have to lose kids, you can't double up on the kids.

MR. LIGUORI:

Well, right. But as an example, I mean, in one of our schools we have a limited classroom size for infants and we don't take DSS children under those circumstances because of the payment practices and we have limited spaces available.

D.P.O. VILORIA-FISHER:

Yeah, you don't have a choice. Thank you, Lou.

P.O. LINDSAY:

Thank you. Sister Margaret and Kathy Liguori is on deck.

LEG. ROMAINE:

Mr. Chairman, can I ask a question, a quick question?

P.O. LINDSAY:

No.

SISTER KRAJCI:

I'm Sister Margaret Krajci, I'm the Executive Director of KinderTowne Child Care Center in Amityville; this is a project of the Sisters of St. Dominick.

There have been many times when the payments have been delayed, as many people have said, but they've been delayed up to six or seven months. Since almost 50% of our parents receive some assistance, needless to say this puts a tremendous strain on the budget. Because of the affiliation of the Sisters of St. Dominick, they bail me out many times; they loan me the money to meet payroll. If I did not have the support of the Sisters supporting this project that they believe so dearly in, we would not have been able to continue to meet payroll through the last couple of years. At the present time, we are owed April and May; as I say, in the past it has been six or seven months, but right now it is April and May that we are due. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Sister Margaret.

P.O. LINDSAY:

Does anybody have any questions of Sister Margaret?

D.P.O. VILORIA-FISHER:

She answered my question.

P.O. LINDSAY:

Ed did but he left. Kathy Liguori, and Keri-Ann O'Connor is on deck.

MS. LIGUORI:

Thank you, everyone. I have a letter for you, a copy of the letter from the County Executive's Office and I just want to bring your attention to paragraph three that says, "It is our belief that by April the delays will be significantly reduced and that my office will continue to hold periodic meetings with DSS staff and representatives of day-care facilities that began late last year"; we're still waiting for that call.

I'm going to read because I do get nervous speaking among all of you, so in order to keep focused. My name is Kathy Liguori, I'm the owner of Tutor Time Child Care Learning Centers of Medford and Middle Island; Middle Island being one of the 14 nationally accredited child care centers in Suffolk

County. I have spent countless hours advocating for child care, most recently in the past few months due to the many child care providers that have been experiencing financial hardship due to the delayed payments from Suffolk County Department of Social Services. Some of these hardships include Federal tax liens, extended debt with destroyed credit ratings and forced closings of their businesses.

While the Commissioner and her department employees appear to be working toward a solution -- and I use the word appear because each and every month we seem to take two steps forward and two steps back, so we will continue to fall victim without any formal guarantees, and Resolution 1510 will be our formal guarantee. There's 192 licensed child care centers in Suffolk County, licensed capacity ranges from 20 to 220 children. Not all accept DSS subsidized children and some are no longer accepting DSS children because of the delayed payments. Please know that according to OCFS regulation of the New York State Child Care Block Grant, a contract cannot be made a condition of receiving payment from the State.

The County is the administrative agency of providing payment for child care services for New York State. All child care centers will benefit from Resolution 1510 if the Local Law includes them as child care providers, both contracted and non-contracted, and I ask you to consider amending the wording of Resolution 1510 to include all child care providers, as the State does not exclude them from being a service provider.

Of the 192 licensed child care centers, 68 of them or 35% have serious violations against them. Thirty, from my phone calls, will no longer accept DSS children, 25 are Head Starts who do not take DSS, two have closed, nine are special needs schools, six of these special needs schools accepted DSS children for day-care, five of which are no longer accepting DSS children at all. That upsets me so much. Now I know why when I have a Child Protective Service child that would have -- that has special needs, that just fall below what the school district would authorize services for, I can't get them into this school environment with smaller ratios and certified special ed teachers. This child or these children will no longer be able to reach their full potential and this is a moral violation to those children.

The operational disfunction of DSS goes beyond services accounting. As an example, I just received a letter of approval for billing for a CPS child from October, 2006, up until now. I still have to wait to receive the voucher from DSS to actually submit an invoice for payment, by which then the amount will be a little over \$9,000, one child. I have to wait 320 days for payment. I do not need to ask you if this is fair. Do I stop serving DSS children or CPS children? These CPS children are the most in jeopardy and DSS will force me to stop accepting this population, and we need your help. I pay \$1,100 a month, or \$13,000 a year in payments on loans. I forfeit \$12,000 a year for both of my schools of incentives by not paying my fees on time. I have an attorney on retainer just to dodge potential default letters on my franchise agreements, all because --

P.O. LINDSAY:

Could you wrap up? Your time is up.

MS. LIGUORI:

I beg all of you, and on my knees if necessary, to support this resolution and to read all of the minutes on the Health and Human Services Committee meetings and see that the child care providers need your help. We need to stand up for the truth, you need to help us do that. You need to stand up for our justice, we need you to be on our side. Thank you.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Legislator Losquadro has a question for you, Ms. Liguori.

LEG. LOSQUADRO:

Well, first I want to say thank you for enduring this process. I know that this is not the only department that you've had dealings with in incurring delays to your business; is that correct? There was another County department, with the Health Department that you're also having some --

MS. LIGUORI:

That was an operational issue which is solved.

LEG. LOSQUADRO:

So -- yes, I know that. But I feel badly that you've had to have these sort of dealings with Suffolk County. And you know, we always say that folks generally have limited contact with government and the contact that they do have, they expect it to run smoothly. And in this case, for yourself and these other providers, this is simply unacceptable and creates an environment in which commerce cannot take place and we have a responsibility to provide for a good business environment. So I guess my comment was about the departments, but I just wanted to say thank you for providing this service and continuing to muddle through this process and we will get it solved.

MS. LIGUORI:

I hope I still can.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you for coming out, Kathy, you have done it so consistently. And as a matter of fact, you have been a voice of reason since January when this issue first surfaced. And as I've said before and, you know, several of my colleagues I guess feel the same way, I apologize that you have to come here and continue to do this. And I guarantee you, you will not have to get on your knees to do it. One way or the other, we will compel this department to do what it is paid to do.

P.O. LINDSAY:

Question.

LEG. KENNEDY:

Have you heard anything associated with staffing in the accounting unit, or what has your experience been with a number of the people in the Department of Social Services Accounting Unit?

MS. LIGUORI:

I've been really focusing my efforts on the advocacy, there's just a -- not even a whole handful of us that are out speaking upon this. So I really have not been attending to working with the Department of Social Services in micromanaging the billing, I have my office staff to do that. But being privy to many conversations throughout many committees that I stand on, I do know that there will be several people retiring out of the Department of Social Services and what I heard just this week might be 38 this year.

LEG. KENNEDY:

Okay.

MS. LIGUORI:

You know --

LEG. KENNEDY:

I'm not asking you to go ahead and vouch for it, I mean, that's hearsay.

MS. LIGUORI:

No, but -- well, you're absolutely right, but what is very important, what I did want to say is in this law that perhaps we should include a WHEREAS that if all of this -- if we peel back the onion and try to figure out what is wrong, it's staffing, we all know that it's short staffing. So maybe a WHEREAS should be included in this law to say that a Legislative committee should take on the responsibility, after assessing a needs projection or a needs assessment of the Department of Social Services, that a local Legislative committee can sign off on the SCINS and approve the SCINS for DSS.

P.O. LINDSAY:

We don't have the ability to do that, that's an Executive Branch responsibility. Are you done, Legislator Kennedy.

LEG. KENNEDY:

Yes, I'll yield, Mr. Chair.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Kathy, I just want to go over -- first of all, I have to say publicly, as Legislator Losquadro said, thank you very much for your advocacy. You've been a great help to me in putting this bill together and we've spent many, many hours, but I have a couple of questions about something you said. You said that Head Start does not accept DSS children, or a few Head Start Centers? I missed part of what you said.

MS. LIGUORI:

They do not accept DSS children. In fact --

D.P.O. VILORIA-FISHER:

What do you mean they? All of the Head --

MS. LIGUORI:

All the Head Starts. In fact, I would consider them indirect competition with the Department of Social Services because the income eligibility for Head Start is the same as DSS.

D.P.O. VILORIA-FISHER:

Okay, translate that for me. So a kid should be going to Head Start; how is that paid for?

MS. LIGUORI:

Your income as a mother, a family of three, a single mother --

P.O. LINDSAY:

Who pays for Head Start? Who pays for Head Start?

MS. LIGUORI:

The Federal Government.

P.O. LINDSAY:

Federal Government; that's what she was asking.

D.P.O. VILORIA-FISHER:

But that doesn't pass through Social Services, it goes directly to Head Start.

MS. LIGUORI:

Correct.

D.P.O. VILORIA-FISHER:

But those kids could be DSS kids, can't they?

MS. LIGUORI:

Yes, they can.

D.P.O. VILORIA-FISHER:

Okay. So they do accept DSS kids but the money doesn't come through DSS, it's directly --

MS. LIGUORI:

Well, they're not providing a child care service for Department of Social Services, they're providing a Head Start service.

D.P.O. VILORIA-FISHER:

But there are children whose parents are DSS who receive grants who are in Head Start Programs.

MS. LIGUORI:

I believe those DSS families choose to use Head Start instead.

D.P.O. VILORIA-FISHER:

Right, okay. All right, that's question number one. Question number two, when we met, one of the meetings that we had at your Tutor Time, there was a Dana -- I'm forgetting her last name.

MS. LIGUORI:

Friedman.

D.P.O. VILORIA-FISHER:

Freidman from {Easily} said that she knows of many contract agencies, not just child care providers, who have been reaching out to the not-for-profit -- to the foundations --

MS. LIGUORI:

Yes.

D.P.O. VILORIA-FISHER:

-- for low interest loans because they are in such trouble. Do you recall that?

MS. LIGUORI:

Yes, I do.

D.P.O. VILORIA-FISHER:

Now, do you know of this phenomenon? How many child care centers and/or other not-for-profits have gone to these foundations for loans; did she expand on that with you?

MS. LIGUORI:

No, and I don't have those numbers. In fact, we went through the processes of working with the Community Development Corporation for a loan and we were able to procure funding from our regular bank on a more timelier basis that met our needs, but we still have that in our back pocket should we need to fall upon it.

D.P.O. VILORIA-FISHER:

Okay. Just to reiterate that, we have not-for-profits who are working and for-profits who have contracts and other arrangements with the County who are going to foundations, going to the CDC, going to the Rausch Foundation asking for low interest loans because of the delayed payments.

MS. LIGUORI:

Yes. Local philanthropy has stepped in to help many.

D.P.O. VILORIA-FISHER:

Okay, that's very critical. Thank you, Kathy.

P.O. LINDSAY:

Thank you, Ms. Liguori.

MS. LIGUORI:

Thank you.

P.O. LINDSAY:

Keri-Ann O'Connor; and on deck is Alicia Marks, please be ready to take the mike.

MS. O'CONNOR:

Hi. I'm here to represent Kiddie Academy at Riverhead and to support IR 1510. Our center has experienced financial hardships due to the delays in payments. Krista Donnelly, our owner, took over the business June 21st, 2006; she did not receive her first DSS check for the month of June and July until October 5th, 2006. We have experienced a 50 day plus waiting period for payments for several months. Rosters are being mailed out with half of the children missing. We have about 60 children on services and we are lucky if 30 are on the main roster. The other rosters sporadically appear later in the month or following months creating more of a delay for payment. Fifty percent of our enrollment is DSS. In March we receive rosters for November, waiting until June to receive payment for November.

There have been many errors which has caused us a loss of over \$9,000 for June through December. In February we handed in the 2059 for corrections and we still have just received 4,000 for August and September, still waiting for payment for the other months. If payment would be received by 30 days, the hardships would be lessened for not only my center but others County-wide, allowing for better quality of care for our children. Thank you.

D.P.O. VILORIA-FISHER:

Thank you so much.

P.O. LINDSAY:

Thank you, Keri-Ann. Alicia Marks. And please, Andy Vidra is on deck, please be ready to take the mike. Andy Vidra, come on here and sit down in the first row.

MS. MARKS:

Good afternoon. My name is Alicia Marks, I am the owner and proprietor of the Tutor Time of North Amityville in Suffolk County. In 1997, almost ten years ago, I'm sure you're all familiar with the redevelopment project that was one of the largest in this country. At that time, I was extremely proud to be the first business to invest in that redevelopment project. Before that I was the assistant to Supervisor Pitts, I worked for Rich Schaffer, I know that community of North Amityville. It was not a choice for me to decide whether I was going to accept DSS children, it's what I wanted to do. It was to be an example, it was to be a role model, it was to do something positive, to be a part of the most positive change I had ever known.

I am still proud to be a part of change. What I am upset about is that not only have I had to take out two bridge loans and I have satisfied those two bridge loans, I have satisfied my SBA loan, I have satisfied a \$100,000 from an individual who just wanted to see me succeed. I met with CDC yesterday to take out still another loan. In ten years, you would think at this point that I'd be able to reap some benefits. My school is 90% subsidized; at some point, DSS owed us \$100,000. Yes, we are at 45 days right now, but as Mr. Romaine had said, it's hard to catch up.

How much can you rob Peter to pay Paul? How many times can I go to the well? I have put over \$200,000, between my husband and myself, into this business. I'm not here to give a free service. I do care about the children. I do pay my staff, I don't make them wait the way I have to wait

because I need them to stay so that I am not in violation, so I dig into my own empty pockets and I pay my staff. Yes, we are at 45 days, but it's still not enough; 30 days would suffice. My husband is 44 years old and he retired from the Nassau County Police Department so that we could have a financial cushion between DSS checks. Deferred Comp that he paid for 20 years was not meant to pay my staff.

Yes, I've had tax liens, I've had LIPA come to my doors, Suffolk County Water Authority; I've had all that embarrassment. This was not the vision that I had as a professional to start a business. I wanted North Amityville to be proud, and it's nothing short of a miracle that I'm still here. And I consider myself a success because I still exist; not because I'm making money, but because I'm servicing a community that has an extreme demand. Everything else that you heard today, I have suffered in silence in the same capacity, if not more. For some of you it's not your first time seeing me, I give thanks to Legislator Mystal, Legislator Horsley, Ms. Fisher, everyone who has come to my beckoning call when I desperately needed them. It's just something that I cannot sustain anymore.

Thank God for job security. If my husband was not a police officer, I would have been one of the numbers that were down under, way deep. I am sinking and sinking. It's nothing but a roller coaster. I think it's time at some point that I reap a benefit besides seeing smiling faces. The children I love, the staff have stuck by my side. They know the dilemmas that I've been through, but they have stayed by my side. I have bounced paychecks and they come saying, "It's okay." So who's looking out for us, the child care providers? We look out for our own; who in the governmental agency is looking out for us? That's my question that I respectfully submit to you today. Please help us.

P.O. LINDSAY:

Thank you, Ms. Marks.

MS. MARKS:

Thank you.

P.O. LINDSAY:

Wait, before you go.

D.P.O. VILORIA-FISHER:

Alicia, wait, come back.

P.O. LINDSAY:

There's some questions of you. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay, so right now you're at 45 days.

MS. MARKS:

Yes. I received two checks this month, one of which was a \$16,000 check that was from December.

D.P.O. VILORIA-FISHER:

Okay.

MS. MARKS:

But the monthly checks are now at 45 days.

D.P.O. VILORIA-FISHER:

Alicia, I really appreciate your being here, I appreciate your passion and what you're doing. We're going to keep trying to fix this because as a County, we hear a lot of speeches about taking care of our most vulnerable and we're putting it on your shoulders without giving you help. Thank you, Alicia.

P.O. LINDSAY:

Okay.

MS. MARKS:

Thank you.

P.O. LINDSAY:

Thank you. Andy Vidra, and if Bruce Forsythe could get ready to speak next.

MR. VIDRA:

Hello. I'm here to read a statement for Ronneek Deale, a provider who could not be here today.

"I apologize that I am not able to be in attendance. However, I did want to express my dissatisfaction and disappointment in the DSS payment system. I can't begin to tell you how the 45 to 55 day delay in payment has affected the day-care as well as my personal life. My bills are constantly late. For once in my life, I have creditors calling me; they don't want to hear that I am waiting on a check from DSS, they want their money when it is due. I have to take money from my family just to make sure that the business is taken care of."

"And upon speaking to Services Accounting from DSS, they had the nerve to tell me, "You should not rely on DSS payments, you should have other means." I dare them patronize me. I do not work for DSS, I provide a service for DSS clients and there is a difference. Let's face it, we all depend on someone. How would you like if your checks were not ready on time or your mortgage or car notes were late because of someone else's negligence? I don't know how important this matter is to you; however, this is my livelihood and I provide quality day-care and expect to get paid for what I do, just as you do."

"This has gone on too long and it's time for a change. A contract is a legal, binding document, and just as DSS expects us to abide by the contract, we expect DSS to do the same. Also, if the shoe was on the other foot, you would see how fast we would be charged late fees and interest for not adhering to the contract and the same should be taken into consideration. Where is our interest on the money DSS is holding and where are the late fees to be assessed? We are professionals and expect to be treated as such. This is not a fly-by-night organization but a well thought out business. I should not have to be penalized for DSS' failure to properly make payments, nor should the parents or children."

"If you have forgotten, we are human beings with the same expectations and responsibilities as most people. This is not to be tolerated and we are going to continue to take the necessary steps to get some closure and resolution to this ongoing problem. Fix the problem immediately. Sincerely, Ronneek Deale."

P.O. LINDSAY:

Thank you, Mr. Vidra.

MR. VIDRA:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Bruce Forsythe. Bruce, I asked you to come down and sit down in front so we could move this along. Vanessa Farrish is on deck; please come down, sit in the first row so you can testify when your name is called. Go ahead, Bruce.

MR. FORSYTHE:

My name is Bruce Forsythe, I'm representing Kiddie Academy of Brightwaters. I'll be very brief.

We have between, at any given time, 55 to 65 DSS children. I have never had a payment come within 45 days, they average between 50 and 60 days. I really think it's deplorable that we have to come here as professionals who take care of children, who need services and virtually beg for the money we are due for the quality services we provide. Thank you.

P.O. LINDSAY:

Thank you very much --

D.P.O. VILORIA-FISHER:

Thank you, Mr. Forsythe.

P.O. LINDSAY:

-- Mr. Forsythe. Vanessa Farrish? And Steven {Bursdorf} is on deck.

MS. FARRISH:

Hello and good afternoon. My name is Vanessa Farrish, I've been asked to read a letter for Ronald Caiazzo who could not be here today; he's from Edelmira's Family Day Care.

"Because of late payments, my credit rating has fallen drastically.

My mortgage company has threatened to start a foreclosure on my house if payments continue to be late. I have called most of my creditors and explained my situation; some say they may have to raise my interest rates. I have borrowed and paid back just to keep my head above water; I don't think this is fair at all."

"We work hard for our money and some people don't realize the responsibility we have. Not to mention we are making it possible for parents to go out to work and earn a living; I am very sure that if they were paid late all the time, they would be just as angry as we are. I believe 30 days is a sufficient amount of time to pay everyone; I have waited 45 to 50 days to get one check. In the event I can't make it, I want all providers to know I'm here with you a hundred percent."

In addition to this, I am a DSS parent. I fear if these providers can't accept DSS because they're not getting paid, where does my child go? I'm a single mother, I can't afford day-care. I don't have anybody additional, it's just me. I'm sorry, I'm very emotional about this. And it didn't hit me until I came here today to see how bad this was. Where do I go if I don't have anybody to watch my child so that I can work? I'll be one of those looking for a shelter, and what kind of life is that for my child? What kind of life is it for anybody?

Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Vanessa.

P.O. LINDSAY:

Okay. Thank you, Vanessa. And Steven Burgdorf?

D.P.O. VILORIA-FISHER:

Burgdoerfer.

MR. BURGDOERFER:

Steven Burgdoerfer; thank you. My name is Steven Burgdoerfer, I live in East Setauket. I own the Tutor Times in Islandia and Ronkonkoma. We care for over 165 DSS children, we may be one of the largest providers; that's good news and bad news.

The roller coaster ride of when you will receive payments for services rendered in good faith must stop from going from anywhere down as little as 45 days to 365 days. I have had at numerous

times over \$450,000 in accounts receivable with this County. I'm not a big corporation. Much of that money I've had to support with out of my own pocket. My companies owe me hundreds of thousands of dollars, and I've been in this business for 15 years. I want to see some light at the end of the tunnel. Every time it seems like Kathy says, we take two steps forward, we take two steps back and the lights from the other train is coming the other way.

It's been a roller coaster. At times it's been down to 30 days, sometimes David Moore has had it down to 27, 28 days, and I think David does the best job he can. But I think, it's been brought up before, he has major, major staffing issues, and it just keeps going on. And guess what happens every October, because I write David a letter in July, the HEAP heating season comes up and then there's the program where we provide financial subsidies for people for heating, for cost of heat, and that just throws this department right down the drain. And we -- I see this coming, I don't work for this County. I would think all the good people in this County could figure this out.

I'm contracted, I pay the living wage, that's over \$10.50 an hour. We aren't in the high margin business, not that it's a lot of money, but if you consider how big our staffs are, I have over a million dollars in payroll. I can't continue to support laws that are good laws like the living wage if I don't get paid in 30 days. I do my part, you need to do your part. You've got to pay in 30 days and if you don't there should be penalties, just like any one of us would have if we paid our mortgage late or our credit card late. It's a one-way street. We need the Prompt Payment Policy, 1510 passed, because 30 days is a reasonable period of time. And remember, that's 30 days from when we were able to bill you, that's really 60 days from when services begin to become rendered because we don't get the roster until the end of the month. So when we're talking about 45 days, it's really 75. Thank you.

P.O. LINDSAY:

Wait, Mr. Burgdoerfer, there's a question from Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Steve, a couple of people have mentioned -- and luckily for me, Steve is my constituent and so we've talked a lot about this, and I was appalled when he told me that his payments were over a year delayed and over \$300,000 and now they're up to 400,000. Steve, thank you for being here. A few people have mentioned getting the roster, can you just walk us through that a little bit so that we understand? In other words, a child enters your classroom door.

MR. BURGDOERFER:

Yes.

D.P.O. VILORIA-FISHER:

And you receive nothing for that month because you have to have the roster at the end of the month with that child's attendance; is that how it works?

MR. BURGDOERFER:

Yes, and you better be sure that you have something in writing, not where they give you the phone call, "Oh, don't worry, you have my verbal approval, you'll get paid"; right?

UNKNOWN AUDIENCE MEMBER:

Yes.

MR. BURGDOERFER:

Okay. If you do that, you can have it be a situation like Little Flowers was, okay, and they had over a million dollars they didn't get paid.

D.P.O. VILORIA-FISHER:

Okay. But Steve, so DSS does the roster at the end of the month?

MR. BURGDOERFER:

They give you the roster by the end of the month. Then --

D.P.O. VILORIA-FISHER:

And how do they get that information; you call -- you verify that they've been --

MR. BURGDOERFER:

Those are the rostered -- okay, they've been assigned to the caseworkers, through accounting to a roster. And sometimes if you don't -- if you get a child somewhere around the 15th or so of the month, you're never going to make that 22nd day cutoff and you're going to be waiting, as other people said, for catch-ups a month or two later. So you'll get the roster for what you hope to be all the children but it never is, you fill that out as quickly as you can and you get it to the Department of Social Services, we hand deliver it so we can save a couple of days with the mail, and then you wait at that point for what is 45 to 365 days.

