

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTEENTH DAY

DECEMBER 3, 2007

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

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Okay. Mr. Clerk, would you please call the roll?

MR. LAUBE:

It will be my pleasure.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present)

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Mr. Clerk, please list me as present.

MR. LAUBE:

Yes, sir. Fifteen. (Not Present at Roll Call: Legs. Montano, Horsley and Cooper)

P.O. LINDSAY:

Okay. Could everybody rise for a salute to the flag, please, led by Legislator Caracappa?

(Salutation)

P.O. LINDSAY:

Okay. And Legislator Caracappa could introduce our visiting Clergy.

LEG. CARACAPPA:

Thank you, Presiding Officer Lindsay. It's a pleasure and an honor for me to introduce our guest Clergy this morning, is Father Charles Srion from the Assumption Church, Assumption Parish in Centereach. And Father Charlie, as we recognize him in the community, is a native of Thailand, but an American citizen, and a priest for the Diocese of Rockville Centre, and ordained in 1978, if I have my notes correct. And in 1984, he came to the United States and furthered his studies and graduated with a Masters Degree in Youth Ministry from Fordham University. And he went on through '85 and to '91 as an Associate Pastor at Saint Rose of Lima in Massapequa, and then on to the Church of Our Lady of Victory in Floral Park, and then on to Associate Pastor of Saint Raphael in East Meadow, and it became a special ministry as a Chaplain of the nursing home. And from 2002 to the present, as I had mentioned earlier, he's the Associate Pastor of the Church of the Assumption Parish in Centereach.

But something very special about Father Charles to all of us in the community; has a very, very strong relationship and bond with our public safety agencies, primarily our fire departments. He currently serves as the Centereach Fire District and Fire Department Chaplain, as well as other organizations in the community. He's also been Chaplain for the Floral Park Fire Department, and, I might add, for life; Chaplain of the Floral Park Police Department. He was inducted into the Hall of Fame of the Saint Rose School in Massapequa, the Citizen Award from the Floral Park community. And, again, he's been around the community, always present, always there to give a lending hand and to give us, you know, that spiritual lift that we so, so dearly need, especially during times of need.

So, Father Charles, I'd ask you to come forward and give us our blessing.

FATHER SRION:

Let us bow our heads and pray for God's blessing. Let us pray.

Almighty God, our loving Father, all powerful and everlasting Lord, we are your people, embraced by your love and care, and we do want to sing your praise forever, and to give you thanks in all we do and in all we say in your holy name, as your humble and faithful Legislators and servants who serve our beloved brothers and sisters on this land of love, liberty, freedom and peace, especially our beloved brothers and sisters in this part of Suffolk County.

You spoke to us a message of peace, love, unity and freedom in this greatest country of the United States. You told us to live as one, as brothers and sisters. Your message took form in the visions of our fathers as to fashion this greatest nation, where men and women might live as one. This message lives on in our midst as a task and duty for all of us, your faithful Legislators and servants today and our promise for tomorrow.

We thank you, all powerful God and Almighty Father, for your blessing in the past, and for all that, with your help and grace, we must yet achieve. We ask you, Father, to bless these, your humble and faithful Legislators and servants, the love that has a duty, the love that children of this land, they walk, and enrich them with their witness of justice, truth and peace. With their hearts full of love, let us try our very best to serve our own people and to give praise and glory to God.

May the Lord bless you and keep you. May the Lord make His face shine upon you and be gracious to you. May the Lord look upon you kindly and give you peace. May the Lord protect and praise and bless all of us, in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

P.O. LINDSAY:

If everyone could remain standing for a moment of silence for our former Presiding Officer, Legislator Joe Rizzo, who passed away last week. Joe was the longest serving Legislator in the history of this body. He served for 21 years.

And, additionally, if we could keep in mind all of our men and women that's in harm's way this morning as we speak, that they come back to us safe and sound.

(Moment of Silence)

Thank you. Okay. I don't have any proclamations this morning, but we do have one presentation. For several months, Legislator Cooper has been working closely with Commissioner Williams of FRES to establish an Emergency Notification System for the residents of Suffolk County, using either text messages, E-mails or phone calls. Most of these systems were incredibly expensive and all had limitations. Fortunately, New York State has just established such a system and is offering it to local governments free-of-charge.

New York Alert is a newly-created mass emergency notification system available today to New York State residents. Commissioner Williams has arranged for the Director of New York State Emergency Management to speak about New York Alert from the State perspective and what it means to Suffolk County. And we have with us this morning John Gibb, who's the Director of New York State Emergency Management. Mr. Gibb, are you in the audience? If you could, please, come forward. And you could either use the podium or you could sit at the table, wherever you're comfortable, with Commissioner Williams.

COMMISSIONER WILLIAMS:

Good morning. Before we start the presentation, I just want to thank this body for allowing us to come today and speak about this very important issue.