D.P.O. VILORIA-FISHER:

Okay. So when we're saying that there's a delayed payment of 45 days, that's 45 days after that first month that you've been paying for a teacher to teach that child in your classroom and feeding that child breakfast and lunch sometimes.

MR. BURGDOERFER:

And paying your landlord and LIPA and Suffolk County Water and your taxes, yes.

D.P.O. VILORIA-FISHER:

Okay, Steve. And so at this point you're -- and have you been able to pay your franchise royalties?

MR. BURGDOERFER:

I'm in the same situation Kathy is in.

D.P.O. VILORIA-FISHER:

So you're not paying those franchise royalties so you're not getting --

MR. BURGDOERFER:

I have to pay them late and so I have also lost a lot of advertising money, okay, that I could have had.

D.P.O. VILORIA-FISHER:

And have you had to reach out to any of the philanthropic foundations for help or CDC?

MR. BURGDOERFER:

I have -- it gets to a point where your credit rating has been damaged so bad that you're like -- you're in a spiral, okay.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

MR. BURGDOERFER:

So you have to do it yourself.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

MR. BURGDOERFER:

Thank you.

P.O. LINDSAY:

That was the last card on this subject. Is there anyone else in the audience that would like to speak on this subject?

MS. OLIVER:

Yes, I'd like to say something if I can.

P.O. LINDSAY:

Please come forward and identify yourself.

MS. OLIVER:

My name is --

P.O. LINDSAY:

Wait till you get to the mike. Go ahead.

MS. OLIVER:

Hi. I originally wasn't going to say anything but I am the Director of Kiddie Academy in Commack, my name is Tameka Oliver.

I've been in the child care field really since I was in high school. I got involved through, I don't know, something through my guidance counselor and it was probably some funding that Suffolk County did where you could be young and get a job and make some money and get like that \$7 an hour or \$5 an hour and I loved it; I've never left and I don't ever plan on leaving. However, I have to say, I think it's really unbelievable that we provide an unbelievable service. Suffolk County has some of the best quality child care facilities in the country. We have a lot to be proud of, and I feel like the County is really letting us down.

If a parent is doing their job by doing their Workfare-to-Welfare Program that the companies and the Counties that are providing them to do, the parents are meeting their needs. They're getting the jobs that they can, they're finding the quality care, they're bringing the children to us. We are providing phenomenal opportunities for these children that they would not have if they weren't a part of the DSS program. However, we're paying for these facilities, we're doing the things that we need to do and they're moving on and doing better in life and we're now all crying, essentially, because the businesses are closing.

My school was at the point where we had about 45 children, and I have the capacity of I would say 150 to 170; we were ready to close. Do you know that we had to stay open and begging our staff to not leave us, also not being able to meet the payroll and a local school that was about a quarter of a mile away closed their doors in a week's notice and every family there had to find -- Channel 12 news was there, people were writing in Newsday, it was this big, big thing. They couldn't afford to stay open, they can't make their payments, they can't pay their rent. The landlords that own our buildings, if your owner doesn't have the building to themselves, cannot keep up. Those families had a place to go, they came to my center, they came to some other centers that are locally near me, and by someone else's misfortune our center was able to stay open. That is the saddest thing I've ever had to feel, trying to tour my facility to crying mothers who work very hard at their jobs and were told in a week, "I'm sorry, you're closed and I don't have a job and neither do you have a place to go."

P.O. LINDSAY:

Thank you. Thank you for --

MS. OLIVER:

I need someone to pay attention and listen to what we're saying.

P.O. LINDSAY:

We have been.

MS. OLIVER:
Thank you.

P.O. LINDSAY:
Thank you.

MS. WALERSTEIN:
May I?

P.O. LINDSAY:
Go ahead.

MS. WALERSTEIN:
My name is Janet Walerstein, I'm the Executive Director of the Child Care Council of Suffolk. And I just want to urge the Legislature to really take a good look at making this bill work. Because if it doesn't work, if the staff isn't there to do the 30 days, if the system that we are in is really, from what my observation through the 21 years that I've been the Executive Director of the Child Care Council, the system is broken, the whole piece needs to be looked at.

So what I'm urging you to do is to really look at a bill that can work, because the State has a bill that doesn't work on 30 days. So I'm just urging you to really consider that this is an urgent place that we're at. With phone call after phone call to my office, and Erika Chase gets them, of people who are losing their houses, losing their cars, and they can't -- they can't keep up. This is a terrible situation that has to be remedied, but really carefully remedied so that it does not fall back on things that cannot be done.

P.O. LINDSAY:
Thank you. Okay.

D.P.O. VILORIA-FISHER:
Janet?

MS. SANTIAGO:
Can I come up? Good afternoon. My name is Christina Santiago, I'm the Director of Tutor Time in Holbrook. I was listening to Mr. Burgdoerfer talk and I brought a paper with me that I wanted to share with you. I have a child in my center that I received a letter on August 21st of 2006 from her CPS worker saying that DSS would cover her care. We did not receive a roster so that we could bill for this child until March of '07. She has been in my care in a very high quality center for all of that time, being well taken care of, and we have still not received payment for this child. I beg you to please do something about this.

D.P.O. VILORIA-FISHER:
Let me just ask her something? Okay, when you get some -- a child in your care -- because I'm still trying to understand how this process works -- do you contact DSS and say, "This child is not on the roster?"

MS. SANTIAGO:
With this child, I received a letter saying they were going to cover her; we can't bill until we get a roster. We can call and say, "I still have this child here," and they'll say, "As soon as you get the roster, you can send it in". We waited until March for this and still haven't received payment.

D.P.O. VILORIA-FISHER:
So the roster is a sheet of paper with all these kids names.

MS. SANTIAGO:

Yes, it's a computer generated sheet from the Department of Social Services with every child's name on it and the time period that they're covered for.

D.P.O. VILORIA-FISHER:

And your name was Ms. Santiago?

MS. SANTIAGO:

Christina Santiago.

D.P.O. VILORIA-FISHER:

Christina Santiago, okay. Thank you.

P.O. LINDSAY:

Thank you very much. We have another person.

MS. BELLERS:

Just one more thing. My name is Christine Bellers. I do the DSS for Tutor Time and Child Time, she is one of my centers, and yes, the payments are very late, but the big problem also, like everyone else said, is the children are missing from the rosters. So just making a payment and catching up is not the only problem, you have to correct the whole process to go to the payment.

P.O. LINDSAY:

Okay. Thank you. Mr. Sabatino, did you want to say something?

MR. SABATINO:

Yes. Thank you, Mr. Chairman. I'd just like to make a few brief observations and comments with respect to the legislation, and ask that the Public Hearing be recessed to keep it open to keep the process alive, so that we could work with Deputy Presiding Officer Viloría-Fisher in the event that there's going to be any changes.

But I think a starting point to the conversation should be, when I started in County government 30 years ago, I didn't have gray hair and we didn't have a prompt payment policy in Suffolk County. I actually was involved in the trenches with dealing with vouchers in a particular department that I began with, and back then, the standard was that if you had a voucher, came into your office, approved, services rendered, you know, product delivered, the general rule was six to eight weeks, which is 42 to 56 days. Here we are 30 years later and we're debating a 45 or a 50-day, or even a 60-day delay period. Now, in a perfect world, you know, clearly, the goal should be to try to get the payments. In a perfect world, they'd be instantaneous or simultaneous with the rendering of service of a product, but that's not the real world. And I think what's happened to some degree is that the debate has shifted and kind of redefined reality, so I'd like to just jump in and try to get us back on track with respect to what this legislation does and the way things work in County government and in the private sector.

First of all, Janet Walerstein is absolutely correct, contrary to the perception, there is not, N-O-T, not a prompt payment policy in the State of New York. There's a statute that is limited solely to dealing with Public Works projects, but, if you read the actual language of that bill, it's a "swiss cheese" bill. The County of Suffolk can't even get a late payment from the State of New York on a particular project, and the reason you can't do it is because they put in so many nebulous provisions and so many holes to jump through, or hoops to jump through, I should say, that there is no prompt payment policy. But more importantly, contrary to the perception, that State bill doesn't cover all of the County -- I'm sorry, all of the State, you know, services. So that's a starting point in terms of what the State bill actually does.

Bringing it back down to, you know, to Suffolk County, again, in the private sector, the expectation in the private sector, depending on where you are, okay, is that, for example, if you're dealing with

the giants, if you're dealing with the GMs of the world, or if you're dealing with the -- you know, with the Wal-Marts of the world and you're a supplier or a producer, you're not getting paid in 60 days, you're getting paid sometimes in six months or nine months. These are part of policies that are created by the corporation to manage cash flow. That's not what's happening in the County of Suffolk. Nobody is designing a cash flow program the way it's happening in the private sector. But again, the expectation and the reality in the private sector is that you're not getting paid in 30, or 45, or 60, or 90 days in many, many cases, you know.

Secondly, when you look at the private sector versus, you know, contracting with the public sector, people contract with the County or with the State or with the Federal Government, not for prompt payment. You don't look for prompt payment from the State, Federal or local government, but you get certitude of payment. And certitude of payment has its own intrinsic value, which is that if you know you're not going to have to chase a tenant, for example, who may be a corporation that you'll never be able to recover a dollar from, you've got the certitude of getting those payments. If you know that, you know, you're not going to be in a situation where you're dealing with a small mom and pop operation who doesn't have the assets if they ever default on a payment, again, that's an advantage of dealing with a county, a state or a federal government. So I think it's important at the starting, you know, threshold here to redefine reality, and redefining reality is that 30 and 45 and 60-day payments is not the standard.

Now, with respect to this bill, this bill, you know, attempts to deal with all departments, and I can -- in a moment, we'll give you some of the impacts with the various departments. But since most of the testimony today dealt with Social Services and withholding of payments, I just want to clarify a few points.

One point that was made was that it's all about staffing. Well, there's only one position that has not been signed off on for filling. But understand that during the period of recruiting people, you may have three vacancies. A SCIN form is signed to fill the vacancy, but a person -- a person may get promoted to another job. So you fill three positions, then two people get promoted or transfer out. There's a constant ebb, flow. But the notion that this is all being caused by staffing is simply not true.

I've personally attended numerous meetings that have been held with Social Services since last October to try to get a handle on the specifics of Social Services. I know, again, you'll hear the one story that sounds like the -- it's just the \$250,000 payment that may be in arrears, or maybe the one-year delay. And again, there may be an instance or two in which something unusual has happened. But generally speaking, when you sit down with the Social Services people, you're able to get an explanation as to why that particular extraordinary circumstance occurred. So, for example, there was one situation where a payment was substantially in arrears for a substantial period of time, but that was because there was a State audit of the funds in question, because, again, a gentleman made a comment before that it's all State money, we're just a conduit, it should be simple. Well, being a conduit with State money actually makes it more difficult, because you have to jump through the hoops with the State. So, if the State has raised a question with respect to a payment, the County just can't make the payment over the objection of the State.

And again, I would encourage people with individual horror stories to come to Social Services, because my experience has been that when we get the facts and circumstances on an individualized basis, either there is an extenuating explanation, or we're able to resolve it. In one instance that I was involved, and we literally had the check hand-delivered, you know, over a two or three-day period, because there was substantiation question that was able to get resolved. But again, we have made progress, we have been sensitive, we have tried to deal with the individuals on a case-by-case basis.

And again, I think an important element of looking at this from a business perspective is that if you're dealing with third party payments, if you're in the private world and you know you're going to be getting third party payments from a government or from an insurer, when you first start up your

business, you're going to have to capitalize yourself appropriately to understand that there's going to be an initial, you know, cash flow problem. But I can't imagine that a 30 or a 45 or a 60 day delay in a payment can shut down a business, unless, unless, you are getting 100% of your payments from that particular entity. And if you're getting 100% of your payments, in this case, from the County of Suffolk, then you have to modulate your business model accordingly. I mean, that's just simply reality. If you're getting 100% of your payments from one party, but you know that there's a certitude of getting the payment, you have to build into your business model that you have to have sufficient resources at the beginning of the process just to survive that. When you diversify and you spread your payments over a larger base, obviously, you're in a different situation.

D.P.O. VILORIA-FISHER:

Paul, you're telling these people about a business model when you're --

P.O. LINDSAY:

Wait a minute, wait a minute.

D.P.O. VILORIA-FISHER:

Sorry, he's driving me crazy.

P.O. LINDSAY:

Wait. He has the floor. Finish.

MR. SABATINO:

With respect to the details of this bill, in the event that we were to go forward and attempt to do something that the State has not done, which is to have a payment policy, and again, it's not clearly defined on when the interest would kick in, but I think the goal here is to try to make it kick in at the end of 30 days, I mean, these are just the facts, okay, you would have to get, for example, in the Health Department 15 additional people at a cost of \$681,000, Office for Aging would need three additional people for 125,000, Social Services would need five additional people for a quarter of a million dollars, Public Works would need six additional people for \$250,000. Public Works has made an estimate that if you tried to apply the 30-day calculation, that would be anywhere from one to five million dollars in expenses.

So again, to the extent that you would try to go with a 30-day payment of interest or across all the departments, there's going to be a cost associated with that.

P.O. LINDSAY:

Mr. Sabatino, I have a number of questions. Legislator Browning hasn't spoke yet, so I'm going to let her go first.

LEG. BROWNING:

Okay. I have been holding my tongue, I'm listening to these day-care providers and I'm getting very disgusted at what I'm hearing right now. The facts are in my district I have -- many of my day-care providers are here, one of them -- you're talking about the odd instance, one is sitting right there telling you and telling us she's foreclosing on her home, she can't make her payments; that's an instance, take care of it today. Take care of it today, because she can't lose her home.

I have many day-care providers, they're moms who want to stay at home, take care of their own kids while their husbands are trying to work. They're trying to make an income, they're spending their own private money to keep their day cares running because DSS is not paying them. Their credit cards are gone beyond the limit, now they have to pay the interest on the credit cards, they have creditors calling because they can't make their bills; these people are in trouble, they need help. They can't take it anymore.

I am constantly getting the phone calls and constantly trying to get their payments and it's never being resolved. I get one story after another. At Christmas time it was because they're on vacation

and we have so many of them are out for Christmas and, you know, now it's -- so it's kind of put us behind. There's always an excuse, there's always an excuse for why they can't be paid. And these are -- the other part of it is these DSS parents, if it's the Welfare-to-Work Program, you're asking them to go to work to be contributing members to our society, pay taxes; if they can't go to work, then they're going to stay home, it's going to cost us more money if they can't go to work.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Paul, I began to interrupt earlier because it seemed that you were giving these people a lesson on how to run business well. Now, isn't it one of the basic lessons that one must pay one's bills? And the County is not paying its bills in a prompt manner. When -- I know you're shaking your head, but we didn't just have one anecdotal case, we have people here who have businesses where they have to be there during the day, and I count over 14 people who are not just paid, they're not just 45 days behind. We've heard of people foreclosing on their homes, we're heard of people who are \$400,000 in arrears in the payments, okay, so that's a problem.

Now, you said that it's not just a matter of staffing and then you turned around and said how much staff we'd have to add. So it is a matter of staffing.

MR. SABATINO:

No, it's a matter of staffing if you want to calculate the interest payments and process all of those paper -- all that paper work to get you down to 30 days. If you redefine -- if you redefine reality that all payments should be made at 30 days, all payments across the entire County, unlike the State of New York which has --

D.P.O. VILORIA-FISHER:

But you're saying redefine reality; we're not redefining reality. The reality is --

MR. SABATINO:

Well, you are if every --

D.P.O. VILORIA-FISHER:

-- that the County is delinquent in its payment and people are suffering. Don't say redefine reality, I find that insulting because it's saying that these people are fantasizing and they're not fantasizing.

MR. SABATINO:

No, I'm saying that the -- I'm saying that the concept, the concept of having across the board in the County of Suffolk every department making payments at 30 days is redefining the reality of my 30 years in County government, and the people I've spoken to were in County government for a long period of time. You can redefine reality, I don't say that disrespectfully --

D.P.O. VILORIA-FISHER:

Paul, I read a letter from Pat Halpin --

MR. SABATINO:

What I say is that there's a cost associated with that.

D.P.O. VILORIA-FISHER:

Okay.

MR. SABATINO:

The cost will be what I just outlined. Now, with respect to the 14 people, I will personally invite them right now to set up a meeting, I will attend the meeting with the Commissioner of Social Services to look at each of the individual 14 facts and circumstances. Because again, my personal

experience, anecdotal as it may be, is that when you actually get down and look at them case by case, out of the 14, maybe three will truly be something that fell through the cracks, the others may wind up being something that there really is an extenuating explanation for. And again, 14 people, we have 10,000 -- over 10,000 vendors in the County of Suffolk, we're not paying all of those people in 30 days. Even if the 14 was 400, okay, you just -- the question is do you redefine how we're going to pay the other 10,000 people because of 400.

D.P.O. VILORIA-FISHER:

You know what, we should redefine it, people should be paid promptly. We should redefine that reality. And I read a letter from Pat Halpin written in 1991 where he made -- he made a commitment to all of the child care providers, and it was a letter to Ruth Brandwein when she was the Director of the Department of Social Services, making a County commitment to pay within 30 days in 1991, before we had the speed of the computers that we have now. Now, if he could make that commitment in 1991, and that was a reality and you were here in 1991, and that reality did exist and that commitment was made. So if that commitment could be made in 1991, I ask you then, and it certainly begs the question, when we have better computers, when we should have enough staffing, why can't that commitment be made in 2007?

MR. SABATINO:

Well, with all due respect to Pat Halpin, he made a lot of commitments in the four years that he was here that couldn't be fulfilled. But I'll tell you right now that there's no way --

D.P.O. VILORIA-FISHER:

Well, maybe he was trying and he saw the humanity of the people and their needs.

MR. SABATINO:

There is no way, unless you're willing to commit substantial additional resources and an increase in the workforce, to get to 30 days for every County department and agency; that's just a statement of reality.

P.O. LINDSAY:

Okay, Paul.

MR. SABATINO:

If somebody knows how to do it without spending money.

P.O. LINDSAY:

Okay, Paul.

MR. SABATINO:

And don't point me to the State model because the State model which is being cited doesn't exist.

P.O. LINDSAY:

Okay. Wait, wait. We made your points. Legislator Romaine.

LEG. ROMAINE:

Two quick questions. Do you believe that Suffolk County government should pay its legitimate bills in a timely fashion? And there's a yes or no answer to that, not a maybe.

MR. SABATINO:

The County should pay promptly, yes.

LEG. ROMAINE:

Thank you. The next question is how many vacancies for which this Legislature created positions -- for which this government taxes the general public in Suffolk County, we are taxed for positions that are in that budget -- how many vacancies in that budget for which we pay taxes for exist in the

Department of Social Services currently?

MR. SABATINO:

For which you pay taxes; probably none.

LEG. ROMAINE:

How many fully funded positions that are in the budget are vacant now in Social Services?

MR. SABATINO:

Well, you said, they are being paid for for taxes. In other words, you're factoring out turnover savings.

LEG. ROMAINE:

No, I'm not talking about the end of the year, we're paying for it now.

MR. SABATINO:

I would suspect none is the answer to your first question. I don't know the answer to your second question.

LEG. ROMAINE:

You don't know the number of vacancies? Could you --

MR. SABATINO:

I know that there's one with respect to this particular issue of the day-care providers getting payments which also spills over into all of the other entities getting -- the other vendors, I should say, getting payments.

LEG. ROMAINE:

Well, you know, I have to say, when the former Health Commissioner appeared in front of us, we asked him how many vacancies there were in the Department of Health and he admitted there were 244. You must have a number, roughly, of how many in Social Services because that's the second largest department in government. Can I ask Gail Vizzini, how many vacancies currently exist in the Department of Social Services that this Legislature put in the budget and funded in the budget?

MS. VIZZINI:

I'm checking for you, Legislator Romaine.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

How about if we go back to that in the interest of time, because we have another hearing yet. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Paul, let me ask just a couple of questions so that I can understand this. I had a dialogue before with one of the providers and I asked her anecdotally what she may have heard. Do we have any indication at this point what kind of retirements we're anticipating from the department, has there been any indication yet as far as filings or what we're going to expect?

MR. SABATINO:

No, retirements are a very, you know, personalized kind of decision, I don't know of any pattern. There's no early retirement plan out there. When you have an early retirement plan, you tend to see a pattern because you know "X" number of people are anticipating it, but I'm not aware of any particular pattern.

LEG. KENNEDY:

All right. So then we're just looking at the normal ebb and flow of where we have people who may go out and people who may go in. Before you said that when you had analyzed this, I think it was your expectation that we would need 15 additional positions? Oh, I'm sorry, maybe it was five; was it five positions in the Department of Social Services in order to meet this?

MR. SABATINO:

Social Services indicated five, Health indicated 15.

LEG. KENNEDY:

Okay, five in Social Services, maybe 15 in Health, let's stay with Social Services, though. Because we're agreed, at least on this point, that the majority of Social Service is non-County funded, it's all direct State. So if we added five, we have no additional costs to us as far as the tax liability. We could put the five in, we could meet the payment needs and it wouldn't be any additional cost to us. There's got to be some other reason then that the administration is unwilling to go ahead and put the resources there that are necessary. What is it?

MR. SABATINO:

Well, actually, our budget expert has an answer on the budget question you asked, so rather than me try to summarize, I'll let him state it.

MR. KOVESDY:

There's a cap on certain areas of cost. The staffing cost in this area, unlike Medicaid, is County cost, Legislator Kennedy.

LEG. KENNEDY:

Wait a minute, hold on, then I'm confused. In other words, we pay County funds for the people that are in Accounting? Because the Commissioner here two weeks ago and four weeks ago and six weeks ago said they were 100% State funded. What's the answer?

MR. KOVESDY:

There's a reimbursement rate for Social Services, when you go over the reimbursement rate the next person becomes a 100% county cost. So you may get 75 or 80% on the first "X" amount of people, but when you go over the cap that you're given, the next dollar becomes 100% County cost.

LEG. KENNEDY:

Okay. Since I am challenged with every fiber of my being to get a straight answer, what is it right now with the number of people in the County, where are we at as far as the reimbursement rate?

MR. KOVESDY:

I can get you that information, John, I can't give it to you off the top of my head. I'm telling you that unlike Medicaid, which is 100% County cost for all staff and all reimbursements, other areas of Social Services are not matched 100%. Day-care is not matched 100%, there is a cap on the amount of money the County gets and when you go over that cap, the County pays for it at a higher rate. Okay? The same thing is true to foster care and institutional, they're all mixed together in a unit.

LEG. KENNEDY:

Allan?

MR. KOVESDY:

That's the best I can give you. I can try to get the information from Janet and get back to you.

LEG. KENNEDY:

Wait, wait, wait. There is no point in us yelling at each other.

MR. KOVESDY:

I'm not.

LEG. KENNEDY:

I got elected, I believe, to try and go ahead and promote policy, but unfortunately I'm being dragged into attempting to micromanage a department. So like I did at the last committee meeting, now here at a General Meeting, I'm going to ask very specifically; when you get the opportunity, either at the next committee meeting or the next General Meeting, I want to know how many people are in this Accounting Unit, what the reimbursement rate is and what it's going to be to get somebody back in there, and I want it verbally and in writing.

MR. KOVESDY:

I'll ask the department to get it for you, my pleasure.

P.O. LINDSAY:

Thank you.

LEG. KENNEDY:

Now, more importantly, I have one other question to ask.

P.O. LINDSAY:

Last one.

LEG. KENNEDY:

Okay. Paul, when we are on the other side and we let space and we go ahead and we expect individuals to make payment, if they don't make that payment timely, what do we do? We throw them out, Paul. If they miss payment in 30 days, we forcibly evict them. So when we receive the service, it's the norm that it may be 45, may be 60, may be 90 days before we pay, but when we let the space and they don't pay, we throw them out in 30 days; that's not fair.

P.O. LINDSAY:

Okay. Ms. Vizzini, do you have the answer to Legislator Romaine's question yet? If you don't, I'll go back to you again.

MS. VIZZINI:

No, I have half the answer. There are -- department-wide, there are 167 vacant positions in Social Services.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

Yes. Mr. Sabatino, when you were speaking you couldn't see the reaction behind you, but from my background in social work, I'm going to tell you that blaming the victim is what it's called in the DSM-4 and that's what -- I'm not saying that's what you were saying, I'm saying that's the reaction I was getting from the people out there because what we were saying is their expectations are unrealistic.

I don't want to get into where we're saying you're unwilling -- or the County Executive is unwilling to fix it, that it's just the vacancies. I guess what I want to ask is can we help these people? I'm looking at people.

MR. SABATINO:

Yes, and as I --

LEG. EDDINGTON:

Is there something we can do?

MR. SABATINO:

The answer is absolutely yes. As I stated to you, number one, I've had -- you know, personally gotten involved at a level that normally a Chief Deputy would not be involved in with the Department of Social Services since last October. And by the way, what I said today was no different than what I've said to the groups that I've met with one exception, you know, making reference to the State, the allegations there's a State Prompt Payment Law. But I made the same comments, you know, had give and take reaction, people -- you know, it was a good dialogue, it was a good exchange, I think we've made progress. Since I've been involved, we've cut it down -- with respect to this one group; understand, it's only the day-care providers.

LEG. EDDINGTON:

Right.

MR. SABATINO:

We've cut it down from 57 days to 43 days and we even explored -- some people suggested other options. For example, somebody said maybe we could go with a direct deposit payment system. So I set up a meeting with the County Comptroller and the County Treasurer's Office and our Budget Management people to see if that was a plausible alternative, because somebody said it's really easy, that's the way to solve the problem. So I didn't reject out of hand and say, "You know what, just because you brought it up at the meeting, I think I know better," we actually had a follow-up meeting. Very frustrating, because you would think direct deposit, it seems to be the wave of the future, that's the way to go, or direct payment I should say, but it didn't work because it turns out that because we're getting State money and you've got to have integration with the State computer system, the State government would have to change its computer system and they basically told Social Services that A, they don't have the money and B, they don't consider it to be a high priority. So we explored that option because we were, again, looking for creative, thinking outside the box ideas, it simply didn't work.

So the answer is yes. I mean, you say there were 14 people, I invite the 14 people to set up a meeting with Commissioner DeMarzo, I'll personally attend the meeting to be there, to listen and to observe to what the details are of each case. I don't know what more I can represent with respect to that.

LEG. EDDINGTON:

Well, I would appreciate that. Because it's been, I know, with Legislator Kennedy, I could see his Irish getting up and the point is that we're on the Health Committee and we've seen these faces three times and I'm frustrated, and then I start to get angry. I'm not going to yell and scream, but what I want this is to be fixed so we don't see them again and again and again.

MR. SABATINO:

Let me say this, okay. I can understand why you would be frustrated when you hear the people come before you because you're -- I've been on the other side, I know what it's like, you're grasping for answers, you're trying to get the facts.

So when I went to the first meeting, I went with the same attitude which is that, you know, what the heck could be going on, why are we in the situation? Again, subject to my knowledge that in general you're talking in the County about, you know, 42 to -- in my mind, 42 to 56 days to get payments. When you sit down and you listen to the individualized cases -- and again, I want to emphasize this, the people in Social Services, the people working in the trenches like I did once a long time ago, 30 years ago, are conscientious people. I mean, they're not sitting there saying, "Let me find a way to hold up these payments. Let me find a way to delay and make the payments 90

days instead of 60 days;" they're conscientious people trying to get the job done. But sometime, you know, the facts just don't fit what was presented to you or you get a State audit that impacts a particular incident or, you know, the computer goes down at Audit & Control for a three week period to screw up the processing of vouchers. So, I mean, the point I'm making to you is that it's understandable that you're frustrated, but I would invite you to come to one of those meetings and listen to the experts walk you through it and you'll walk away from the meeting saying, "It's a little bit more complicated than I thought."

And again, I wasn't trying to blame anybody, I was trying to put into perspective that this -- you're listening to people talk about one component which is the day-care providers, but the bill talks about the entire County. And it's predicated, again, on a notion that I just fear might cause a false expectation that the State is currently helping everybody across the State of New York with all contracts.

The only place I know where somebody actually walks away with an interest payment is when you get a refund on your income taxes or your State taxes with the State of New York if you made an over payment, that's the only place I know where you actually wind up getting interest on a payment but you're getting back your own money.

LEG. EDDINGTON:

All right, thank you very much.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Paul, from what you are saying is that I take it the impetus of this bill is basically the nonpayment to day-care providers. And what this bill is attempting to do is to make the whole County comply to the 30 day period and that if we were to do that, it will cost the County an awful lot of money in terms of added staff to take care of the nonpayment and the interest we will have to pay.

If the bill was to be restricted to day-care providers, could you solve that problem? Could you make payment in 30 days? Because it seems to me because we are not talking about -- I don't see other vendors coming here complaining, "I'm not getting paid in 30 days." The main point we seem to be having are people who are in the day-care providing business who are serving and not receiving payment. Now, this bill is all encompassing.

MR. SABATINO:

That's correct.

LEG. MONTANO:

The whole County. I have a bill in, 1293, requiring to pay some money to day-care providers which is exactly -- you know, because the State saying we'll have a double audit. What can be done? Because this bill takes the whole County to address one particular part which is the day-care providers. Legislator Vilorio-Fisher's bill is trying to solve this problem by attacking the whole County payment system.

MR. SABATINO:

Well, I think the only --

LEG. MYSTAL:

Well, not attacking but by, you know, processing the whole payment system.

MR. SABATINO:

It's a point well taken. I think the only potential downside is that you wind up with incrementalism which is that -- for example, even when you try to carve out the day-care providers, there's a misconception out there. The staff people that are assigned to processing the vouchers for the day-care providers are also processing the vouchers for five other divisions within the Department of

Social Services. So the processing people in Social Services are a unit here, but they may be processing for services for six subsidiary programmatic components. So to the extent that you say just redeploy all of their efforts to the day-care providers alone and maybe you can get it down to 24 days, the problem is it's going to bubble up on the other five programmatic components of that office. That's the danger, Legislator Mystal, which is that in theory, yes, you could just take all the people, throw those resources at and just carve out day-care, but then it's like, you know, if you put a lot of holes in toothpaste you're going to have the toothpaste bubbling out of five or six different places. So that's the concern I've got, that you wind up with incrementalism.

LEG. MYSTAL:

Okay. Paul, would you admit that given the fact that the County processes thousands of checks and deals with thousands of vendors -- as you said, 10,000 different vendors from Health and DPW -- would you admit that we have a particular problem in that one section of our payment? Because I don't see the small contractors coming and saying that, "We're sinking, we're going out of business because we're not receiving payment." Would you admit that we have a particular problem with that segment of our payment system?

MR. SABATINO:

Well, I want to be fair to Social Services.

LEG. MONTANO:

No, No, I'm not trying to blame anybody. I'm just asking --

MR. SABATINO:

No, no, I understand but it's just --

LEG. MYSTAL:

-- is there -- have you discerned a pattern -- given the fact that we deal with 10,000 different vendors, have you come to the conclusion that there's something wrong somewhere in the payment system when it comes to day-care providers?

MR. SABATINO:

Well, I'm not sure that it's day-care providers, you know, alone because, again, I think that that 50 or 43 or 45 day period is applied -- is applicable to the other five programmatic components. I think what may be the situation here -- and again, this is said respectfully -- is just that the business model of a day-care provider might be different than the other model, so that they have a little less cushion or they're more reliant upon 100% County funding.

LEG. MYSTAL:

Can I tell you what the problem is? I think -- unlike the other vendors that the County may be contracting with, the day-care providers is labor-intensive, it is very seriously labor-intensive which means that they have to meet a labor-intensive market in their payroll. They have to pay their people on a regular basis and they have a big -- the majority of the expenses lies between two things, payroll, rent, they have to pay those two things. So other vendors such as contractors who do, for example, digging holes for us in our streets may not be as labor-intensive. So their particular problems that they have to meet a payroll every week and that's why they probably are more sensitive to late payment than anybody else that the County contracts for.

So if that is true, if it's -- if they are sensitive to a late payment in terms of their business structure, which is labor intensive, is there something that the County administration can come up with that singles out that segment of our population of vendors for special treatment?

MR. SABATINO:

There is, the answer is yes, there's something right now that Commissioner DeMarzo is close to rolling out, it's something she's been talking about over these meetings we've had over the last several months which is -- but on a pilot basis they want to do it first which is -- I think it's called

KinderCare or KinderCare computer program to try to -- to see if somehow it works with producing the paper work on the roster cards and whatever would streamline the time line that's involved with processing papers. So that's something that, yes, they definitely are looking into and my understanding is it's about a month away from, you know, being unveiled or implemented.

LEG. KENNEDY:

One more question.

P.O. LINDSAY:

No more questions, we're going to close this.

LEG. MYSTAL:

One more question and I'm done.

P.O. LINDSAY:

No, we're going to close it, come on.

LEG. MYSTAL:

One more question and I'm done.

P.O. LINDSAY:

Come on.

LEG. MYSTAL:

It's a simple question.

D.P.O. VILORIA-FISHER:

This is really important, though.

**[THE FOLLOWING WAS TAKEN & TRANSCRIBED BY
DONNA CATALANO - COURT STENOGRAPHER]**

LEG. MYSTAL:

I don't know if everybody understands what they mean by roster. You know, people don't understand what it means. I know what it means, is that when a child comes into a day care center that need Social Services, and usually that child has to be certified by the State. For them to get payment, they have to certify the child through their roster themselves. Is there some way we can find ways to shorten the process and reduce the steps that they have go through before the voucher even gets to go the accounting? And that's my last question.

MR. SABATINO:

I think it's something that Commissioner DeMarzo is trying to deal with. Is there a solution today? Not to my knowledge. But the computer, I think, is part of that process.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Two things, Paul. And I will try and take it down a notch. But if we have a chance to go ahead and just speak with Allen, I think that he may have some more pertinent information on the reimbursement rate and what actually can be done at this point.

MR. KOVESDY:

Thank you, John. I called the Director of Finance of DSS, and these five positions if they were released and filled, would fall under the cap and would be reimbursed at 78.5%. They are currently

under the administrative ceiling. That's the best I can get for you.

LEG. KENNEDY:

Okay. So we'd have 21.5% out of pocket.

MR. KOVESDY:

Yes.

LEG. KENNEDY:

Okay. All right. So, Paul, can we at least consider that then as far as looking at some additional personnel, since our out of pocket is really not that great?

MR. SABATINO:

I would rule nothing out. That's why I asked before if we could recess the hearing to have the opportunity to try and sit down and do something that, A, is not going to create a false expectation --

LEG. KENNEDY:

I understand.

MR. SABATINO:

-- that we've modeled the State Law.

LEG. KENNEDY:

I understand.

MR. SABATINO:

And, B, that could be narrowly targeted and that has the potential to work. And again, I make the offer, you know, that we could meet with the Commissioner of Social Services, our budget people.

LEG. KENNEDY:

Let me go to the second point, and it's specific. And it's not hand flapping. At the Health and Human Services Committee Meeting, Janet talked about Kinder-Track and it's being rolled out, but she also said that she didn't know if she was going to hit this September 1 deployment time. And again, I think it goes to her IT support. There may be an OSA II that needs actually to be brought on to have that happen. So, you know that I'm a fan of technology having lived it out in the Clerk's Office, but again, I'll ask you if you can please just look at that one specific position so that there can be technological solution or application brought forward.

MR. SABATINO:

Absolutely. In fact, I had that conversation with her yesterday. She was supposed to meet with Fred Pollert this morning to try to resolve -- I think she had a title that Fred didn't agree with. Fred had a better title. Hopefully that was resolved this morning.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. This is in response to some of Legislator Mystal's questions, but I'm going to direct it to you, Paul, because I do know, Elie, that there are other areas, but this has reached a critical mass with the child care. Paul, several years ago we had an issue with the nursing homes, that we weren't processing. And we did, in deed, hire people, and it didn't put a permanent impact on our staffing. We were able to catch up so that we could process that. And I don't believe that we've had to maintain that level of staffing other the years; is that correct, Paul?

MR. SABATINO:

I recall the issue. There was also another time, I think, with the home health care aide. So it has popped up periodically. I do recall what you're talking about

D.P.O. VILORIA-FISHER:

Yeah. I was the Chair of Social Services at this time.

MR. SABATINO:

I don't recall if they had been made permanent or not, but again, that would be in the context, not of doing more extended process of doing the interest and the calculations.

D.P.O. VILORIA-FISHER:

But this goes to the issue that I think as a County we need to look at all of the areas, because I do know that there are contract agencies that have stopped doing work with the County because they couldn't afford the delays. But there just are not as many of them, so they haven't been able to ban together and come before us this way. But I do for a fact -- I do know other contract agencies who didn't want to come to testify because they were afraid that they would not be considered for contracts or their contracts would not be executed if they came here today. I'm representing what they said to me.

MR. SABATINO:

Let me just -- on the record, that would never happen on my watch.

D.P.O. VILORIA-FISHER:

Okay. But this is what they were concerned about.

MR. SABATINO:

I want to put it on the record so they can reassured that would never happen on my watch.

D.P.O. VILORIA-FISHER:

Okay. I'll reach out to them and tell them that you put that on the record. Elie, it's all over in many, many departments.

MR. SABATINO:

But also, on your point. It's a point well taken, because one of the things that we did do with Commissioner DeMarzo back in April was to tap into the floating pool of clerical personnel that operates out of the Civil Service Department. And one of the things we did do to try to elevate the concern that you've spoken about was to bring in two of those people. That's like a temporary -- it's a good example of how you can do things on a temporary basis.

D.P.O. VILORIA-FISHER:

Another thing we could do is when -- what Mr. Burgdoerfer said. HEAP kicks in the same time all of the school rosters are being built up, which is in the fall. So why not hire seasonals for HEAP and have the people who need to know the process of the vouchers for the child care system leave them in place instead of pulling that? You can only pull people so far.

MR. SABATINO:

That's why I want to assure that -- my comment before about -- we did respond to the idea that was suggested about computers. You know, any reasonable suggestion that talks about thinking outside the box, being creative, we will entertain and listen to. I want to make that very, very clear. Sometimes, unfortunately, when you go and explore it, it turns out not to be viable. But absolutely, we'll exhaust the review. And I welcome any suggestions.

P.O. LINDSAY:

Legislator Viloría-Fisher, what's your pleasure on this bill?

D.P.O. VILORIA-FISHER:

Well, I had made a commitment to the County Executive that I would be sitting with him and the staff to continue to work on this, so I'm going to make a motion to recess.

P.O. LINDSAY:

Motion to recess. Do we have a second to the recess? By Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislators Romaine & Horsley).

P.O. LINDSAY:

And the last hearing is **IR 1511, a Charter Law extending and accelerating the Suffolk County 1/4% Drinking Water Protection Program for environmental protection.**

And we have several cards. Kevin McDonald is the first speaker, on deck is Bob Deluca. Go ahead, Kevin? Your clock is running.

MR. MCDONALD:

Thank you very much at.

P.O. LINDSAY:

Turn on the mike.

MR. MCDONALD:

I'm Kevin McDonald. I serve as Director of Public Lands for the Nature Conservancy. I'm speaking in support of that organization in strong support for this local law. The fundamental aspects of this local law are roughly 20 years Mike LoGrande announced that the County would be investing roughly two-thirds of this same fund in environmental -- a host of environmental purposes that have been the hallmark of the County's extraordinary environmental accomplishments in the last 20 years.

It was amended in '99. Environmental section was reduced. It is proposed that it would be amended one more time now to increase the environmental portion of the County's program by roughly 10%. And that shift comes out of Sewer Stabilization Fund toward the environmental programs. What I'm circulating right now is a concept that was advanced in January of last year called "Long Island's Last Stand." And basically what it is a ten-year strategic action plan to acquire the most significant 25,000 acres of open space on Long Island of which 22,000 of them are in Suffolk and 10,000 acres of farmland, which virtually all is in Suffolk.

And the only way that's going to happen is, is that there needs to be an aggressive partnership between the County, the towns and the State over the next decade to make that happen. And the strategy is, as I understand it with this proposal, is that the Sewer Stabilization Fund, which being modestly reduced, still assures that the 3% cap that districts are eligible to seek relief from the Stabilization Fund can be maintained. And what that suggests is that some of the surpluses that have been running in the last few years in that fund properly should be going toward other environmental measures that the County has as priorities. You're oversubscribed Water Quality section, you're oversubscribed on some of you land acquisitions, and the County hasn't done much in the way of land stewardship and probably needs to.

The brochure I sent out and around sort of outlines what a land acquisition, land and park stewardship concept would look like. This is supported by 100 organization. There's a few today, most of them in Albany today because it's a big Albany lobbying day with a few days left in the session. And the most important thing I'd ask you to consider is a Home Rule Message that you have pass today or the State Legislature cannot pass this bill out of Albany before they break next week.

So in affect what the State Bill does is it extends the sales tax right now from 2013 to 2030. Right now there's only five years left of funding for all of these programs, and then it expires. So this proposal, with time where we can discuss this and rationally go through it, gives you that opportunity to craft that strategy. I would submit that the environmental section can't go much lower or lower than it is right now, because it's barely doing what it needs to do.

And I would hope that, you know, the other obligations that you have to manage for -- which I know that some of you have express concerns about sewers expansions and things like that -- but I would suggest to you that the purpose of a district is to actually pay for those things. And if there is going to be a future district in some areas, that's a much more complicated issue and a vastly costly one that this fund couldn't address either with all the money available in it, and you're really going to need State and Federal assistance as you've had in years passed on major sewer expansion issues.

So my hope that, you know, you look at a few things; one, since 1996, the land that's been acquired in Suffolk County is roughly 60% out in the five East End towns, about 40, 42 or 3% in the western five towns. The cost of allocating is roughly even, which not surprisingly, the West End land costs a little bit more than East End land, and I got that from the County Planning staff, and you'll see that yourselves very soon.

And what that suggests is that, you know, there's reasonable parody in land acquisition, although, you know, I would be a fool to deny that. Just as the sewer districts are the ones that receive sewer district assistance. You can only buy land where the land is most, and most of that is the East End towns.

So again I would encourage you to, you know, act favorably on the Home Rule Messages today. It's imperative that that gets released, or the State can't do anything, and then there is no expanded environmental program for Suffolk County. And I think the time of the urgency. There's a number of efforts that need -- and projects that have to happen in the relatively short period of time that we have to make that happen. And this extension will ensure that at a greater level of comfort than otherwise.

P.O. LINDSAY:

Kevin, your time is up.

MR. MCDONALD:

I'm happy to stop. And the only other I'll give you is we have -- you got report that we laid out. What this is now coming around is a 2006 progress report.

P.O. LINDSAY:

Okay. There's several questions of you. Legislator Alden.

LEG. ALDEN:

Hi, Kevin. Thanks for coming down. Is this the short version of that larger report that you sent around to office?

MR. MCDONALD:

You might be confusing that with the report that the Pine Barrens Society put out.

LEG. ALDEN:

I thought it was named the same thing, "Long Island's Last Stand."

MR. MCDONALD:

That is the only version of that report, and then there's an update that's coming around shortly, this is the 2006 update. And this is a shorter version of that just talking about what has happened in the last year and what needs to be done in '07.

LEG. ALDEN:

Okay. Then I'm just going to address some questions to your comments, because I didn't read this I don't think. I read the other one. Twenty-two thousand acres in Suffolk County, roughly 22,000 acres that are targeted. In the other report, it said most of those are small parcels, 50 by 100, 100 by 100. Have you addressed -- like, this all large parcel acquisition, these 22,000 acres?

MR. MCDONALD:

Well, that report doesn't distinguish, you know, small or large parcels. I mean, in some cases in Brookhaven there's still four or 500 acres parcels, in some cases there's an 800 acre parcel in Brookhaven. But we don't distinguish between small and large. It's --

LEG. ALDEN:

That's the answer to my question. The short answer too is how did you get to 22,000 acres, is that a formula that you need X number of acres?

MR. MCDONALD:

The short answer to that is that what we did back in December of -- the Fall of '05 was we aggregated -- we asked every town to give us their open space project list if they had one for themselves or for any other purpose. We even got -- we get one from Oyster Bay, don't have one Hempstead, they don't have one. So we took all the town plans, we took most of the County plans that we have, the County priority list, we took the New York State open space list, we took other studies that had identified priority acquisitions for one reason or another. Most of those parcels are -- there is a size sensitivity. If you had a half acre lot in a downtown business district, we wouldn't have that on any list. But it -- you know, what we're looking for is the macro image, which is the 20,000 acres generally represents the priority and aggregated lists of a number of different municipal and conservation planning entities that have identified those as priorities.

LEG. ALDEN:

If you went on the town and all those municipal lists and some 20,000 acres is aesthetic, we want to acquire open space to maintain aesthetics of Long Island as it was 100 years ago. So I'll contact you and I'll try to, you know, get an answer to how much of this would aesthetics, you know, and how much wouldn't be.

You made interesting statement before sewers and the amount of money. But if all 20,000 acres and the goal was to acquire land to keep our drinking water pure and clean, it's not. Some of it aesthetics, as you just admitted. The single most way to keep your drinking water safe is through sewers. Did you guys take into consideration the amount of money that Suffolk County might need to do sewers and extend sewers and how that would fit into -- and it's overall program -- because if you do sewers and you do your basically 10, 20, 50 year as where you're going to expand for businesses, for affordable housing, you'll find that you can cluster.

And if you sewer where you're cluster, that would almost automatically lead to a lot of extra land -- not extra land -- but land being left in its natural state outside of these clustered areas. So I'm not sure, you know, how you guys arrived at this plan and could make that statement that, you know, basically you're taking little bit money away from sewers, which wouldn't do anything anyway.

MR. MCDONALD:

Well, let me try to answer that. There's a whole reason why we're acquiring land. It is groundwater purposes, it is for surface water, it is for wildlife habitat, it is for recreation. So there's a whole bunch of reasons. And people order the differently in a personal way what their preferences are. But you get all those benefits on most acquisitions in the first instance. In the second instance, if the question is are there instance where, you know, generally folks in the environmental community think there's an appropriate role for either a new investment in sewer and that sort of thing, I think the answer is yes under certain circumstances.

It's not about not doing sewerage and preventing it and never -- you know, never going there, but there's a couple of other issues. The first that, you know, Chuck Schumer has a press release I think last week or this week that he said, "Long Island needs \$2 billion in sewer upgrades and sewer investment." Carl Marcellino held a hearing back a few months ago and said, "The State of New York hasn't invested in any major sewer upgrades since the 1996 Bond Act, and we probably need to do another Bond Act for New York State." That's being discussed right now in Albany. Some folks are saying that will probably happen in 2008.

My caution is just that just as you guys collectively always ask us in environmental community, "What do you do when you get more State money and town money to buy land so that it's not just all on the County?" It's the same basic issue. It's what are we doing to get the State and the Federal Government to make sure that they're investing in sewer upgrades and sewer improvement where needed so that it all isn't being borne by the County. And I don't know if that's a satisfactory answer. It's probably a longer answer that I'd be happy to have with you another time.

LEG. ALDEN:

I'm going to let that slide for just one minute. But I don't see the enthusiasm for the number one protector of our drinking water that I do for the acquisition of open space, and that very much concerns me. The second part that I would ask, this doesn't run out, the current program doesn't run out until 2013?

MR. MCDONALD:

Right.

LEG. ALDEN:

To your knowledge, what we're trying to do here is to accelerate this now, or would this be something that kicks in when our current program sunsets?

MR. MCDONALD:

The way the provision -- the way the bill is written now, it would -- the new formula would go into effect in '08, in 2008.

LEG. ALDEN:

So we would be taking a revenue stream that we very well might need in the future just to balance the books in County Government, and we'd be borrowing against that for the next 20 something years. Is that the way you understand it?

MR. MCDONALD:

Well, no. My understanding wouldn't be characterized the way you just characterized it.

LEG. ALDEN:

Well, you say it, and then I'll give you my interpretation of your --

MR. MCDONALD:

There's a shift in the Sewer Tax Stabilization Fund in favor of open space, water quality protection and restoration and land stewardship, you know, against a five-year window that's going to close in 2013. That's going to be used to -- the total environmental fund will be used to borrow against a fund for the purposes of acquiring land so that, A, it's still there today, in the next few years, rather than 2025 when it may not be there. And if there is in 2025, it's cost a lot more than it is today. So the argument to borrow against an asset that appreciating in price as a general premise makes sense.

I'm not persuaded, and no one has said this yet, that that relatively small shift is going to put the Sewer Stabilization Fund in any calamitous position. And I would submit that, you know, to the extent that you have future sewer needs that coming up, you're going to have to fund them any way through other things, because you're not going to get it all from this fund anyway.

LEG. ALDEN:

To answer part of -- part of what you just threw back at me, this is a major, major change from what we're doing right now, because what we're doing right now is a pay-go.

MR. MCDONALD:

I understand.

LEG. ALDEN:

Basically. This is going to borrow against that revenue stream for the next 20 something years, so you're not going to be flexible. If you go out and borrow money now and spend it now, as just indicated your desire to do or that would be the most desirous plan, you don't have more flexibility, because if you borrow \$100,000 today, you can't just say cannot say, oh, we're not going pay you back tomorrow. So now there is no more money. That stream is spoken for the next 25 years. And I hope this is presented to public in a reasonably understandable way that, you know, just like at home; if you want something today, this is when you put an extension on house, you're going to borrow for next 25 or 30 years and pay that back. And there's no way of just telling the bank, you know, sorry, but we're not going to pay it back anymore.

The other thing, when you also go into this -- this balancing act and the way you decide, you know, like, we're going to borrow money today to buy the land, you're competing against yourself. You're actually -- we're going to be out there bidding against one or two developers and saying that we've got this plan to buy 20,000 acres. And it's almost like we don't mind if the price just goes right up, because we're going to spend whatever it ends up being, \$100 million, \$200 million, we have committed under this plan to spend it within the next year or two years or three years or a five-year plan at the most.

That is definitely going to drive the price of all this property up immediately. So, in essence, we are going to cause a massive increase in the value of the property, not a natural progression of the increase. The other thing that doesn't really come into this equation, I haven't heard anybody talk about it, is where's the balance for affordable housing, where's the balance and where are we going to actually look for developers to do something in Suffolk County so the people can remain here and can have homes here? And also, where is business going to grow?

MR. MCDONALD:

Okay. Do you want me to answer all of those right now, because it's going to take a few minutes?

LEG. ALDEN:

You know what? You don't have to if you don't want to. I actually would like the answer.

P.O. LINDSAY:

Go ahead.

MR. MCDONALD:

Okay. Let me attempt to. If I miss any, I know you will remind me. If the first instance, on the affordable housing issue, right now a bunch of environmental groups are working with builders, Long Island Builders Institute in connection with the Community Preservation Fund proposal. There is an incentive for a TDR Program in their proposal that would allow bonus densities for so-called workforce housing. We're still in the process of defining that.

LEG. ALDEN:

Can I stop you in the middle of the answer? Because what's been identified again as one of the top two or three problems in Suffolk County hasn't been the acquisition of open space, it's been affordable housing for people to stay here, kids that are coming out of high school, kids that are graduating from college, people that have matured in the work force. They can't stay here. That's

been identified probably as one of the most, if not the most important issue among the people who live in Suffolk County. Yet, your plan doesn't really address it at all.

MR. MCDONALD:

Well, it's an environmental plan. It's not --

LEG. ALDEN:

No. But it's at the cost -- there's only a finite amount of money that we have, and it's at the cost of considering expansion of sewer districts, it's at the cost of affordable housing.

MR. MCDONALD:

We had a discussion yesterday that, you know, there's a lot goes on in Suffolk County in the --

LEG. ALDEN:

Not we though. Not you and I.

MR. MCDONALD:

Not you and I, I'm sorry. Correct. But I was talking with some other members of the Legislature and colleagues of mine about -- and Carrie Gallagher just passed me something, because this was -- precipitated the conversation. They were \$14.125 billion in real estate transactions in Suffolk County last year. So the notion that, you know, the Town of Brookhaven spent \$100 million buying land with its bond issue from 2004 or the town of -- the five East End towns spend \$100 million acquiring farmland and open space in the last year with their Community Preservation Fund money. In the context of \$14 billion, it's relatively small as a percentage of the whole real estate activity. If it was the Ozarks and no one had bought a parcel of land in 20 years, I would agree with that, that that's a concern. I just don't see it.

LEG. ALDEN:

That's an incredible statement to make, because now what we're doing is whatever that percentage works out to be, you're just handing it to the taxpayers to pay. And the backup, really, if we can use sales tax to balance our budget, the only other alternative we have is to raise property tax. So when you're taking this out of the equation --

MR. MCDONALD:

We're not changing the sales tax with respect to -- the percentage dedicated to the property tax isn't changing.

LEG. ALDEN:

No. No. You're failing to miss -- this sunsets in 2013. If we wanted to completely change the allocation -- and there is an allocation here for tax stabilization. You've looked at the bill, right, as it current goes? So if we decided in 2013 that we need all of this quarter cent to actually stabilize taxes, we can't do that now.

MR. MCDONALD:

That's correct.

LEG. ALDEN:

For 25 or 30 years, we're telling taxpayers that we're not going to have any flexibility at all in sales tax. Where we have flexibility, though, is you property tax, and that's what we're leaving ourselves -- as far as if there's a shortfall, we're leaving ourselves in that kind of position that we're going to go after your house value.

So what you said before, though, is an incredible statement, because those are all individual, and it could be corporate, it could be individual decisions, to go and buy property. We -- if this passes, we're telling the people in Suffolk County that we're buying this property for you, you're going to pay the bill for the next 30 years.

MR. MCDONALD:

And they've supported that every time you've asked them for the last 30 years.

LEG. ALDEN:

Good. But I hope this is framed in the proper way then and told people -- and people are told that you're making decision now; no sewers, no affordable housing programs, not with this quarter cent. This quarter cent is going to be developed or basically devoted to purchasing open space. Not all of it environmentally driven, some of it aesthetically driven. I hope it's framed that way, because this is -- this is a really important decision to make with the people's future in Suffolk County.

MR. MCDONALD:

I agree completely with the conclusion or your remarks.

P.O. LINDSAY:

We have a number of other Legislators that want talk about this, Kevin. I just want to put in a very short statement. When you characterize just reducing this sewer component very small, that isn't true. It's more than 30% of what we put into the sewer stabilization. You want to reduce by much, you realize that.

MR. MCDONALD:

I couldn't disagree with your characterization of it.

P.O. LINDSAY:

And the sewer stabilization money was never designed to build new sewers. We realized that need huge influx of Federal and State aid to build new sewer districts. But what it was there for was to stabilize the sewer taxes in the districts where we do have sewers as they grow older. For example, in Southwest, you know, the outfall pipe is 30 years old. If we have to put in new a outfall pipe, we're talking about a huge amount of money to replace that. The other thing is if we are successful in getting new sewer monies from the Feds and the State and put in new districts, that's more districts that are going to be buying in to use that fund to help stabilize the taxes in those districts. Just to clarify the record. Legislator Romaine.

LEG. ROMAINE:

Thank you, Mr. Presiding Officer. I was there 20 years when County Executive -- acting County Executive Mike LoGrande introduced that. In fact, I was the cosponsor and I still have the signed resolution. I'm proud to do that. I am generally supportive of this concept and -- particularly since the major of the land that's going to be bought hopefully will be in the First Legislative District, and I suspect it will be.

However that being said, obviously if I had to weigh this resolution right now, I'm voting for it, because it's beneficial, it's something I believe in. But the language, and whoever drafted this, is troubling. And want to say this on the record. Budget Review did a report of this. And they indicated that we already have the authority in the Quarter Percent Tax Fund to appropriate for the purpose of paying debt service. However, this piece of legislation I think automatically requires us to bond, and we lose any ability to pay-as-you-go. And that's a problem for me.

That is a problem, because whenever possible, I believe in not incurring additional debt and paying as you go. And we already have that authority. So to put into this legislation something that automatically requires us to bond out this whole amount is troubling. We should have just left it. We already have that authority, we didn't have to add to it, we didn't have to lay a cake on it. And we lose our ability to pay-as-you-go.

Also, there's some language that is a concern to me, and I'm just raising these and maybe you can respond to these. I'm raising these in the form of a comment like a question. The language allows for changes in the criteria to determine which parcels are acceptable for acquisition without having

to go back to the voters. That language in this resolution is disturbing, because I think if you're going to change the programs, you really should go back to the voters and ask for reauthorization.

The other language that is disturbing is the fact that it contains many classes of lands that are not defined, and there are no criteria for the other classes of these classes of property that are referred to in this legislation. The other language that's even more troubling is that there is an absolute requirement that they have to score a 25. Tom Isles is sitting over there, and I used to sit on the Environment Committee last year. The first thing we'd look at when we were doing acquisitions, what's the rating. To back in to an absolute number denies this Legislature discretion. That concerns me, because there may be some parcels that are worth acquiring for other reasons that may not meet that 25 number in terms of acquisition.

And then there's a section that allows for the transfer of development rights. Given the fact that the County has had limited experience with transfer of development rights, it's not clear how effective this initiative will be. And we really don't have enough information to make a determination of the full benefits of this program at this time.

I raise these and -- lastly, of course, is who is going to manage this program. Right now, the management, under this resolution, is split between the Budget Office and the Department of Environment and Energy. That concerns me. It maybe difficult to have more than one office involved in managing this program. Dual management could blur the lines of responsibility. These are concerns. Understand, I am a supporter. But whoever drafted this has drafted a flawed bill for the points I made out. And I wanted to put that on the record, because these are points of concern that could have been resolved by not putting language to these affects in there. The bill overall, the purpose, you and I agree on, we want to see it happen. But let me tell you, there's some questions about it. And just wanted to put that on the record. Maybe you want to respond to some of those in general.

MR. MCDONALD:

In the interest of the time, I won't. But I'm assuming we'll be having more conversations real soon.

LEG. ROMAINE:

We're definitely going to have a dialog about this, because if this passes, I'm going to look to see if there's a way to cure some of the problems that were written into this resolution.

P.O. LINDSAY:

Okay. Legislator Horsley.

LEG. HORSLEY:

Good evening. Kevin, I just -- I wanted to make sure that I put my thoughts on the record as well since I think some of the comments -- your initial comments about those that are trying to foist sewer issues upon this very worthwhile environmental concern was, of course, the comment that I made. And I'm going to tell you that the comments that I am going to speak of today, largely in the language of this bill, is I will lobby my fellow Legislators to make sure that this is included in it. Or at least, I'm going to give my best shot.

My concern is we are out to buy property for open space, for environmental purposes, for drinking water preservation and a whole host of very laudable reasons. I believe that it is of equal importance environmentally that we plan for purchasing the areas where we will be going out -- where we will be placing our sewers in the future. I'm looking -- I believe that we should widen the language, grow the language, so that if there is a piece of property that it makes sense to have a sewer plant or have some sort of sewer function on the East End or wherever it may be across Long Island -- across Suffolk County that we have the capability of purchasing that particular property.

Yes, it may not be pristine, and, yes, it may not register 25 on the Richter scale, however, what it does -- what makes sense is that we are able to use these dollars to purchase an environmental property that will some day make sense that we will have -- that we are able to have a sewer plant

on that location or some sort of sewer function at a spot.

And frankly, I think that this belongs in the general picture. And I know when you say that, you know, federal dollars. Absolutely we know we need Federal dollars, we know we need State dollars. However, do not preclude the need to start planning now of where is that plant going to be. If we're going to grow this County, if we're going to have economic growth, if we're going to have affordable housing and all those other issues that we want to have, this is as environmentally important as it is to purchase open space.

So I'm going to ask that this Legislature over the next couple of months consider that we open up the language. We're not changing the statistics of 35, 40%, whatever the numbers may be, we're not changing that, we're just opening up the language so that if there is a spot where we can have a sewer plant that will sewer the Forge River, that we have the capability of using these -- these monies that are there to save our drinking water and purchase the spot that -- so that we don't close out on the possibility of having a plant there in the future. That's my thought. I wanted that on the record.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Mr. McDonald, I have some reservations about this bill. Let me try to explain where I'm coming from, and maybe you could help me out. The existing law goes until 2013, yet we find ourselves here in 2007 trying to propose legislation that will extend it to 2030, you know, 23 years down the line.

My problem is if this was 2011 or 2012 and we were all sitting here, I would know at that point what the economic reality is for the County, the fiscal reality, the environmental issues. What are the top priority issues in the County in 2011, 2012? There's no way in 2007 I could project what those challenges will be four, five, six years down the road. And it isn't as if -- it's my understanding, you can correct me if I'm wrong -- that we've been doing a poor job as far as land acquisitions. Since I've been here, I've been voting for all of these things.

I want to know why we have to do it now, and this is highly unusual. Most the time when you extend existing law, it's done like a year or two before the law expires. And you are asking us now to turn around and do it seven years before. I also would like you to cover -- and I have some reservations too -- about the sewer situation. I mean, I listened to Mr. Alden, Mr. Mystal. Sewers are a major problem right now. Yet, in your proposal, there's a reduction for sewage from 35 to 25%. I am not so sure I like that at all. I mean, I don't know what the -- I think the sewer problem gets worse as the years go by and certainly not better. But, you know, why do we have to do this right now? Why is it so important?

MR. MCDONALD:

Okay. Let me answer that. So in 1998, the residents of the five East End towns voted to put on what is known as a Community Preservation Fund. It went out for ten years, and it created a dedicated funding source for ten years to acquire important lands out there. In the mid '90s, you know, your predecessors would say, "Can't the towns do more? What are the County -- what's the State doing?" So we adopted in the mid '90s a strategy that there should be a three-legged stool around which, you know, important lands get acquired so that the County isn't the only entity on the hook.

So there's the State, the County and the town. So in the 1998, the towns created this Community Preservation Fund. They borrowed short term notes, many of the towns borrowed against just ten year. And then they said, "You know, we really can't borrow anymore, we only had a ten year time horizon. It's inadequate for us to go much further against, you know, what would be a prudent way to borrow against only a ten year time horizon." So in 2002, only four years after it passed, the

voters went out and extended this Community Preservation Fund another ten years. And in 2006, they added another ten years. For the same reason, that you can borrow customarily against capital costs. Twenty years is not an uncommon number to borrow against a longer term acquisition for a building, a road or a land acquisition.

So the thought was if we were going to extend the sales tax, which bear in mind, has consistently been the County's signature environmental investment initiative, and you're going to continue that, because there's still that kind of work to be done, it doesn't strike me as unusual or imprudent to say, "Well, why don't we adopt the same similar model and put 20 some odd years on the time horizon, so that" -- it's particularly in land, which is diminishing in availability and increasing in price, doesn't it make sense to borrow against the anticipated revenue while the land will be cheaper today and it will still around, and it may not be around in ten years? So that was the thinking. You know, you have borrowed before or your colleagues have borrowed before when they've acquired land, and that's not, you know, strikingly unusual.

LEG. BARRAGA:

Do you principally need this in order to give you this borrow capacity? For example, if you go out and borrow \$375 million and it's a bond issue and you have to pay back the debt -- I think one of my colleagues, I think it was the Presiding Officer in one of the hearings indicated as you're buying land, there's less land left and you've dramatically increase the price of what remains.

MR. MCDONALD:

Well, there's about 70 to 80,000 acres of vacant land in Suffolk County now. So, you know, if we saying we're buying every vacant parcel starting today and we want to be done in three years, I would think that the premise of your statement would be more true. We're not buying it all. And it's subject to willing sellers, it's subject to appraisals, it's subject to all the good practices you have in place right now that make certain that the County gets value for its dollar. So none of that changes.

LEG. BARRAGA:

I just will go back to my opening statement. What we're doing here is highly unusual where you're taking, you know, existing law six years before its to expire and putting steps in place to extend it another 17 years.

MR. MCDONALD:

You know, this was changed in '96, it was changed in '99. There have been adjustments made, so it's not like it's never been touched. And in Albany, I agree --

LEG. BARRAGA:

But the problem you do run into -- I think you have to agree with me -- you and I don't know what the condition of this County as a populus, as a government is going to be in five or six years.

MR. MCDONALD:

That's correct, I have no idea. What I'm trying to ask, you know, as a matter of policy is do you want to make continued sustained investment in the environmental policy that you've had in place for 20 years to make sure that that continues going forward so that you get the -- you achieve the objectives strategically that I think, you know, folks have sort of said that they like, which is --

LEG. BARRAGA:

See, in my case, the answer would be yes if it was 2011 and we were taking up the bill, not in 2007. I don't know what's going to happen in this County in four or five years. This whole mix can change dramatically. And if you're trying to tell me, "Well, you know, there's flexibility in the bill, we can move things around," just try and do that when something becomes law. Try to increase the percentages for sewers at the expense of something else once it becomes law. All hell breaks loose. When this passes, and more than likely it will if it's a mandatory referendum, I'm just very leery about what's going to happen four, five, six years down the road if the whole economic mix changes

in Suffolk County and priorities. Thank you.

MR. MCDONALD:

I understand.

P.O. LINDSAY:

I think that's it. Aren't you glad you were the first speaker?

MR. MCDONALD:

Thank you very much.

P.O. LINDSAY:

Bob DeLuca.

MR. DELUCA:

Thank you, Mr. Presiding Officer, Members of the Legislature. My name is Bob DeLuca, and I serve as President of group for the South Fork. Based on Mr. McDonald's testimony, I'm sure mine will be rather. I'm just here basically to offer our support as a conservation and community planning organizations on East End for IR 1511 as well as to echo Mr. McDonald's support for your Home Rule Message.

Rather than just kind of going through all the reasons why open space is important, I just want to address a couple of things I heard affirmatively. And one of them is about the conditions in the future. I mean, when I bought a house several years ago and put every dollar I had into it, I had no idea what was going to happen. But it seemed like the right thing to do at the time. And traditionally, these things pay off. Suffolk County has a great track record in terms of the open space that its had the courage to go out and buy.

The other issue about leveraging these dollars now so you can spend them while there is land still here -- you know, I remember last January when there were an awful lot of politicians waiving at the podium about how we're going to do Long Island's stand. Okay. We have to figure out some way to do it. We went back out to the East End and figured the one way we could think to do it was to get the CPF extended out so we borrow against that revenue stream. And the voters passed it between 62 and 78%, because they've seen this program and they've seen it work. So what I would suggest is that one of the great things about going out to the voters is that they'll tell you what they think. I mean, none of us really know. It could be the end of the world in ten years and that's the end of that. But the reality is thinking about buying a house, thinking about buying open space, thinking about investing in parks, all of the things traditionally come back to the benefit of the County when the County has the courage to lead the way.

And I think the Open Space Program has been a tremendous example of that. And every time it was proposed, lots of people were concerned about what the implications would be. But the track record has been significantly positive. And I would simply say that for those of us who are out on the East End, obviously we like the fact that the County can be a partner in helping us to buy this open space, but the reality is there's lots of people in Suffolk County that can come out and enjoy that open space. And so long term, I think it's an investment in the best interest of the County and the people of the County. I don't think it's done to the exclusion of other important programs that you're going to have to deal with.

Yes, you are going to take some funding from one area and put into another area. Every one of us does that every month in our household budget. You know, something happens and you have to get the car fixed, well, that means you don't go the movies or whatever it is. But these are important decisions. And no one is saying to wipe other critical programs so we can only have the open space purchased. What we're saying is the County has purchased about 10,000 in the past ten years across Suffolk County, maybe there's 30,000 acres left that we might like to have a shot at trying to acquire, farms and open space, that rate is not going to get us near that number. That's the reality.

So the only way that we're going to get near that number, if people were serious, is to try to figure out another funding stream, and this is one way to do it that is in keeping within existing funding that the County has and simply stretching it out so we can pull some of that revenue forward and buy the property when in all likelihood it will be cheaper today than it will be ten years from now. So I thank you very much for your time and attention and your gracious attention to many issues today. I'll go away now unless you have any questions.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Yvette DeBow-Salsedo.

MS. DEBOW-SALSEDO:

Thank you. It's Yvette DeBow-Salsedo, and I'm the Director of Marketing for the Peconic Land Trust. On behalf of the Trust, I'd like to thank the Legislature for giving us this opportunity to comment on 1511 and the importance of extending and reallocating the Quarter Percent Sales Tax Bill.

As we are all acutely aware, development pressure have grown exponentially within the last decade on Suffolk County with no expectation of slowing down for the foreseeable future. These pressures have created a critical condition in the County as historic working farmlands and natural lands are disappearing at an alarming rate. The County has always been a leader in the US and understanding the important of farmland and open space protection. For example, the 2% real estate transfer tax on the East End of Suffolk County has funded and continues to fund important land protection projects throughout the East End, but those funds, as great as they are, are limited. And many of those dollars are already allocated with many more projects and needs still left to be met.

The institution of IR 1511 will bring in over 950 million for the funding of open space and farmland conservation as well as water quality protection projects and a new category -- and stewardship projects, which are of vital interest and importance to people of Suffolk County. These programs provide both economic and quality of life benefits to the taxpayers. But not only will it bring these direct funds to the program, it will also increase the County's ability to borrow money now to fund the purchase of the last vestiges of land available before they are gone forever. All to the benefit of the Suffolk County taxpayers.

Peconic Land Trust believes that the passage of IR 1511 is critically needed to protect the last remaining parcels of working farmland and open space in our communities. These are not just commodities, but connections to our past, our heritage. The passage of this bill will help in protecting the way of life who has a direct impact on the quality of life on all Suffolk County taxpayers. We thank you for the opportunity to speak to you today.

P.O. LINDSAY:

We have one question, Yvette. Legislator Alden.

LEG. ALDEN:

In the preparations of your statement in support of this bill, did you give any deliberation or did your organization consideration give any consideration or deliberate the fact that the East End of Long Island really doesn't have any place for its workers to live, doesn't have any place for its graduates from high school to live or graduates from college to live, really does not have any place for its senior citizens to go that's affordable, and really, relatively speaking, you have no sewerage. So basically when you do anything out there, you're digging a hole in the ground and your putting your

sewage into the ground so it can filter down into our -- into our drinking water.

So this provides for 950 something million dollars that you would and your organization would target strictly for the acquisition of the property. That's nice, but it really leaves a whole bunch of other problems unsolved and really even unthought about by your organizations. It's a yes or no question almost, did you guys give any consideration to any of the other problems? I'll give you one other little thing to consider too, that by buying all the land, you're making sure that in the future you have any areas that are going to provide housing for anybody like senior citizens or young workers or young kids coming out of high school. So you're guaranteeing that in the future you're not going to have any of those things. So, did you give deliberation to that?

MS. DEBOW-SALSEDO:

We have given thought to the affordable housing issue on Long Island -- the East End of Long Island very seriously as it relates to this bill. We looked at this bill as what it was looking to do, and we do believe that it's very important to do land acquisition related to that.

LEG. ALDEN:

So find some place else to get the money for affordable housing and sewers and things like that?

MS. DEBOW-SALSEDO:

Uh-huh. And we're working on different commissions and committees out on the East End to work to find funding and sources and opportunities for affordable housing, but it's not the primary mission of the organization at this time. So what we were looking at as relates to this was that it did allow for farmland preservation, which we thought is important.

LEG. ALDEN:

Okay. Then I have to do one follow-up. One follow-up then. You are speaking for the organization. Your organization doesn't represent the view of the people in that area then.

MS. DEBOW-SALSEDO:

I'm speaking for Peconic Land Trust, yes.

LEG. ALDEN:

You're not trying to say that the people in your area don't consider the one priority affordable housing?

MS. DEBOW-SALSEDO:

No, of course, we believe that -- we understand that the people in our area believe in affordable housing. It's acute and a critical need for us as the organization itself.

LEG. ALDEN:

Then I find your statement really troubling.

P.O. LINDSAY:

Thank you very much, Yvette. Elina Alayera.

MS. ALAYERA:

Hi. My name is Elina Alayera. I am the project coordinator for the Pine Barrens Society. Dick Amper is sorry he couldn't be here today. He's actually up in Albany working to ensure that this fund of the quarter cent sales tax legislation is approved out there. I want to sort of address two points that came up as I've been listening.

First is the issue of why we preserve land. I come from an environmental organization, but I think that at this point, we pretty much all agree that Long Island needs to preserve its land to preserve its economy. We have a \$1.2 billion tourism industry here. And the second home industry, people coming for fishing and recreation, that will all be harmed if there is -- if there is no land

preservation. People come here for our open space. And while it is important for the sake of drinking water and the environment to protect open space, it is also important for the sake of our economy.

The other issue is the affordable housing issue. I think we have all agreed, and I think this Legislature has actually adopted a position that affordable housing has to be directed to high density areas. And I do not think -- and I think that it is acknowledged that affordable housing does not interfere or in any way conflict with land preservation. In fact, the County put -- and I think Tom Isles can attest to this -- the County had a list of open space parcels, priority parcels, as well as parcels that would be priority for affordable housing. And when they put those two together, there was not one parcel that conflicted. So when we talk about affordable housing -- or land preservation at the cost of affordable housing, we have to think carefully about what that means, because at this point, we've all agreed that affordable housing means housing in high density areas, which is not where we are interested in preserving land.

LEG. ALDEN:

Thanks. That's my district.

MS. ALAYERA:

Would you like me to address that?

LEG. ALDEN:

You don't need to. You just did.

P.O. LINDSAY:

Just a quick comment. The perception that people come to Long Island because of open space, I'm sorry, I don't buy that. I mean, not certainly in my district or down the west end. We don't have any open space. They come there because the school districts are good, the communities are nice.

MS. ALAYERA:

I'm talking about the tourism industry, not why people move to Long Island. I think most tourists come here for --

P.O. LINDSAY:

But we're talking about the people who have to live here that are going to foot the bill for this.

MS. ALAYERA:

Sure. But if we're talking about our \$1.2 billion tourism industry, I'm just saying that I think that that industry might suffer.

P.O. LINDSAY:

I'm not talking about the tourism industry.

MS. ALAYERA:

I am.

P.O. LINDSAY:

I know you are. But you made the statement that they come here because of the open space to live here. That isn't true.

MS. ALAYERA:

I'm sorry if you misunderstood. I meant that people come here as tourists, not to live here.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Actually, the point that you made about people coming here as tourists, those people will be purchasing here in Suffolk County; is that correct, they will be buying goods and services?

MS. ALAYERA:

Yes.

D.P.O. VILORIA-FISHER:

And this is an extension of the tax that is placed how on people? How do people pay this tax?

MS. ALAYERA:

It's a quarter penny.

D.P.O. VILORIA-FISHER:

On?

MS. ALAYERA:

On anything they spend here.

P.O. LINDSAY:

She's looking for sales tax.

MS. ALAYERA:

Yes.

D.P.O. VILORIA-FISHER:

On sales tax.

MS. ALAYERA:

Yeah.

D.P.O. VILORIA-FISHER:

So I'm supporting your argument here, which is that the tourists are not -- that the burden is also being paid by the tourists who come here who enjoy those vistas.

MS. ALAYERA:

And that is also done in the districts that do not necessarily have the open space. I think Legislator Horsley actually made a good point about that the -- at Legislator Cooper's press conference, that while your district does not have a lot of the open space, a lot of that money is spent there.

P.O. LINDSAY:

Thank you. I don't have any other cards on this subject. Is there anyone else like to speak?

LEG. MYSTAL:

I have a question for Paul.

P.O. LINDSAY:

I knew that you were looking to get Mr. Sabatino.

MR. SABATINO:

Thank you, Mr. Chairman. First, I want to --

P.O. LINDSAY:

Thank you for giving the opening to Legislator Mystal. Go ahead.

MR. SABATINO:

First, I want to just -- I want to thank Legislator Cooper and the other cosponsors for affording the

County Executive's Office an opportunity to work with him in developing the legislation. Because this is a bill that will allocate \$2.2 billion based on current estimates, \$2.2 billions over of the life of the program, which would be largest allocation of sales tax revenue in the history of the County, I thought it was important that at this public hearing we try to get all of the answers to all of questions that you may have.

So I thought if I could make a brief just summary overview of what the bill is actually doing, and then I've the Director of Planning, Tom Isles, I've got Commissioner Gallagher from the Department of Environment and Energy, I've got Chief Deputy County Attorney, Lynne Bizzarro, and we have Bob Bortzfield, our Budget Director and his assistant, Connie Corso. Bob, of course, worked in the Public Works for a long time and has a lot of experience with sewers. So I thought if I brought all the experts here today when everybody's in the room at the same time, we could get a full dialog all of the issues, if that's okay in terms of format. So I would just briefly make a quick overview, and then we can bring the experts up to answer any questions you might have.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Good afternoon, Paul. I don't want to pick on other people, because, you know, it's unfair. I figure I'd wait for the big gun and ask you the big questions. You know, statements have been made. For example, one statement is that if we don't buy this land that developers will gobble it up because we are under development pressure. Are we having such issues as development pressure given the fact that most towns don't even want people to build anything in their town?

MR. SABATINO:

I got everything except the last part.

LEG. MYSTAL:

Okay. What everyone is saying is that, you know, like, we have development pressure on those lands that we better hurry up and buy them otherwise developers will buy them and develop them into either Mc Mansions or affordable homes. Are we really under such pressure from, you know, the developers?

MR. SABATINO:

I think you are asking the right question. This particular referendum in the Year 2007 has a different starting point through predicate than the last one did as you recall in 1999. In 1999, the driving force, which again, you know, took two years -- 18 months actually to develop, the driving force was dealing with the sewer rate shocks. So that particular referendum was structured around the notion that our first priority would be to deal with the thousand percent and hundred percent rate increases that sewers districts were experiencing.

Here we are, now you fast forward from 1999 Referendum to 2007 -- and this is the question that all of the public officials have to arrive at a consensus on -- but the predicate is that there's a sense that this is the last or the final stand in terms of trying to preserve some balance of that -- that open space. And this particular bill is structured not to make it an east-west dialog, but to make it a County comprehensive. So it's worded that you can get lands for active parkland, active recreational uses, West End, East End, north, south. So unlike prior referendums with respect to quart percent that was limited to just the environmentally sensitive and Pine Barrens, this particular bill is permitting and authoring land acquisition all across Suffolk County.

So to the extend that you believe that this is the final last stand, the predicate of this bill is to authorize you -- not obligate contrary to statement that was made before -- but to authorize you as a Legislative body working with the County Executive to borrow only in the first three years. So it would be 2008, 2009 and 2010 so that the last possible bond, 20 year bonds, would be paid off no later than the last year of this particular referendum, which is the Year 2030. It would give you the

ability to borrow up to about \$322 million to do accelerated acquisitions in the first year -- first years to try to deal with that issue.

To the extent that you believe that that is the predicate, the trade off -- and I want to emphasize this, because it's important that everything be fully and equally informed with respect to what the trade off is so that there's no commentary five or six years from now that, gee, I didn't know what the impact is -- but the trade off is to the extent you opt to borrow the full \$322 million that this would permit -- and again, you're not obligated to do it -- but to the extent that you do, the trade off is you would be paying about \$240 million in debt service. So you would be foregoing \$240 million in the outer years in order to get the ability to borrow the \$322 million up front.

So you have to collectively answer the question are we doing the final last stand. To the extent that you believe we are -- let me finish. This is -- we believe, the County Exec's Office, this is the most responsible or the least adverse impact on property taxes is to borrow through the quarter percent, because the impact is self contained within the Quarter Percent Fund as opposed to -- let me finish. The alternative would be if you don't do the quarter percent borrowing, you have to do another SOS or some other version of that to just a straight, you know, add to the Capital Budget and every dollar of debt service there goes right on the property tax line. So that's the secondary trade off you have to contemplate when you're considering.

And one last point, because this has come up during the course of debate, is that if we do nothing, what do we have available for next year? So I did some quick arithmetic yesterday afternoon. Just, you know, off the cuff, you've got \$15 million of legacy money that's available next year, which become \$30 million, because it's conditioned on, you know, state or local governments matching that, you would have about \$21 million of your normal quarter percent money that would be available, then you would have about \$10 million of multifaceted.

So if you did nothing, if you don't opt into this and you don't do another alternative, you've got \$61 million using my arithmetic in 2008 deal with land. The problem is that you've, because of authorizations for planning step resolutions and master lists and whatever, whether it's on a piece meal basis or on a comprehensive basis, we're in a situation where we're closing on \$140 million worth of land. So to the extent that you stay at 61, but you still pass resolutions authorizing, you know, planning steps to move forward to the tune of 140, there's a differential you have to make up. And if you don't do it with this borrowing, the alternative is you're going to have to do it directly through the Capital Budget or, you know, property taxes. So that's why the County Executive feels that this is the better way to go if we're going to that route.

LEG. MYSTAL:

Okay. Thank you, Paul. After 15 minutes -- it's a good thing I know you well, because I've been dealing with you for 20 years. After 15 minutes of talk, you have completely avoided my question. No. No. Do me one favor, get a pen. What I'm going to do is load you up with all the questions, because once you start talking, we don't want to stop you. And the question I did ask was that are you under developmental pressure from developers who want to buy 70,000 acres to develop. And you give me -- let me say it. Let me say it, please. If you have opinion, you can, you know, make note.

Number two thing that I have. As a minority, I have some serious problem in terms of last stand. It always sounds to me it's the last stand against the hordes of minorities coming to Long Island, so therefore, let's gobble up the land before they get here. You know, this is -- I really -- you know, I'm not saying this facetiously. I really believe that somewhere underneath all of this talk of preserving land is the Robert Moses concept. The Robert Moses concept is let's keep this land for the majority and let's keep minorities out of it. And I really feel that some how the pressure that you are talking about, the last stand that you guys are talking about, is last stand against what you guys would quote, unquote, the hordes, because the population is increasing in Long Island, and most of the increases are being done by minorities moving in. That's number one.

Number two, there is a crock, and I mean it's a crock, that whenever we want to buy land in the East End, the way we sell it to the voters through this County is by saying, "We are buying this land for you for water protection." When, in fact, if anybody were ever to ask the water people in this County, they will tell you not a drop of water on the East End land we are buying will ever flow, will ever, ever, flow into the five western towns, because we can't do it. That's trying to tap into the Lloyd Aquifer right now to bring water into Northport. That's number two.

The other crock that they have is that if you buy them 50,000 acres of land of which they are 70,000 there will be no affect on the market. I swear to God, I don't know how anybody can say this with a straight face that if you buy half of the land that is available in the County, if you buy half -- if you announce that you are going to buy half of the land, it will have in affect on the 35 remaining. That to me is a crock.

Crock number three, land that we buy -- this is one that unnerved me the most, because I remember when I was voting on a bill for Legislator Schneiderman out in Montauk, we brought some piece of land for \$40 million -- no personal to you. That's you're job as a Legislator.

LEG. SCHNEIDERMAN:

That's one house lot.

LEG. MYSTAL:

I know. When we were buying a piece of land for him for \$40 million, he told me, "Well, you know, we're buying this land for the enjoyment of the taxpayers, for the enjoyment of your residents to come out to Montauk," where the land that we were buying, if you remember, didn't even have an access road to it. So I'm going to load a bus load of kids from Wyandanch and say, "Let's go see \$40 million worth of land we just brought for Schneiderman."

P.O. LINDSAY:

Get to the question.

LEG. MYSTAL:

I'm going to answer that. This is the question that I have. "Land that we buy is for the enjoyment of the taxpayers," crock number five. Most of land that we buy is not accessible to anybody in the County except for scientists and Park Rangers because they are closed either by us, we ban it, you can't go into it get to it, or there's no way you can get to it. That's crock number five.

The last crock that I have with you guys, which doesn't make sense to me, we are going to borrow \$322 million and pay \$240 million worth of interest on that money. If anybody can explain that math to me, because that's almost paying shylock rate. I mean, the VIG is high. As Legislator Kennedy would say, that's a high VIG. Three twenty two, 240 in interest, that's a VIG. That's an interest rate. So all of these things that you guys -- you know, the last stand -- where is he? Oh, he is right there. Mr. McDonald, look, your last stand that you are going to make, you know, to me, is at the expense of people who want to move here. One way or the other, whether you agree with them or not, people are going to move onto Long Island. And there is no place to put them. There is no place to put them. There is no place them unless we buy land and build houses for them. End of story.

*(*The following was taken by Lucia Braaten - Court Stenographer*)*

LEG. CARACAPPA:

That was a crock, Elie.

MR. SABATINO:

I take it you're not going to cosponsor the bill.

LEG. MYSTAL:

Yeah, I would like to cosponsor; right?

MR. SABATINO:

Well, I can answer the questions if --

P.O. LINDSAY:

Well, that's what we wanted, we want him to answer questions.

MR. SABATINO:

Okay. Well, first of all, with absolute certitude, I'm speaking for myself and the County Executive, nothing is motivated in this type of legislation from the standpoint of trying to exclude minorities from Suffolk County, and I'm sure that all the other sponsors are in the same situation. So, clearly that was --

P.O. LINDSAY:

Okay, that's one answer.

LEG. MYSTAL:

No, I'm not accusing you of that.

MR. SABATINO:

Okay. Point number two is that you say affordable housing is not being dealt with, but it is. In this very bill, what we're saying is that rather than let the land that we acquire not have a positive impact with respect to workforce housing, we're again incorporating the TDR provisions that were incorporated in the SOS referendum of two years ago.

LEG. MYSTAL:

Paul, I must stop you. If you --

P.O. LINDSAY:

Whoa, whoa; come on, let him answer.

LEG. MYSTAL:

No, I have to, because this is crock number eight. TDR can only be applied if you have land to apply it to, whereby the town would not let you do it; that's crock number eight. So that's another thing, we tell the people, "Oh, you buy this piece of land that you can put one house, but we're going to put the TDR over there where you can build two," and the town said, "Hey, no, you can't." And so the TDR is this FMO floating in the air that we have that will never be applied anywhere.

P.O. LINDSAY:

Legislator Mystal --

LEG. MYSTAL:

I'm sorry.

P.O. LINDSAY:

You asked a bunch of questions, he wrote them all down, he broke the pencil, so don't throw anymore questions on it.

LEG. MYSTAL:

Okay. I'm sorry, Paul.

P.O. LINDSAY:

Go ahead, Mr. Sabatino.

MR. SABATINO:

Well, I mean, I don't agree. I think the TDR Program is going to be successful because I think that there are people out there that are going to be looking at the worn out retails, the broken-down warehouses, the downtown revitalization areas and they're going to say to the towns and the villages, "These TDR's can allow us to do the kinds of things people want with workforce housing." And secondly, if you don't at least make the effort to try to preserve those transfer of development rights, then the land is lost forever.

With respect to your next question which was do we really believe that there's -- do I really believe there's a last stand or a final stand? My personal view really is not relevant, the elected officials in Suffolk County have spoken overwhelmingly, every time you pass another resolution saying preserve this land, you're telling all of us that, yeah, we're at the end and we have a final last stand. So to the extent that you continue to pass resolutions saying authorize land, I interpret that as being a commitment to we've got to acquire this land before it's fully developed.

With respect to the individuals who say that there's no impact on our water supply, I have not heard that argument. I would encourage you to invite that person to come and testify at the public hearing, because I would like to be enlightened on that particular point. I haven't heard it before, but I have an open mind; if somebody can make an argument that changes our collective, you know, viewpoint on this, you know, more power to that individual.

With respect to the market force question, that's a very interesting question. I think it's why Harry Truman wanted to have one armed economists, because you can really make a multitude of arguments with respect to how different factors impact the marketplace. But a starting point, and I was shocked to learn this about four or five months ago when I asked Tom Isles, our Planning Director, in the context of another bill, what is the actual value of real estate transactions in the County of Suffolk, and I was stunned to find out that as recently as two years ago it was about \$16 billion. So when you look at \$322 million, in the context of a \$16 billion real estate market -- part of which, by the way, is are developers buying the warehouses that are broken down or the house that we authorized a few months ago to demolish the house because of some water concerns over in Legislator Kennedy's district. Whatever the case might be, you know, the point is that a hundred -- 200 -- \$322 million in a \$16 billion real estate market is not likely to have a huge impact.

But equally important, I suspect -- and again, I'm not the expert on this, although I do have an economics background -- but I think, I think that what's driving the value of land is not whether Suffolk County is a player or not, but just given supply and demand. To the extent that there may only be 35,000 acres of land that's available in this overall market that's truly, totally only undeveloped, that's probably what is going to drive the force and the value of that property. I think we saw that in 1987 and '88 after we did the first referendum which was pay-as-you-go and then we did a second referendum in '88 to go to borrowing and then the stock market crashed in October of '87 and land values went down because of that. But then the fact that we jumped in as a County with \$143 million of borrowing in 1988 didn't drive the market back up overnight. So economists can make the argument I think both ways, but I think what I just outlined is a fairly solid argument for why \$135 million is not going to have a major impact on a \$16 billion real estate market.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

One correction.

P.O. LINDSAY:

No, no, no, no. No backups, come on, I've got a whole list of people.

LEG. MYSTAL:

We're still talking, we're still dialoguing.

P.O. LINDSAY:

Come on. Make it quick, will ya?

LEG. MYSTAL:

No, just one other thing. The last thing you said, there's a 16 billion market, real estate market in Suffolk County, which is true. The erroneous part of statistic -- and as you know, I have a background in that -- the statistic, yes, there is a \$16 real estate market, but a \$16 billion real estate market does not all have to do with undeveloped land. See, that's what you have to say. You know, people are buying houses, selling houses, yeah, it's \$16 million, but in terms of the undeveloped land, it is not \$16 billion; period. I'm over, pass the ball.

P.O. LINDSAY:

Thank you. Legislator Alden.

LEG. MYSTAL:

Can I get a cigarette now.

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

Paul, you said before that there's approximately \$120 million of planning steps resolutions?

MR. SABATINO:

Yeah. I would just bring up Commissioner of Environment just to confirm, but I believe it's about 120.

LEG. ALDEN:

I mean, I just need a rough idea.

MR. SABATINO

I just want to make sure.

COMMISSIONER MEEK-GALLAGHER:

Yeah, we have about another -- on top of -- we anticipate closing on close to \$140 million this year, those are, you know, previous planning steps. But then we have another almost a thousand acres in the pipeline, meaning that they're, you know, in the process, planning steps resolutions have been passed on those.

LEG. ALDEN:

So this year you've closed on how much so far?

COMMISSIONER MEEK-GALLAGHER:

We've closed on forty-eight million, five hundred eighty-eight acres through May of this year.

P.O. LINDSAY:

No, not 448 million acres.

COMMISSIONER MEEK-GALLAGHER:

Sorry.

P.O. LINDSAY:

That's more than Long Island.

COMMISSIONER MEEK-GALLAGHER:

Sorry, 488 -- 588 acres, \$48 million.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Okay. And you've closed on the first six months of --

COMMISSIONER MEEK-GALLAGHER:

The first five months.

LEG. ALDEN:

Five months of '07. You anticipate another, you just said --

COMMISSIONER MEEK-GALLAGHER:

-- so an additional \$98 million.

LEG. ALDEN:

For the remainder --

COMMISSIONER MEEK-GALLAGHER:

For the remainder of this year, with a thousand acres -- I don't have the figure off the top of my head, but a thousand acres where planning steps resolutions have been passed and are therefore in some process of the acquisition process.

LEG. ALDEN:

Okay. And what's the total you can handle in the course of a year?

COMMISSIONER MEEK-GALLAGHER:

Probably this year hitting \$140 million, I'd say that's about, you know, probably our maximum capacity for processing.

LEG. ALDEN:

And that's not limited by the amount of money that we have available to buy these properties with, that's just your --

COMMISSIONER MEEK-GALLAGHER:

Yeah. In the process, staff, resources, hang-ups that happen going back and forth with the contract, this gets held up because they need a subdivision before you can move forward, having to go through all the committee cycles.

LEG. ALDEN:

And now either for you or for Paul; Paul said before that there's available in '08 about \$60 million for purchases?

COMMISSIONER MEEK-GALLAGHER:

Correct.

LEG. ALDEN:

Okay, going forward, '09, what's available?

COMMISSIONER MEEK-GALLAGHER:

It would be -- it would be a similar amount because we have Legacy Fund, Quarter Percent and Multi-faceted, those are our three funding sources for the next three years.

LEG. ALDEN:

Three years. Okay, so it's a fair statement to say \$180 million in the next three years?

COMMISSIONER MEEK-GALLAGHER:

2007, 2008, 2009. 2010 we're out of legacy money, so we'll only have Multi-Faceted and Quarter Percent if we don't extend this and reconfigure it and allow for the bonding upfront, and short of doing any other type of capital project.

LEG. ALDEN:

Okay. Then this question wouldn't be for you, it would be for Paul; when you crafted the '99 bill for Legislator Rizzo and myself, we have the ability to borrow against that revenue stream now, don't we?

MR. SABATINO:

No; in fact, we don't. If you recall, that whole referendum was based on a pay-go concept. I know the comment was made before. What happened was after the referendum was adopted, about two years later, which was 2001, a group went to Albany and got special legislation in the context of the EFC financing which never really worked out, but we have not, we have not borrowed under the Quarter Percent Program in terms of issuing serial bonds, so.

LEG. ALDEN:

No, I wanted to -- thank you for clarifying that, because I thought it was strictly a pay-go. Now, the question either for you or for the Commissioner, the money that we have, 120 or \$180 million over the next three years if we just leave things as they are, if we go out and borrow, that \$322 million is on top of the 180 million; is that the plan?

MR. SABATINO:

That's correct, both sources -- all four sources would be available, right.

LEG. ALDEN:

And the plan would be to --

MR. SABATINO:

Well, actually, no. I'm sorry, one is a duplication, though, because you -- I take it back, I apologize. Subtract the 21 million from the Quarter Percent because you can't count it twice. So it would be 121 minus 63, so subtract the one -- about 120 plus the other 320.

LEG. ALDEN:

And your plan would be to spend it all in the first three or four years? Because you're going to borrow it --

MR. SABATINO:

You're not obligated to, okay, it just gives you the authority. The theory is that if you truly feel that you're at that last, you know, final stand, then you shouldn't be borrowing in the out years. Number two, it's not a good idea to borrow in the out years because you want to know at the beginning of the program what your -- what your necessary coverage is going to be from the Quarter Percent Sales Tax coming in, so.

LEG. ALDEN:

Paul, is it flexible enough to buy, as was mentioned before, property if we have to expand a sewer district or create a sewer district or property for affordable housing purposes, or is this all just restricted to water preservation or open space aesthetic purchases?

MR. SABATINO:

No, it's just -- what it incorporates right now is it literally takes all of the provisions that you have

right now for like Multi-faceted -- literally from Multi-faceted, the SOS initiative and the old, you know, Pine Barrens and Water Preservation. So Workforce Housing, for example, is not one of the categories and sewers would not be one of the categories as currently constructed.

LEG. ALDEN:

Okay. So those problems, workforce housing or affordable housing, whatever you want to call it, and any sewer expansion or sewerage we're going to do, that's a separate problem we're going to have to deal with and find money for that.

MR. SABATINO:

Except that the bill does attempt to deal with the workforce housing issue by using the TDR provision.

LEG. ALDEN:

Right, but that's going to be a minor impact if you're talking about what we need in Suffolk County as opposed to what a TDR can supply for sewers.

MR. SABATINO:

Well, maybe not if you literally buy \$500 million of land upfront, the impact would be great. But the point is that that's the place where it's impacted, it's not in the other side of the bill which is the acquisition side.

LEG. ALDEN:

Did you consider leaving or allowing for a component for some affordable housing purchases out of this money? Because that is open space, it's -- you know, did you consider that?

MR. SABATINO:

Well, it doesn't -- I mean, it doesn't fit within -- the way it's currently worded, it wouldn't fit.

LEG. ALDEN:

No, no, but you're redrafting the bill, so in your redraft did you consider putting a component in there for acquiring what is open space now for affordable housing programs?

MR. SABATINO:

No, because the TDR provision was the trade-off.

LEG. ALDEN:

Okay. All right, no, I get it. Thanks.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Since we're in the middle of a financial discussion, I think it's appropriate to note that our Budget Director, who's in the audience, Robert Bortzfeld is going to be retiring at the end of this month after a long and distinguished service to the County, crunching numbers, giving us the facts, telling it the way it is, offering advice. He's been an invaluable service to many administrations and a key component to County government and I know he's going to be missed and I want to wish him from this Legislature, and I'm sure you will join me, Mr. Presiding Officer, the best of luck. Bob, good luck.

P.O. LINDSAY:

Yes, thank you, Bob.

Applause

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Paul, one of the questions that I have with this is a couple of things. One, I think it can be debated as to whether or not the real estate market is going to continue to go ahead and be at the level that it's at right now. We look at large scale parcels, they're somewhat unique; we see what's going on right now as we speak with the residential housing market; the County Clerk's Office says it's at an all-time high with its filing of lis pendens; the time that parcels are sitting on the market are increasing substantially. And so when we look at trying to decide what kind of ability we're going to have going forward, we're also being asked to assume that there's going to be this massive overwhelming demand to acquire as we take this move. So I just say maybe the jury's out on that demand for land and it might be able to be viewed from some different perspectives.

The other thing is you talked about in the event that we didn't do this, we look at Legacy, I guess, and the other purchase --

MR. SABATINO:

Multi-faceted and the Quarter Percent regular pay-go money, right.

LEG. KENNEDY:

Which go over the next three years.

MR. SABATINO:

Right.

LEG. KENNEDY:

Okay. And that would be approximately 180 million?

MR. SABATINO:

Over three years it would be approximately 180, right.

LEG. KENNEDY:

And do we have interest costs associated with those monies as well or are we funding them basically out of operating or capital?

MR. SABATINO:

Multi-faceted incurs debt service which is directly on the property tax line, Quarter Percent pay-go money does not, and the Legacy money does because that's coming out of the Capital Budget. So two out of the three which would be roughly, I guess, 40 million out of the 60. But let me be fair, out of that Legacy Fund component, only 15 of that is the County share because we --

LEG. KENNEDY:

It's leverage.

MR. SABATINO:

-- adopted the resolution saying you've got to leverage that to occur. And so I'd say 15 plus -- I'd say 25 out of the 61 is direct borrowing dollar-for-dollar debt service.

LEG. KENNEDY:

And so when we compare that to the cost associated with the 322 spun over this 20 year lifetime at 244 worth of interest, we're really being asked to make a, I guess, a policy decision as to whether we're going to incur that much larger interest cost for the purpose of getting this -- you know, this larger amount up front. But it's really dependent upon what we ultimately decide is the status of the

real estate market right now.

MR. SABATINO:

You're absolutely right. The reason I'm emphasizing and underscoring, you know, all of these provisions is that I think it's important to have -- to be fully informed, you know, full disclosure before the vote, because in 1987 when the original Quarter Percent Program was adopted, it was adopted on a straight pay-as-you-go basis. A year later, in 1988 there was a proposed amendment which was -- again, went to referendum it was approved, it made two changes, it changed the per capita distribution to towns and villages to convert it into only the towns getting the money to close and cap landfills, and it gave -- it converted pay-as-you-go to borrowing.

What happened was the County went out and borrowed 143 million, as I recall. And again, the stock market had crashed in October of '87, just by coincidence, so the County was able to take advantage of some situations where you had distressed properties and the -- and the properties -- for example, the Froelich Farm, the folks that held out for like 11.7 or, I don't know, \$12 million for years over in Huntington and then when the market collapsed we got it for I think 2.5 or 2.7. But what happened was in 1992, about five years later, in '93, people showed up at the Legislature and said, "Gee, where did the pay-go money go, because we expected the year-to-year revenue stream to be up here." Well, what happened was 50% of it was going to debt service. That wasn't a bad thing, nobody did anything illegal, nobody embezzled the money, nobody diverted the funds, you know, for inappropriate purposes, but I think that everyone -- well, I think people tended to forget what the trade-off was with the borrowing.

So I'm only emphasizing it to give everybody the benefit of that experience that we all know what we're talking about when we vote and go forward with the program; that is the trade-off. So five years from now you can't look back and say, "We borrowed \$322 million and I lost whatever I lost, I borrowed \$100 million but where did the money go?"

LEG. KENNEDY:

Okay, all right.

P.O. LINDSAY:

Okay, you done?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

All right, I just want one comment. And, you know, in terms of full disclosure, not only to us but to the public, don't you think we should have put in the referendum that we were borrowing \$322 million?

MR. SABATINO:

No. See, the problem with that is that you may not borrow \$322 million. That's just -- that's just the model -- you have the authority, by borrowing in the first three years, to borrow up to an amount based on projected revenue streams of 322, but it might be -- you know, it might be 320, it might be 115, it might be 110. You've got to be careful with that, if you try to go with a specific figure --

P.O. LINDSAY:

Well, yeah, but the problem is that the resolution doesn't indicate that we're borrowing, you know, this huge amount of money and, you know, in the interest of disclosure, I think the public should know that.

MR. SABATINO:

I mean, I don't have a problem with -- again, subject to the sponsor of the bill agreeing, the

sponsors of the bill agreeing -- that could be reworded. I would just -- I don't think using the figure 322 would be appropriate, but certainly, you know, in the portion where the referendum talks about accelerating the land acquisition component, you know, to incur debt service or -- words could be found, as long as you don't -- I think as long as you don't lock in to the specific figure, I think that would be appropriate; but again, you know, subject to what the consensus is.

P.O. LINDSAY:

Thank you very much for your insight.

LEG. ALDEN:

Bill, I'd like to just ask permission. Since he came down, Tom Isles is here and it was referred to in some of Paul's testimony, can I ask Tom Isles a question?

P.O. LINDSAY:

Okay, go ahead.

MR. SABATINO:

Before you do that, though, there was just one other over-arching point I wanted to make, only because I know it's of deep concern to everyone. I'll keep it brief.

On the sewer component where the sewer component is going to drop from the annual current 35.7% to 25% with that money basically being reallocated for the environmental initiatives, the questions come up what does that mean in terms of the safety of the sewers, and I think the short answer is that you're picking up 17 years of additional Quarter Percent money which we believe, you know, based on our conservative estimates will be sufficient to make up that difference, as long -- because the formula is remaining the same, that you have to get a 3% increase, at least 3% increase before you can tap into that fund. So that is a trade-off again, but we believe that the 17 years, you know, deals with that issue. I know that's a concern to everybody, but we -- the last point is that we would not -- we would not drop below 25%; dropping below 25% we do believe breaches the margin of safety.

P.O. LINDSAY:

Okay, could Mr. Isles come forward to answer a question from Legislator Alden?

LEG. ALDEN:

And while he's coming up; Paul, just on the issue that you just brought up. The 1999 version was crafted to ensure that the original or whatever bonding was retired by 2013; is that still going to be accomplished or does that get pushed out because of the reduced rate?

MR. SABATINO:

Well, based on -- and I'm relying on Bob Bortzfield and the Public Works folks; based on the way we've managed the program and given the fact that we'll have the additional stream, my understanding is that as long as we don't go below 25% we'll be okay. But Bob can respond directly after you question Tom Isles.

LEG. ALDEN:

Well, I hope we're not going to pass this tonight, I hope it goes back to committee.

MR. SABATINO:

No, no, no.

D.P.O. VILORIA-FISHER:

This is just a public hearing.

LEG. COOPER:

No, it's just a public hearing.

LEG. ALDEN:

Right, then I have time to get that -- what?

P.O. LINDSAY:

It's a public hearing.

D.P.O. VILORIA-FISHER:

This is just a public hearing.

LEG. ALDEN:

Right, yeah, but you can close a public hearing, discharge and then --

LEG. COOPER:

No, no, no, I'm not doing that.

LEG. MYSTAL:

No, we'll recess it.

LEG. ALDEN:

Thank you.

MR. SABATINO:

I just wanted to make sure that we had all the expert testimony on the record for the public hearing, that was the purpose of today. Waiting another cycle I thought would be too late, it was just getting it on the record.

LEG. ALDEN:

And kind of a quick question for Tom. This in my mind, it's a massive borrowing and it's -- I guess it's mainly directed to the Open Space/Water Protection. How much of the monetary problem -- or whatever way you want to phrase it, if it's in acres or if it's a monetary problem -- how much of a problem are we going to have with affordable housing going forward? And again, if there's testimony here that there's about 70,000 acres of open space that's available, then you do have the ability to reuse and recycle some things that are downtown or increase the density where we do have sewers. In your expertise, how much do we have to be prepared for in the future for that affordable housing? And I'm going to say it, it is a problem.

DIRECTOR ISLES:

I'm not sure if I understand the question, I'll do my best to answer it. In terms of certainly both our strong needs of this County, we have multiple needs. Certainly we've heard a lot today about the protection of the environment with this, which this Legislature and this County has done with a strong national record in the past.

Let me point out that the program is more than environmental protection because it does include hamlet parks, active recreation which, here again, the County has done in a strong way. A point was made earlier by a speaker in terms of affordable housing and the conflict with the preservation of open space, that there was a process to separate out and make sure that when we're looking at open space that it's not conflicting, as much as we can project, with land for affordable housing.

As part of the Workforce Housing Commission, one task the County Planning Department was charged with doing was there was a solicitation to all the towns saying, "Where do you think we should put affordable housing." Working with the towns right from the beginning, because they are key to what's going to happen in affordable housing, we then reviewed those in terms of criteria to make sure they weren't on the list, to make sure there weren't conflicts. And we did generate with Commissioner Morgo's office an extensive list of properties. Not to say that that's the end-all, that we don't need to continue to look for other properties and other opportunities for the development of

affordable housing.

But in terms of your question will doing this, you know, continuing the County's Open Space Program, which is basically what this is, be in conflict with other important needs of the County, and certainly workforce housing is one of those, that has been a key part of what I think our role of County planning is trying to be, which is to help in the assessment of those properties, those that are critical for special groundwater protection, for drinking water protection, those that may be opportunities for active recreation sites and so forth and still work on affordable housing.

So we have been doing that, it is part of the process, it is not a one-size-fits-all, that we're just looking at it from a one dimension; we have tried to incorporate that.

LEG. ALDEN:

Tom, out of the assessment that you did with the towns and the cooperation, did you get enough feedback from the towns that they would take -- where they identified enough property to take care of what's been identified as a shortage of hundreds of thousands of units?

DIRECTOR ISLES:

No.

LEG. ALDEN:

How far short?

DIRECTOR ISLES:

We had a good start, we had some towns that provided a lot of parcels. We have a development that's under construction right now in Patchogue and the Town of Southampton, for example, but is it enough to solve the problem? No, it isn't and there needs to be other solutions, which certainly I know Commissioner Morgo is working on and actually Michael White also from the Long Island Regional Planning Board that also address it.

LEG. ALDEN:

Thanks.

DIRECTOR ISLES:

Thank you.

P.O. LINDSAY:

You even wore me out. Legislator Viloría-Fisher, last comment, hopefully.

D.P.O. VILORIA-FISHER:

I don't know who would want to answer this question because I'm asking a question regarding the percentages of the allocation of funds. And we have been -- this is a Quarter Percent extension for the purposes of protecting our drinking water and there's no addition to the monies going into our storm water protection. And I would like to see more -- you know, at least another half percent going into that, and my suggestion is that we take that out of the property tax protection, take a half percent from that and put it into Water Quality.

DIRECTOR ISLES:

As a starting point.

D.P.O. VILORIA-FISHER:

That's a starting point, and I think we should just look at that.

MR. SABATINO:

The way I can say it is that the County Executive is adamant about not tinkering with the Tax Stabilization component. He's willing to entertain a dialogue about trade-offs as long as it doesn't

tap into tax stabilization and does not, N-O-T, does not lower the sewer stabilization below 25%, because now we're at the margin of safety. So if it can be redirected within the balance, we certainly would entertain that conversation.

P.O. LINDSAY:

Okay. Thank you very much. Legislator Cooper, you want to recess this or close?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

Setting the date for the following Public Hearings, Tuesday, June 26th, 2007, 2:30 PM at the Maxine Postal Auditorium, Riverhead, New York; the 2007-2008 Suffolk County Community College Budget; IR 1512, a new -- a Local Law to strengthen County policy enhancing the Zoning Ability Code Enforcement by Suffolk County towns and villages; IR 1532, a Local Law to establish a Legislative grant notification requirement; IR 1542, a Local Law prohibiting sex offenders from residing in and close proximity to senior housing; IR 1554, a Local Law to strengthen the Water Quality Protection and Restoration Program; IR 1623, a Local Law to reduce the emission of pollutants from the diesel-fueled motor vehicles operated by or on behalf of Suffolk County. And also setting the date for the following Public Hearings, Wednesday, August 1st, 2007, at 2 PM at the Rose Caracappa Auditorium, Hauppauge, New York; the 2007-2008 Suffolk County Community College Budget. I need a motion to set those Public Hearings.

D.P.O. VILORIA-FISHER:

So moved.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator D'Amaro.

LEG. LOSQUADRO:

Is it 2 or 2:30?

LEG. BROWNING:

It's 2:30.

P.O. LINDSAY:

What it says is two o'clock; is there a reason for that, Mr. Clerk? Why did we set the --

MR. LAUBE:

It's a typo, it should be 2:30.

P.O. LINDSAY:

It should be 2:30, okay. Thank you very much, Legislator Losquadro, for picking that up. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

D.P.O. VILORIA-FISHER:

We're still on tabled, aren't we?

P.O. LINDSAY:

No. What I'm going to do is everybody just sit in your seat because we're going to move this as fast as I possibly can. I'm going to take out of order HR No. 9, it's on -- the last page, Home Rule Messages. And the reason for that is this gentleman over here about the Trade Zone has been with us since ten o'clock this morning, and if we leave him wait here any longer, he's probably going to move his factory to Europe or someplace, you know? So I'll make a motion to approve Home Rule No. 9.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina-Fisher. All in --

MR. LAUBE:

That's to take it out of order, right?

MR. NOLAN:

Take it out of order.

P.O. LINDSAY:

It's to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

Okay. **HR 9** is before us, **Home Rule Message requesting the New York state Legislature to amend County Law Section 224(18) to authorize Suffolk county to make application to establish, operate and maintain a foreign trade sub-zone in the County of Nassau (County Executive)**. I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Okay.

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

16 (Abstention: Legislator Alden - Not Present: Legislator Caracappa).

P.O. LINDSAY:

Okay. Good-bye.

D.P.O. VILORIA-FISHER:

That's it.

UNKNOWN GENTLEMAN:

Thank you very much.

P.O. LINDSAY:

Going back to *Tabled Resolutions:*

1120-07 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-free vaccines (County Executive).

LEG. STERN:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1166-07 - Authorizing planning steps for the acquisition under Suffolk County Multi-faceted Land Preservation Program (Zoumas Property) (Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000) (Romaine).

LEG. MYSTAL:

Motion to table.

LEG. COOPER:

No, we're going to try to defeat it.

P.O. LINDSAY:

You made a motion?

LEG. MYSTAL:

I withdrawn the motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. We have a motion and a second. Did you want to comment on this, Mr. Zwirn?

MR. ZWIRN:

It was just that the organization that was involved with this property has been the subject of an audit by the County Comptroller. It was reported in today's newspaper that they had some serious problems. The County Comptroller had some serious problems with their spending and has asked for a refund back to the County, among other things.

LEG. COOPER:

Just on -- if I could?

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

On the motion. I made the motion to approve just so we can defeat the resolution so that the money can be returned to the individual involved.

MR. NOLAN:

This is 1166.

P.O. LINDSAY:

We're on 1166, I think you're on the wrong resolution.

MR. ZWIRN:

This is the one before that, 1166.

LEG. ROMAINE:

Right, wrong page, wrong resolution. And I'm making a motion to table when we get there, when we're at the right resolution.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Boy, you guys are --

LEG. MYSTAL:

I'll play poker with him any time.

P.O. LINDSAY:

You really are confusing the hell out of me. All right, so you're withdrawing the motion to approve and submitting --

LEG. COOPER:

Making a motion to table.

P.O. LINDSAY:

-- a motion to table. And Legislator D'Amaro, are you going to second the motion?

LEG. D'AMARO:

I believe so.

P.O. LINDSAY:

Okay, so we have a motion to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1260-07 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven (SCTM No. 0200-928.00-04.00-027.000; 0200-958.00-09.00-001.000; 0200-958.00-09.00-002.000; 0200-958.00-09.00-003.000; 0200-958.00-09.00-004.000; 0200-958.00-09.00-005.000; 0200-958.00-09.00-006.000; 0200-958.00-09.00-007.000; 0200-958.00-09.00-008.000; 0200-958.00-08.00-043.000), pursuant to Section 40-D of the Suffolk County Tax Act (Alden).

LEG. MYSTAL:

Don't read the numbers.

P.O. LINDSAY:

Don't read the numbers.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden, okay.

MR. NOLAN:

1260.

P.O. LINDSAY:

1260; any comments?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Comments; go ahead, Legislator Browning.

LEG. BROWNING:

Okay, is this -- this is the one of the Estate of Ethel Grace?

P.O. LINDSAY:

That's correct.

LEG. BROWNING:

Okay, that's the one I want to talk about.

P.O. LINDSAY:

Who has their cell phone on?

LEG. BROWNING:

Not me.

LEG. MONTANO:

Not me.

LEG. KENNEDY:

I'm shutting it off now.

P.O. LINDSAY:

Geez.

LEG. MYSTAL:

The prosecutor.

P.O. LINDSAY:

Go ahead.

LEG. BROWNING:

Okay. I know that Ms. Costigan came, spoke about the properties and the Suburban Housing. I again made a phone call to Mr. Hilgendorf is from Suburban Housing, he did say that he personally, his organization is not interested in developing the property, but looking to work with another nonprofit but could not give us the name of that nonprofit at this time. My concern is doing anything with this property right now, Bellport, the North Bellport residents have a vision in process going on and I don't want to see some other entity coming in and determining and deciding for those residents at this time what's going to happen to that property. And my concern is that there is -- you know, I don't know who that nonprofit is and that's a big issue right now. There is a number of nonprofits coming in between low income and affordable housing, you know. I feel that whoever it is should be coming and talking to the Bellport Coalition and discussing with them what their intent is. So, at this time, I would like to see this bill tabled.

P.O. LINDSAY:

Thank you, Legislator Browning. Legislator Alden.

LEG. ALDEN:

In response, my bill has nothing to do with who goes in and develops the property, so that's an issue -- if you want to raise that at a later time when the property is out there being proposed for development. But my sole issue here is the County of Suffolk has had this property for decades; we have paid all the local taxes and we continue to pay the local taxes. There is no -- unless somebody's -- there's a succession of incompetent people in County government -- i.e., the County Attorneys and the County Executives -- this property has never been put up for auction. Why? You have to ask yourself why. And there might be a problem with the notice that was given to the original owner.

So two years ago somebody in the -- either in Real Estate, I don't believe it was the County Attorney's Office, but I believe somebody in the Real Estate sent a notice to the person that was handling the estate of the original owner, that person immediately went in with -- it's 50 or \$60,000, and I'm sure we have testimony from the County Attorney's Office or Paul Sabatino as to the exact

amount, they went in to basically redeem the property when they were given notice.

I am not locked in to the fact of turning this back to the owners, but unfortunately for 20 years very intelligent people -- some of them elected by the public, some of them appointed -- decided not to sell this or not to even try to sell this because you can't sell it. And any title company that I contacted, and I specifically did give them these numbers, said, "No, we won't ensure property. We will not ensure title on those properties." So in my mind, all I'm trying to do is get this out of the County hands, get it back into private hands, let them start paying the local taxes once again, let them decide through the process, which means going before zoning boards, going before planning boards, going before town boards, let them decide what should become of this property, where it should go. Unless somebody has a better idea that's a little bit more taxpayer friendly than what we're doing right now, because right now all we're doing is we're turning to the taxpayers and saying that we are paying the taxes on this property and we have been for decades and we will continue -- continue to do that forever, because there is no plan that can move these properties out at this point in time. That's what I'm trying to accomplish.

P.O. LINDSAY:

Okay. I'm going to recognize Legislator Romaine in a minute, but I for one would be opposed to tabling this any further, because I don't think it's fair to the people that have laid down the \$50,000, and we're holding their money and not moving the property. Either let's vote it up or down, but let's do something with it because that isn't fair to hold their money.

LEG. ALDEN:

Bill, in response to that, though, by defeating this, you don't automatically -- they're not going to get their money back automatically, that's going to probably end up -- and Paul can address that, it will probably end up in a lawsuit, because they did receive notice from the County and they complied with the terms of the notice.

P.O. LINDSAY:

So they would refuse to take the money back.

LEG. ALDEN:

I don't know, I can't speak for them, but it's not going to automatically -- no, they complied with what the County's request was, so they have, as far as I'm concerned -- and any attorney would probably tell you that yeah, they have an arguable case or an issue that they're going to take before a judge.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I think we should vote this up or down. While I'm sensitive to Legislator Browning's concerns for the community, this is not a community issue, this is a property rights issue; this woman died, her taxes were paid up-to-date, we did not give adequate notice. And the testimony I've heard from Real Estate at Ways and Means, and our Chairman, Mr. D'Amaro, Legislator D'Amaro was there, they said very clearly that they did not give adequate notice, it came back, they made no attempt to contact the estate. And eventually, after 20 some-odd years when they contacted whoever was in charge of the estate, they immediately paid all the back taxes and looked for redemption. This is a simple matter of property rights. I'm agreeing with the Presiding Officer, we need to vote this up or down.

P.O. LINDSAY:

Okay. And I have -- I see Mr. Sabatino at the podium and it's good that you're there, because the whole thing to me is I need a simple -- if we vote this down, are we going to have problems with getting the title to this property?

LEG. ROMAINE:

Yes.

MR. SABATINO:

We are 100% confident in our claim to the property, but the worst case scenario, the absolute worst case scenario is that the Law Department will bring a bar claim action which is no major source of litigation to wipe out that remote possibility of an interest. Because what people haven't told you is that the Law Department did the research and found that in 1977-78, when the original property owner died, notice was in fact sent to the Attorney of record for the State who, by the way, later became a District Court Judge, but that's just secondary. He prepared and filed a Probate Petition which included the property as part of the Probate Petition, but for reasons that are unclear to us didn't liquidate and convert the property into cash. Now, I know this notion about somehow there wasn't proper notice sent because the {Mennonite} decision which the US Supreme Court issued, what, 12 or 13 years later somehow retroactively applied back to 1977 and 1978 when the attorney for the estate was notified. So it just doesn't wash, that's not going to be a valid argument, so.

P.O. LINDSAY:

So you feel we can get clear title to the property.

MR. SABATINO:

We have -- we have title. We can convert it into one or two possibilities; either we'll find a workforce housing initiative that you'll have to vote on, that you'll have to vote on because it will be a 72-h Transfer to the town, if this North Bellport Implementation, you know, Committee is supportive of it, which they're not right now with the proposal that was brought before you four weeks ago. It will be a vote by you on a 72-h, that's one option. The other option is that if we can't find a workforce housing scenario, we'll auction the property off and the County will liquidate its value in the property which you have a fiduciary, you know, responsibility for managing; it could be as much as \$400,000 or higher depending on the marketplace.

P.O. LINDSAY:

Legislator Alden, follow-up.

LEG. ALDEN:

Just two follow-ups. So you're guaranteeing us today that we're going to be made whole plus another \$350,000, which I like that idea. And number two, the timeframe is within the next couple of months we're going to either auction this off or we're going to transfer it out on a 72-h. I'm not so sure I would support the 72-h because the Legislator from that district has put on the record numerous times she doesn't want to see this used as affordable housing or those type of uses, so I'm not -- I'm probably not going to --

MR. SABATINO:

Well, I qualified it by saying that with the support of the North Bellport Implementation Committee. They're opposed -- just to be careful, they're opposed to the suggestion that was made by -- that Suburban was involved four weeks ago, they were opposed because that is not an owner-occupied scenario. What the County does is the County deals with owner-occupied workforce housing, so that's a major distinction for the community.

LEG. ALDEN:

So Paul, the two things that are really --

MR. SABATINO:

But that's the caveat; the caveat would be we wouldn't do it if the community was --

LEG. ALDEN:

But the two things that are really key for me, we're going to get rid of this within the next couple of months and we're going to be made 100% whole as far as dollar-wise.

MR. SABATINO:

Well, I don't know if we're going to get rid of it in the next couple of months because we have to --

LEG. ALDEN:

Well, is 20 years going to go by again or --

MR. SABATINO:

Well, the next possible auction would be in October or November of this year. I don't know what's going to go on the action because we're going to first look at a workforce housing scenario, but I could tell you that within a year from now we'll certainly have it resolved.

LEG. ALDEN:

Well, this we can get rid of it today for the 50 something thousand, almost \$60,000 that was owed in back taxes and then we're done with it, and then somebody else can worry about it in the future. So I'm not so sure you're giving me the assurance that I wanted to hear to abandon support for this bill. I just -- I want to get this back into private hands, get him back paying taxes, I want to make our taxpayers whole; they laid out \$60,000 and they have the opportunity today to get that money back right now.

MR. SABATINO:

Here's the assurance, is that if the bill is defeated, the County will do one of two things. We'll either liquidate the value, which means that we'll have far in excess of the \$60,000, because clearly ten parcels, you know, even in -- even in a distressed area is going to be worth substantial money in the current market, or we're going to be able to work out a 72-h workforce housing scenario with the village or the town, depending on circumstances, but as long as this is pending we can't do either of those.

I think really the equity -- I know it sounds initially like maybe the equities are on the side of the owner, but they're really not because the estate knew in 1977 and 78, filed a Probate petition, included the property, the attorney never went to the trouble of closing the deal; it's not the County's fault that he didn't do that.

LEG. ALDEN:

So you would say that basically there's no reason why for the past twenty something years this property hasn't been sold?

MR. SABATINO:

Well, I can't speak for the Gaffney Administration other than to say they were not proactive, although I might -- you might ask the former Director of Real Estate that's advocating for this client. But I do know that in 2001, there was some kind of a moratorium in the Town of Brookhaven that prevented that particular property from being developed. So probably for the period of 2001 to 2000 and -- whenever the moratorium expired, was a reason for not doing the auction; prior to 2001, I don't know what the reason.

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

Enough.

P.O. LINDSAY:

Okay, enough. Okay, I'm going to call a roll on this. I don't have any more questions, I'm calling a roll call.

LEG. ALDEN:

You can vote, Paul.

LEG. MYSTAL:

Roll it.

P.O. LINDSAY:

Go ahead.

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

LEG. COOPER:

No.

LEG. ALDEN:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

(Not Present).

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

(Not Present).

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. NOWICK:

Yes.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay, *Budget and Finance:*

1429-07 - Amending the 2007 Operating Budget and transferring funds for Copiague Public Library (Mystal). Legislator Mystal, what's your pleasure on this?

LEG. MONTANO:

Where am I?

P.O. LINDSAY:

1429.

LEG. MYSTAL:

Motion to approve, please.

P.O. LINDSAY:

Page number eight. Motion to approve?

LEG. COOPER:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. COOPER:

Second.

LEG. KENNEDY:

Yeah, second.

P.O. LINDSAY:

Okay. Do I -- I have one question on this; is this in the Operating Budget?

LEG. MYSTAL:

Yes, it's in the Omnibus. The money was originally given to the Wyandanch Library which couldn't do it.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

It's just a transfer.

P.O. LINDSAY:

Okay, okay, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1430-07 - Amending the 2007 Operating Budget in connection with median improvements to William Floyd Parkway (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1431-07 - Amending the 2007 Operating Budget and transferring funds for certain contracted agencies in the Department of Economic Development and Workforce Housing (Schneiderman).

LEG. SCHNEIDERMAN:

I'll make a reluctant motion to table.

LEG. COOPER:

Second.

LEG. SCHNEIDERMAN:

I'm working with the administration to do this a different way.

P.O. LINDSAY:

Okay. Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1437-07 - Amending the 2007 Operating Budget transferring funds for the contract agency Tri-Community Youth (D'Amaro). Legislator D'Amaro?

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. Was this in the Operating Budget?

LEG. D'AMARO:

Yes, it was; it's just a correction, it was on the wrong line.

P.O. LINDSAY:

Okay, thank you.

LEG. ALDEN:

This is Omnibus money?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Whatever that is.

LEG. D'AMARO:

Which my name is now attached to, I might add.

LEG. ALDEN:

What?

P.O. LINDSAY:

His name is attached to it.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

I'm just making sure nobody is double-dipping, all right?

LEG. ALDEN:

That's good.

P.O. LINDSAY:

1448-07 - Amending the 2007 Operating Budget and transferring funds to the Hills Foundation (Stern).

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Same question.

LEG. STERN:

Just a transfer.

P.O. LINDSAY:

Transfer, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1449-07 - Amending the 2007 Operating Budget to support enhancements to the Medford Memorial Park Restoration in the Town of Brookhaven (Eddington).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. EDDINGTON:

And the answer is yes.

P.O. LINDSAY:

Huh?

LEG. EDDINGTON:

The answer to your question is yes.

LEG. ALDEN:

Is it Omnibus?

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes, okay. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1450-07 - Amending the 2007 Operating Budget and transferring funds to create one additional Supervising Probation Officer and ten additional Probation Officers for the Electronic Monitoring Program (Kennedy). Legislator Kennedy?

LEG. KENNEDY:

I am going to make a motion to table for one cycle, Mr. Chair, but I'd like 30 seconds to speak on it, assuming the motion gets seconded.

LEG. COOPER:

I'll second the motion.

LEG. KENNEDY:

Thank you. May I, Mr. Chair?

P.O. LINDSAY:

Wouldn't you want to discuss it, because of the hour, being that we're tabling -- go ahead, go ahead. I tried.

LEG. KENNEDY:

Despite it was my intention to attempt to move this bill today, I am making the motion to table based on conversation and dialogue with the Majority Leader and most importantly with the Chair of Public Safety and Finance who has assured me that Director Desmond is going to be giving us the report we've sought.

LEG. ALDEN:

Good.

LEG. KENNEDY:

That's it. Okay, we'll revisit it next time, win, lose or draw.

P.O. LINDSAY:

Motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

1479-07 --

MR. LAUBE:

18.

P.O. LINDSAY:

-- Amending the 2007 Operating Budget ask transferring funds for the contracted agencies Time for Teens and Dominican Sistes Family Health Service (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. And Legislator Schneiderman, same question; was this --

LEG. SCHNEIDERMAN:

It's Omnibus, it's in the budget.

P.O. LINDSAY:

It was in the Operating Budget, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Consumer Protection:

1462-07 - Approving the reappointment of William C. Macchione as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive). I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1463-07 - Approving the reappointment of Anthony M. Marketta as a member of the Suffolk County --

LEG. ROMAINE:

Angelina.

P.O. LINDSAY:

Angelina; I don't have my glasses, I'm sorry -- ***Home Improvement Contractors Licensing Board (County Executive).*** Legislator Alden, you want to make this motion?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1464-07 - Approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board (County Executive). You want to do the same motion, same second, same vote?

LEG. KENNEDY:

Can I make the motion on that, Mr. Chair?

P.O. LINDSAY:

Sure.

LEG. ALDEN:

Sure.

LEG. KENNEDY:

I made the motion in committee, it's for personal reasons.

P.O. LINDSAY:

Okay, motion by Legislator Kennedy and a second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Environment, Planning & Agriculture:

1396-07 - Approving the renewal of Agricultural District No. 3 in the Towns of Huntington, Smithtown, Islip and Brookhaven subject to the required subsequent approvals of the State of New York (County Executive).

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher, second by Legislator Cooper. Everybody all right over there.

LEG. BROWNING:

I'm abstaining.

P.O. LINDSAY:

Okay, but no questions. All in favor? Opposed? Abstentions? And we have one abstention.

MR. LAUBE:

17 (Abstention: Legislator Browning).

P.O. LINDSAY:

1416-07 - Conforming the Suffolk County Water Quality Review Committee and Restoration Program to the County Department of Environment and Energy (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

At this rate we'll be having pizza in the car.

LEG. MYSTAL:

We really don't care, just go.

P.O. LINDSAY:

1468-07 - Authorizing the acquisition of land under the New Suffolk County Water Protection Program - Open Space Component - for the Gazza Property, Pine Barrens Core (Town of Southampton - SCTM Nos. 0900-245.00-01.00-008.001, 0900, 101.000, 0900-278.00-01.00-001.000 & 002.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Is that a motion I heard down there?

LEG. SCHNEIDERMAN:

Yes, that was a motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1472-07 - To reappoint a member of the Suffolk County Planning Commission (Charla E. Bolton) (County Executive).

D.P.O. VILORIA-FISHER:

I'll make a motion; she did come to the committee to be interviewed.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1480-07 - Authorizing planning steps for the acquisition of the Suffolk County Multi-faceted Land Preservation Program (East Moriches Property) (Town of Brookhaven) (Schneiderman). Legislator Schneiderman made the motion. Do I have the second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1486-07 - Amending the Adopted 2007 Operating Budget to transfer of funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program and appropriating funds in connection with the Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710)(County Executive).

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

A brief explanation?

P.O. LINDSAY:

It's to fund the Nitrogen Leaching Reduction Program.

MS. VIZZINI:

It transfers -- this resolution transfers \$87,000 from the Water Quality Fund for the purpose of Nitrogen Leaching Reduction/Irrigation Upgrade on the County Farm.

LEG. ALDEN:

What does that mean?

D.P.O. VILORIA-FISHER:

Well, you have leaching going in --

LEG. LOSQUADRO:

You want me to take a stab at it?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Legislator Losquadro is going to explain this to us.

LEG. LOSQUADRO:

I said I'd take a stab at it. This is to upgrade the irrigation system so that you limit the amount of runoff. The nitrogen in the fertilizers that they're using, when they control the amount -- the rate -- that's what I'm remembering now, the rate at which the water is applied; by upgrading the system, you can control the absorption of the nitrogen into the ground so that more of it doesn't pass through into the water table. That's what it was.

LEG. ALDEN:

So we're giving \$87,000 out of the 477 to fix a watering problem; they're watering at too great a rate and it's causing nitrogen to leach into the ground.

D.P.O. VILORIA-FISHER:

Actually, that's one of the major components of our -- of the programs, of the Stewardship Programs, is doing irrigation the proper way, we're doing that on farmlands also; well, they're doing it voluntarily on farmlands. Because that's one of the biggest reasons for getting leaching into the soil of nitrogen and then eventually it works its way into the water and ruins our waterways. So it's -- we talked about it a great deal in the Environment Committee and it's appropriate.

LEG. ALDEN:

Even the fact that it's County property, it should have been done properly in the first place?

D.P.O. VILORIA-FISHER:

No, it's not that it hasn't been done properly in the first place, it's that we're learning better techniques for irrigating correctly so that we're not adding these offences into our environment.

LEG. ALDEN:

My point would be then that we're not going to do an outside project on a road that's running water into a pond, the bay, an estuary.

D.P.O. VILORIA-FISHER:

In farmlands you have a lot of different, you know, elements that work their way into the systems and the private farmers are spending money on irrigation systems that protect our waterways and our groundwater.

LEG. ALDEN:

Right, but is 477 appropriate or would it be appropriate because --

D.P.O. VILORIA-FISHER:

477 is exactly where it should be coming from.

LEG. ALDEN:

Well, we just spent some money redoing this whole farm, like a couple of hundred thousand dollars; that was never thought to include that in the -- never mind, all right, whatever.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention.

D.P.O. VILORIA-FISHER:

Oh, wait to you see the next one, Cameron.

MR. LAUBE:

16 (*****AMENDED VOTE: 17 (Abstention: Legislator Alden).**)

P.O. LINDSAY:

1487-07 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, Amending the 2007 Capital Budget and Program and appropriating funds in connection with Suffolk County Farm Contaminated Run-Off Abatement (CP 8710) (County Executive).

D.P.O. VILORIA-FISHER:

Dan, you want to do this one, too, and what the kids were playing in?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

I need a motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

By Legislator Romaine, second by Legislator Viloria-Fisher. And we need an explanation. First of all, was this recommended? Don't we have the Water Quality Board.

D.P.O. VILORIA-FISHER:

Yes, it's recommended.

P.O. LINDSAY:

Yes, it went before them and they approved it, okay. Okay, explanation. Unless, Dan, you want to explain it? You did such a wonderful job with the last one.

LEG. LOSQUADRO:

No, I'm not in favor of it.

LEG. SCHNEIDERMAN:

Let's just vote.

LEG. LOSQUADRO:

I'm not bailing anybody out.

D.P.O. VILORIA-FISHER:

Well, is there a question?

LEG. MYSTAL:

Let's just vote.

P.O. LINDSAY:

It's about the bio-diesel engine.

LEG. ALDEN:

Actually, just how does it amend the Capital Budget; it decreases it?

MS. VIZZINI:

Well, money is flowing from 477, it's cash going in to the Capital Program, Capital Project, to do the run-off abatement. This is also at the farm and the Water Quality Review Committee did approve it

as an appropriate use of the monies.

LEG. ALDEN:

But if we did it as cash, we're not going to borrow.

MS. VIZZINI:

Right.

LEG. ALDEN:

So that it reduces the Capital Program in that essence.

MS. VIZZINI:

Well, it's a new project, so it's not in the -- it's not like -- but we do not have to incur the bonded indebtedness, you're absolutely right.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1500-07 - Amending the 2007 Capital Budget and Program in connection with the Suffolk County Multi-faceted Land Preservation Program (CP 7177) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Cooper. I'm going to ask for an explanation.

MR. NOLAN:

It's \$17 million from the Tier II Shelter to offset and go into the Multi-faceted Land Preservation Program.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ALDEN:

Congratulations, Bill.

P.O. LINDSAY:

Thank you.

Health & Human Services:

1432-07 - Amending Adopted Resolution No. 1123-2006, to establish a Tick Management Task Force in Suffolk County (Romaine).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Viloría-Fisher.

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1438-07 - Amending Adopted -- **1435**, excuse me, **Amending Adopted Resolution No. 815-2006 (Romaine)**.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, I'll second it. Maybe you can explain it in two sentences.

LEG. ROMAINE:

It's eliminating some of the members of the Task Force that we have not been able to respond or to serve.

P.O. LINDSAY:

Love it, great. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1465-07 - Approving the appointment of Teresa Strum to the Suffolk County Disabilities Advisory Board - Group C (County Executive). Who does that, is that Health?

D.P.O. VILORIA-FISHER:

Elie.

P.O. LINDSAY:

Is that Health?

LEG. MYSTAL:

Yes.

P.O. LINDSAY:

Make a motion.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:
18.

**[THE FOLLOWING WAS TAKEN & TRANSCRIBED BY
DONNA CATALANO - COURT STENOGRAPHER]**

P.O. LINDSAY:
1474, Approving the reappointment of Kleo J. King to the Suffolk County Disabilities Advisory Board - Group B. Same motion, same second, same vote.

MR. LAUBE:
18.

P.O. LINDSAY:
1475, Approving the reappointment of Deborah Epple to the Suffolk County Disabilities Advisory Board - Group B. Same motion, same second, same vote, unless somebody knows the lady.

MR. LAUBE:
18.

P.O. LINDSAY:
1476, Approving the reappointment of Beverly Cody to the Suffolk County Disabilities Advisory Board - Group B. Same motion, same second, same vote.

MR. LAUBE:
18.

P.O. LINDSAY:
1478, Further amending Adopted Resolution No. 176-2006, Public Health Nursing Task Force.

D.P.O. VILORIA-FISHER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Viloría-Fisher, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
Parks & Recreation:

1477, Appointing Arthur M. Sillman, Jr., as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 9).

LEG. HORSLEY:
Motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion to table, second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1495, Accepting the donation of one (1) Karavan Trailer from the Central Pine Barrens Commission for use by the Suffolk County Parks Police.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do you want to second it, Legislator Nowick?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1498, 1498A, Amending the 2007 Capital Budget and Program and appropriating funds in connection with renovation to Historic Scully Estate, Islip (CP 7512). Legislator Alden, do you want to -- this is your district, you want to make the motion?

LEG. ALDEN:

Will it doom it to failure if I make the motion?

D.P.O. VILORIA-FISHER:

No. I'll second it, Cameron.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Don't be sensitive now. Motion by Legislator Alden, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion and same second on **1498 A**. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. ALDEN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

LEG. ALDEN:

I think I'm cosponsor, but if not, put me down.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

See that, Cameron? See that.

Public Safety:

1353, Adopting Local Law No. 2007, A Local Law increasing towing and storage reimbursement to Towns and Villages under County Seizure Laws.

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

LEG. LOSQUADRO:

Tim, cosponsor.

P.O. LINDSAY:

IR 1446, Requesting legislative approval of a contract award for Marketing Outreach Services for the Department of Fire, Rescue and Emergency Services. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper -- I'm sorry. Change that. Make the motion by Legislator Eddington, it's out of his committee, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Public Works & Transportation:

1079, Adopting Local Law No. 2007, A Local Law to amend the County policy for sewer connections to promote affordable housing.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. Anybody on the question? The only question I have about this is is this going -- we've kind of kicked this around -- limit our ability as a Legislature? Is this going to tie -- codify us to the point that we can't --

D.P.O. VILORIA-FISHER:

No. This is different one.

LEG. SCHNEIDERMAN:

It will require --

P.O. LINDSAY:

It's kind of doing the same thing.

LEG. SCHNEIDERMAN:

If you're connecting to a County sewer district from outside the district and you're doing residential housing of ten or more units, you will have to do at least 20%. That meets the County's definition of affordability.

P.O. LINDSAY:

But my point is --

LEG. SCHNEIDERMAN:

It ties our hands in a way, because we can't approve something that has no affordable housing.

P.O. LINDSAY:

No. Yeah, but we could have an area where we really want affordable housing and the component is only 19%, you know. Whatever.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Just a quick question to the sponsor.

P.O. LINDSAY:

I just don't like to see us renege on our authority and make it, you know, a decision -- an administrative decision rather than --

LEG. SCHNEIDERMAN:

I understand that. The bill basically says, you know, the right to hook into our sewer treatment facilities is a privilege, and if you want that privilege, you're going to have to meet a compelling County need, that need to create workforce housing.

LEG. KENNEDY:

The actual language applies to housing in any type of form?

LEG. SCHNEIDERMAN:

Rental or homeownership, yes.

LEG. KENNEDY:

Rental or homeownership, but not hotels.

LEG. SCHNEIDERMAN:

I don't understand.

LEG. KENNEDY:

Well, you know, I have a hotel going up in my district. I want to know if it's going to be affordable.

LEG. SCHNEIDERMAN:

It would not apply to a hotel. It would be considered --

LEG. ROMAINE:

They rent by the hour.

LEG. SCHNEIDERMAN:

That the Commack Motor Inn. That's considered commercial.

P.O. LINDSAY:

Such a cynical group here. There are a lot of cynics here.

LEG. ALDEN:

There is. I might be one too. I have one other question on this.

P.O. LINDSAY:

Legislator Viloría-Fisher and then you and then Legislator Caracappa. Go ahead, quick.

D.P.O. VILORIA-FISHER:

Okay. I have a quick question for Budget Review, because we have a number of incentive legislation that we passed in the past, which was if there a certain percentage of affordable housing that the County would then help them with infrastructure improvements. So a hook-up to the sewer, would that -- so would the County then pay for some of that hook-up for them if they're reaching this threshold of 20%?

P.O. LINDSAY:

Some money could be used for sewer hook-ups.

LEG. SCHNEIDERMAN:

Yes. I can answer that. They would have to apply to that program, but there is money for infrastructure grants. It could be for --

P.O. LINDSAY:

Legislator Alden.

LEG. SCHNEIDERMAN:

-- hook-ups or playgrounds or curbs or parking or any kind of infrastructure.

P.O. LINDSAY:

Do you have a cynical question?

LEG. ALDEN:

No. Actually just a clarification, and Legislator Viloría-Fisher brought it up. This doesn't interfere with the hook-up fee? They still have to pay the hook-up fee.

LEG. SCHNEIDERMAN:

The hook-up fee does not change.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Through the Chair, if you would allow, I would like to ask Mr. Zwirn or the County Attorney a quick question.

P.O. LINDSAY:

Okay. He's going to ask you if your per hour rate meets the affordable standards.

LEG. CARACAPPA:

I wish I could ask that question. Mr. Zwirn, about two and a half years ago, I proposed similar legislation, actually it was less of a percentage by way of the affordable housing component, where is the County Executive on this seeing that he vetoed my bill, and this is -- this one is even stronger than mine was two and a half years ago?

MR. ZWIRN:

Legislator Caracappa, he's concerned about it. It's not -- he is looking at it circumspect, and he's going to -- if the bill passes, he's going to examine it very carefully. In concept, we're all in favor of encouraging affordable housing. One of the reservations I think he has is that in the event that you have a project that doesn't meet this criteria but environmentally it would make more sense to hook it up to sewers than not, then you punish the people in the community and the environment for not reaching an affordable housing threshold. And he has some -- he has some concerns about it. I don't know -- I don't think his -- I don't think it's so much that he would veto it, but he has -- I don't know what his final reaction would be.

LEG. CARACAPPA:

So when you're saying environmentally there are concerns, you're basically saying that a builder could -- instead of knowing that he had to provide 20%, I think under the bill, right, 20% affordable housing within this new complex that he or she is building, that should just -- they would just probably be better off building their own sewage treatment plant on-site and bypassing hooking into a County system, therefore, you know, not having to comply.

MR. ZWIRN:

Well, that's part of it. The other part is that if it -- if you build a project that now has -- has cesspools as opposed to hooking up to a nearby sewer district that doesn't have affordable housing, what is the impact on the environment. If the impact to the environment is so negative that it would have made more sense to hook up to the sewer district, are we -- you know, is the penalty phase -- it's a little -- it's not clear, you know, looking at it right now. I mean, we're -- in general, we're in favor of these kinds of bills, but we're not -- not real comfortable I'd say at this point.

LEG. CARACAPPA:

I appreciate that. Thank you.

P.O. LINDSAY:

Did you want to say something about this, Ms. Bizzarro?

MS. BIZZARRO:

If I could.

P.O. LINDSAY:

Sure.

MS. BIZZARRO:

Thank you very much. Lynne Bizarro, Chief Deputy County Attorney. I was not here earlier, but I was listening online earlier. I think that 2299 may have been passed by this body. I think it was passed, and I don't know if these two bills will now compete with one another, because they're amending the same section of the law. And I believe Denis Brown made comments regarding the prior law. I would just say that the same analysis would, you know, be basically applied to this resolution as well. I just wanted to bring that to your attention. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Counsel, do you want to --

MR. NOLAN:

I would just that if both bills are eventually adopted and signed by County Executive and become law, because they are amending the same section of the law, they're not really in conflict in terms of purpose, but they may have to be a correction to one of laws to reshuffle them in that section of the law so that -- so that it works in a codification sense. So Lynne's point is correct. It's something we may have to address later.

P.O. LINDSAY:

So procedurally we should move forward with both of them?

MR. NOLAN:

I don't think we really have a choice in a way because -- well, we do -- because the County Executive may veto one or both of the bills, we just don't know what's going to happen down the road. If they both eventually become law, we probably will have to do something technically to make it so that they flow in logical order and not --

P.O. LINDSAY:

Why don't we table both of them and rework them?

MR. NOLAN:

You can't.

LEG. ALDEN:

Because subject matter -- they don't conflict with each other on subject matter, but if they both end up in the same section, one of them is going to have to be an A and one of them is going to have to be a B. That's all. And you can't really predict that right now, because you don't know what the outcome is as far as the County Executive either vetoing or

LEG. SCHNEIDERMAN:

If they both became law, you don't know which one the County Executive would sign first.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

And the other you would have to change the numbering on.

P.O. LINDSAY:

Okay. As long as we know that's what's before us. 1079, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

16. (Not present - Legis. Kennedy and Mystal).

P.O. LINDSAY:

While everybody is eating, I'm going to move right through this agenda, that way I know there will be no questions.

1367, Requiring the use of bio-diesel fuel in the Suffolk County fleet to reduce emissions, improve air quality and promote the use of alternative fuels.

LEG. LOSQUADRO:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Losquadro, seconded by Legislator Viloría-Fisher.

LEG. COOPER:

On the motion.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I just want to ask the sponsor whether we have cost estimate for implementation of the resolution. I haven't seen that as yet. And I don't know whether it's worth waiting until we have the final cost estimate.

LEG. LOSQUADRO:

Currently, the cost of the B-20 fuel is actually upwards of 10 to 12 cents a gallon cheaper than straight petroleum diesel. That's where we are right now. Of course, market rates can fluctuate. So right now, it's actually a cost positive. The only additional cost will be that is DPW going to have to clean all of these 12 tanks as opposed to just ones that were in their normal course of scheduled maintenance. But that's something that has to be addressed in the Operating Budget for 2008 that we can't address now. So I've already spoken to the Department of Public Works about that. And I will be adding a little bit of additional money, not a lot, on the order of, you know, probably under \$10,000 into the Operating Budget for them to clean the remaining tanks that aren't already on their regular schedule of maintenance.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Everybody all right with that? We have a motion and a second. All those in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor please, Tim.

LEG. HORSLEY:

Me too.

MR. LAUBE:

17. (Not present - Legis. Mystal).

P.O. LINDSAY:

1377, 1377 A, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 17, Carleton Avenue/Wheeler Road, Town of Islip (CP 5097).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Mystal).

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, 1377 A. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE -- CLERK OF THE LEGISLATURE)

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

(Not present).

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

(Not present).

MR. LAUBE:

17. (Not present - Legis. Mystal).

P.O. LINDSAY:

1443, 1443 A, Appropriating funds for the acquisition of properties in connection with safety improvements at various locations (CP 3301).

I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington, was that?

LEG. EDDINGTON:

Yep.

P.O. LINDSAY:

All those in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not present - Legis. Mystal).

P.O. LINDSAY:

1443 A, pending bond resolution. Same motion, same second. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

(Not present).

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. MONTANO:

Yes.

MR. LAUBE:

17. (Not present - Legis. Mystal).

P.O. LINDSAY:
IR 1444, 1444A, Appropriating funds in connection with intersection improvements on CR 10, Elwood Road @ CR 11, Pulaski Road, Town of Huntington (CP 5558).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper.

LEG. STERN:
Second.

P.O. LINDSAY:
Seconded by Legislator Stern. All those in favor? Opposed? Abstentions.

MR. LAUBE:
17. (Not present - Legis. Mystal).

P.O. LINDSAY:
Same motion, same second on the accompanying bonding resolution,
1444 A. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. COOPER:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. MYSTAL:
(Not present).

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

The next resolution, **1445, 1445 A, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the roof replacement on various County buildings (CP 1623)**. Counsel tells me is a 14 voter. Why is this 14 voter?

MR. NOLAN:

It's changing the method of financing.

P.O. LINDSAY:

Changing the method of financing. Okay. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Accompanying bond resolution 1445 A, same motion, same second. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

1490, Amending Resolution No. 1163 of 2003 for participation in engineering in connection with the reconstruction of CR 17, Carleton Avenue/Wheeler Road, Town of

Islip (CP 5097).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano, seconded by Legislator Alden?

LEG. ALDEN:
Yes.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1491, Amending Resolution No. 600 of 2006 for participation in construction in connection with the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851).

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Horsley, seconded by Legislator Mystal. All those in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1493, 1493A, Appropriating funds in connection with the renovations, construction and additions to Police Precincts (Fourth Precinct) (CP 3184).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy, seconded by who?

LEG. KENNEDY:
Legislator Nowick.

P.O. LINDSAY:
Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
Same motion, same second on 1493 A, the pending bond resolution. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

1497, Transferring Assessment Stabilization Reserve funds to the Capital Fund, and appropriating funds for improvements in Suffolk County Sewer District No. 5 - Strathmore Huntington (CP 8115).

Do I have a motion from one of you Huntington guys over there.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1499, Approving maps and authorizing the acquisition of lands pursuant to the New York State Eminent Domain Procedure Law, in connection with the acquisition of properties for the reconstruction of C.R. 80 - Montauk Highway, Town of Brookhaven, Suffolk County, New York (CP 5516 PIN 0756.68).

LEG EDDINGTON.

Motion to approve.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1502, Authorizing transfer of ten (10) surplus County computer monitors to the Health and Welfare Council of Long Island. I'll make a motion, Legislator Vilorio-Fisher seconds. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1506, Transferring Assessment Stabilization Reserve funds to the Capital fund, amending the 2007 Operating Budget, amending the 2007 Capital Budget and program and appropriating funds in connection with the design of improvements to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper. Does Legislator Kennedy want to second this?

LEG. KENNEDY:

Absolutely, as a matter of fact. Yes. Thank you, Mr. Chairman.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Veterans & Seniors:

1469, Approving the reappointment of Elizabeth Eggleton as a member of the Senior Citizens Advisory Board. Legislator Stern makes a motion, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

1470, Approving the reappointment of Timothy Edwards as a member of the Senior Citizens Advisory Board. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

Ways and Means:

1327, Adopting Local Law No. 2007, A Charter Law to strengthen and streamline the process for adopting local legislation.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Explanation.

P.O. LINDSAY:

I'm the sponsor, I was going to ask same thing.

MR. NOLAN:

This really has to do with the override of County Executive vetoes and when the clock starts to run on our 30 days to do an override.

D.P.O. VILORIA-FISHER:

Oh, okay.

P.O. LINDSAY:

Now I remember.

MR. NOLAN:

It's known as Paul's Law.

MR. ZWIRN:

We'll see you guys in July.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. BROWNING:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

1505, Authorizing use of County facilities by Walk-FM in connection with providing space near the County's Emergency Command Center as an auxiliary broadcasting location during periods of declared, local emergency.

LEG. D'AMARO:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. **Memorializing Resolution Number 30, Memorializing Resolution in support of enacting the Healthy, Safe and Energy Efficient Outdoor Lighting Act.** Legislator Cooper.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second. Cosponsor, please.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not present - Legis. Montano)

P.O. LINDSAY:

MR 31, Memorializing Resolution requesting United States Congress to enact the National Estuary Protection Act. Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not present - Legis. Montano).

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. LINDSAY:

MR 32, Memorializing Resolution in support of doubling maximum allowable income limitations for volunteer firefighters eligibility to obtain a SONYMA mortgage.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. HORSLEY:

Cosponsor.

MR. LAUBE:

17. (Not present - Legis. Montano).

P.O. LINDSAY:

MR 33, Memorializing Resolution requesting the New York State Legislature amend the Tax Law in relation to exempting the sale of hybrid vehicles and high-efficiency vehicles from State sales and compensation use taxes and to authorize cities and counties to grant such exemption (Assembly Bill A.7626 and Senate Bill S.3947).

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Losquadro. And if this gets adopted, we're going to -- we're not going to do the same, we're going to still tax them, right?

LEG. ROMAINE:

Absolutely not.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not present - Legis. Montano).

P.O. LINDSAY:

MR 34, Memorializing Resolution requesting United States Congress to enact the Employee Free Choice Act. I'll make the motion, seconded by Legislator Browning. What this does is change the Federal Labor Law to make it easier for people to organize people.

D.P.O. VILORIA-FISHER:

Okay.

LEG. KENNEDY:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Montano).

P.O. LINDSAY:

MR 35, Memorializing Resolution in support of the inclusion of basic Cardio-Pulmonary Resuscitation (CPR) training in Secondary School Health Education Curriculum (Senate Bill S.178 and Assembly Bill A.3646).

LEG. BARRAGA:

On the resolution.

P.O. LINDSAY:

Let me get a motion first, okay?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Losquadro. And Legislator Barraga has a question.

LEG. BARRAGA:

Just for the record, this is a mandate on every school district in the State of New York. There's

absolutely no funding in the State legislation. The New York State School Boards Association is against the bill. But as you can see, even though it's a mandate, it's a sensitive issue. So I'll be voting in the negative. I suggest the rest of you vote for this thing.

P.O. LINDSAY:

You're a brave man.

D.P.O. VILORIA-FISHER:

Actually, I'll be voting against it as well, because it's an unfunded mandate. There should be funding attached to it for the school districts. It's putting more burden on the local school districts.

LEG. ROMAINE:

We've asked for funding.

LEG. LOSQUADRO:

Mr. Chairman.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Very quickly on the record. I would say that many school districts already include this as part of their health curriculum. I know that my school district did even when I was going to school, so it was a while ago, but not that long ago. And I know my school district actually still provides this as part of their health curriculum. So it's something that if worked into the curriculum is provided by the same instructional staff that is currently in place. And they should be able to incorporate this with no additional cost.

P.O. LINDSAY:

When I went school the term CPR stood for something different. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

I'm opposed -- I'll abstain.

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Okay. We have two abstentions, one opposition.

MR. LAUBE:

16 (Opposed - Legis Barraga and Viloría Fisher. Abstentions - Legis. Alden. Not present - Legis. Montano).

P.O. LINDSAY:

MR 36, Memorializing Resolution requesting United States Congress to expand Federal conservation tax incentives (S.469 and H.R. 1576).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Man, you're a busy little guy this month. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not present - Legis. Montano).

P.O. LINDSAY:

Home Rule No. 7, 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).

LEG. ROMAINE:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Okay. We have a motion and a second. On the question, I'm going to ask this question. I mean, shouldn't we encourage the State to pass legislation -- okay. So we have a motion to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not present - Legis. Montano).

P.O. LINDSAY:

HR 8, Home Rule Message requesting the New York State Legislature to authorize Suffolk County to extend a temporary one-percent sales and compensation use tax rate. I'll make a motion. This has nothing to do with land preservation.

LEG. MYSTAL:

Point of order.

P.O. LINDSAY:

Yes. Legislator Mystal.

LEG. MYSTAL:

Isn't the County Executive forbidden to put in Home Rule Messages.

LEG. CARACAPPA:

No. Absolutely not.

LEG. MYSTAL:

He can do Home Rules.

LEG. CARACAPPA:

Yeah.

LEG. MYSTAL:

All right.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Who was the second?

P.O. LINDSAY:

I made the motion, seconded by Legislator Cooper.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

16 (Opposed - Legis. Barraga and Alden).

P.O. LINDSAY:

HR 11, Home Rule Message requesting the New York State Legislature to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications and providing for the repeal of such provisions upon expiration thereof.

D.P.O. VILORIA-FISHER:

What does that mean?

P.O. LINDSAY:

I'm the sponsor. It's the Red Light Bill.

LEG. MYSTAL:

Okay. Do I have a motion?

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ROMAINE:

Mr. Presiding Officer, if I could make a motion to waive the rules, place on table **Home Rule 13-2007, which requests the State Legislature to authorize Suffolk County to regulate taxi cabs and limousines**. Doing it at this time -- the Legislature, the State Legislature will be coming to a close; if we don't approve it now, it will have wait until next year. Motion.

P.O. LINDSAY:

Okay. So your motion is to waive the rules, lay it on the table --

LEG. ROMAINE:

And approve.

P.O. LINDSAY:

And approve.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

So we're going to waive the aging period, okay. We're going to get to that.

LEG. MYSTAL:

We're going to take the first one on just waiving the rules, right?

P.O. LINDSAY:

Okay. Waiving the rules. We have a motion. Do I have a second to Legislator Romaine?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. MYSTAL:

Opposed.

LEG. COOPER:

Opposed.

LEG. D'AMARO:

Opposed. On waiving the rules, no.

LEG. MYSTAL:

I thought we were voting on approval.

P.O. LINDSAY:

This is just the waive the rules. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Now on the resolution. **HR 11 - Home Rule Message requesting New York State Legislature to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications and providing for the repeal of such provisions upon expiration thereof (Presiding Officer Lindsay).** You want to make a motion to approve?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga. I'm going to talk in favor of this. And the reason why is we passed legislation last year to regulate limousines in Suffolk County as a reaction to some local laws that Nassau County put in that was really discriminating against our people. And then New York City got into the act. New York City, Nassau thought they were doing us, and then New York City started doing them brought, and then they kind of brought everybody to the table.

But it became apparent in these extensive discussions that there should be State regulations across the State what's really interstate commerce. I mean, these guys take -- you can't limit a limousine to Suffolk County. Most of the -- you pick up here, you take into the City, you take into the airport, you might go up to Newburgh Airport, sometimes you'll go to Newark. So it really handicaps these people in the terms of how many licenses they need and how many regulations they have to comply with. So I, for one, and I think Charlie Gardner, our Commissioner of Consumer Affairs would strongly advocate that these folks be licensed on a State-wide basis.

LEG. HORSLEY:

Where's the Limousine Association on this?

P.O. LINDSAY:

They're definitely in favor of it, because they're getting killed by all these regulations.

LEG. MYSTAL:

Do we have a Senate Bill? Is this just Assembly.

P.O. LINDSAY:

I don't know. To the sponsor, is there a Senate Bill.

LEG. ROMAINE:

I believe there's a Senate Bill that's coming forward. They're waiting for this message in the Assembly. We'll get LaValle to introduce it in the Senate.

P.O. LINDSAY:

I'm not sure it will pass, but I think we should go on record in favor of it, because New York City, the Taxi and Limousine Bureau in there makes a tremendous amount of money off of these folks. And I think they'll fight kicking and screaming not to give up the jurisdiction, you know. That's my opinion. We have a motion and we have a second. Any discussions? You are all right now with it? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. EDDINGTON:

Cosponsor.

P.O. LINDSAY:

List me as cosponsor, too, all right.

LEG. BROWNING:

Yeah, why not.

P.O. LINDSAY:

I want to do the two that were discharges and aging this morning. Okay. Let's go to **Home Rule**

10, which is a Home Rule Message requesting New York State Legislature to amend the New York State Tax Law Section of 12-10A, to extend and modify the sales and compensating use tax for purposes of the Suffolk County Drinking Water Protection.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, seconded by Legislator Viloría-Fisher. I'm going to just take the first shot at commenting on this. Again, I'm going to urge my colleagues, no matter how you feel about the big bill, that we should pass this if we have any chance of anything working. I would like to see if this has enough legs to pass the State to see if we have the funding, you know, before we even start considering the other bill. So I think we should do this, especially in light of the session in Albany closing. Did you want to comment Legislator Alden?

LEG. ALDEN:

No.

P.O. LINDSAY:

Does anybody else want to comment? No, you want to go home, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

We have one opposition.

MR. LAUBE:

17 (Opposed - Legis. Barraga).

P.O. LINDSAY:

And the other one is **Introductory Resolution 2188, authorizing conveyance of parcel bearing Suffolk County Tax Map Numbers, Town of Southold pursuant to Section 72-H of the General Municipal Law.**

This was the one that was discharged this morning where we're conveying the property to the Town of Southold who has agreed to take it now, am I correct, Mr. Zwirn?

MR. ZWIRN:

Yes. That's correct. They've set up a special road district. They're waiting for this so they can flow the bond and do the roads.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro, seconded by Legislator Cooper. Any other discussion? I just would like to compliment the administration for working this out, because I know it was a contentious thing.

MR. ZWIRN:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ROMAINE:

Cosponsor on that resolution.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

PM-9, authorizing funding for Community Support Initiatives, and there's an extensive list. Do I have a motion? You should have them in your packet. Motion by Legislator Vilorio-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Certificates of Necessity:

Let's go to the red folder. Okay. **1555, Amending Resolution No. 41-07 Extending SC Carbon Cap Implementation Advisory Committee.**

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Vilorio-Fisher. Anybody want to talk about it? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

Next one, **IR 1629, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Danny Jiminez (SCTM No. 0400-146.00-03.00-106.000)**

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1630, Accepting and appropriating 100% additional Federal grant funds from the U.S. Environmental Protection Agency (USEPA) to the Department of Health Services for the

UIC Database for Class V Wells Program.

D.P.O. VILORIA-FISHER:

Motion to take the money.

P.O. LINDSAY:

Eleven thousand dollars.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

1631, Accepting and appropriating a grant in the amount of \$100,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operating Hot Wheels III Program with 100% support.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1632, Requesting legislative approval of a contract award for pharmacy services for the Department of Health Services, Division of Patient Care and the John J. Foley Skilled Nursing Facility.

Do I have a motion?

LEG. STERN:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

1633, Authorizing use of property at Gabreski Airport by the Kiwanis Club of Greater Westhampton. Legislator Schneiderman, would you like to approve -- - make a motion on this?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

How did I know that? Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

Okay, Late starters:

I'd like a motion to waive the rules and lay on the table following late starters: 1624, to exempt deployed or mobilized or required two week duty, active duty military personnel from paying County Parks daily fees, it's assigned to parks; Resolution 1625, authorizing the acquisition of farmland development rights under the new Suffolk County Drinking Water Protection Program for the Reed Property, Town of Riverhead, assigned to EPA; 1626, authorizing acquisition of farmland development rights under the Suffolk County Multifaceted Land Preservation Property for the Zelenki Property, Town of Riverhead, EPA; 1627, amending the hourly rate of the temporary positions in the Suffolk County Classification and Salary Plan, it has to do with interns, and this is assigned to Labor; 1628, amending Resolution Number 1092-2004, to purchase additional mammography unit for the Marilyn Shellabarger South Brookhaven Family Health Center in Shirley, assigned to Human Services; 1634, authorizing acquisition of land under the Suffolk County Save Open Space Farmland Preservation Hamlet Parks Fund, Hamlet Parks Component for the Louis Oliver property, Town of Huntington, Village of Northport, assigned to EPA. Do I have a motion to waive the rules, lay them on the table.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Wait, we have one more. 1635, establishing guidelines for the use methoprene in Suffolk County, I guess this would be Health and Human Services. Do I have a motion to waive the rules, lay on the table? Motion by Legislator Vilorio-Fisher, seconded by myself. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not present - Legis. Romaine).

P.O. LINDSAY:

Do we have anything else before us?

LEG. CARACAPPA:

Mr. Chair.

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

Before you adjourn, I'd just like to say, I thank Budget Review for their work, the entire staff, on the Capital Budget and helping us -- helping us with all the amendments. We appreciate it.

P.O. LINDSAY:

Thank you, Legislator Caracappa, for doing that, because they did a yeoman's job. I thought that you were going to make a motion for the plaque on the wall?

LEG. CARACAPPA:

For Gail, sure.

P.O. LINDSAY:

Okay. We have a motion to waive the rules on the late starters.

All in favor? Opposed? Abstentions? We did that. I take a motion to adjourn. Motion by Legislator Mystal to adjourn, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Romaine).

(*THE MEETING WAS ADJOURNED AT 8:23 P.M.*)

{ } - Denotes Spelled Phonetically