One of the things that is very important to us in Emergency Management is getting information out to our residents during a time of emergency. Like we mentioned before, Legislator Cooper and I have been speaking about this for about the last couple of months. Every other system we looked at this in the County to help us out costs anywhere from 300 to \$500,000. New York State introduced this program back in June of this year. I think it's fantastic. One important thing. There is no cost to us as a County to be part of this program. This system is so complex that we can use this in anything from a hurricane notification to a lost child, to a terrorism attack, to a road closure. And New York State is willing to work with us. We're cooperative, and I look forward to working with Mr. Gibb. And I'll turn this presentation over to John Gibb now.

MR. GIBB:

Thank you, Commissioner, and thank you, Mr. Lindsay, for the invitation to be here today. Members of the Legislature, again, it's my pleasure, and I bring regards from Deputy Secretary Mike Balboni, who I report to in the Governor's Office, and the Deputy Secretary has been a huge supporter of our efforts to put in NY-Alert out there to counties to be able to utilize it as a means of dissemination of critical emergency information.

New York Alert, I'm very proud of it. It's a web-based all-hazards alert and notification system, and it's really brought us into the 21st Century of alert and notification. Historically, communities, counties have been limited to the Emergency Alert System and then disseminating information via other systems, reverse 911 systems, other systems that they might be able to utilize, getting their information out to the media. And what New York Alert does, it allows us, from a single web portal, to disseminate emergency information, utilizing every potential gateway. This slide show shows that, you know, for any given emergency, you know, it impacts a certain number of people. And you can pretty much gauge how much time it's going to require to notify folks based on the limitations of the technology that you have available to you. And New York Alert, again, greatly increases our ability to do that.

New York Alert does a couple of different components. Number one, we have authorized users. We're going to rely on the County Emergency Managers. And Commissioner Williams has been a great partner, and we're very happy to be working with him. But the counties will be the focus of determining who authorized users are and how information is going to be disseminated. Residents, citizens, can sign up on our nyalert.gov website, and I have a few slides to show you how easy that process is; can subscribe, sign up, free of charge, to receive emergency alert information.

And, down at the bottom, just a short word about design. I'm not a technical person, but I could tell you that it's a very robust system that we've built. We have a full disaster recovery site, so the system operates in -- from two places; very reliable in terms of always being available for use.

There are two sides to NY-Alert, a public side where the Commissioner will have the ability to disseminate information to the general public, and then another feature is a private notification side where users can establish notification groups, specific notification groups that can be activated, and then those messages will not be seen on the public website. And the best example of this is, and we've spent a lot of time this summer working with our State University system, and currently we have 55 of the State's University campuses and Community Colleges that have provided us data and are using NY-Alert as the primary platform for notification of students, faculty and staff of emergency information on campuses. But, again, the Commissioner could set up a notification group of Police Chiefs, or Fire Chiefs, or local officials, again, so that they could get targeted specific emergency information.

The system works very simply. The notifier goes onto our nyalert.gov web page, signs in, or it's actually a secure site, creates the message, and hits the publish button, and the message is disseminated, and I'll tell you how it's done. We have a number of gateways that we've built into the system, and starting up at the top, we have blast fax machines that will disseminate to fax numbers that have been subscribed to. SMS is text messaging. And, certainly, most people, I know my kids, you know, everyone, you know, likes to receive information via text messaging. The one limitation that we have with text messaging, and it's not just with NY-Alert, but any system, is that, as you know from your own cell phone, there's a limitation into the number of characters that you can receive. So it's important in generating the emergency message that keep that in mind.

We're very proud of our system, because it does allow the user to also activate the Emergency Alert System at the same time, so creating the message once and disseminating it through these gateways; very robust E-mail capability. We do have phone dialers. Right now, we have 200 phone lines that we can dial simultaneously, and during the first quarter of next year, we'll be upgrading that significantly. And then, also, where it says, "web and RSS," the emergency information is posted to the nyalert.gov website of people who have RSS readers. They can point it to the site and

get continuous updated information.

So the -- it's very flexible in terms of the types of information that can be communicated to the public, and the notifier has the option of using which ones of those gateways they feel are important. For a given message, they may not want to activate the phone dialers, based on the amount of time it might take to call every resident, or they may not want to activate the EAS system, but the person creating the message makes that determination.

As I mentioned, we have a very robust infrastructure. We can store up to 19 million registrants in this system now. And I think, to date, we have more than 900,000 New Yorkers that have already subscribed to NY-Alert. And I meant to check Friday to see how many of those are Suffolk County residents, and I forgot. I apologize. But, again, there are people in Suffolk County that have already subscribed to the system. We can support more than 100,000 notification groups. We can create 40,000 E-mail connections instantly. As I said, right now, we can make 200 phone calls simultaneously.

One interesting problem we've run into is that, as robust as our system is, the messages can only be disseminated depending on what the local infrastructure's capability is to receive it. One of our Upstate colleges last week did a test of the system where they activated the dialers and the 200 lines overwhelmed the local phone exchange. And so, we're working with -- we're working with local communities to identify maybe what those limits are, so we can throttle back, you know, in communities where there isn't a robust infrastructure, how quickly those messages go out. And, again, we can support simultaneously more than 14,000 users and 4,000 notifiers within the system.

As I mentioned, we're putting a lot of responsibility on the shoulders of Commissioner Williams. We're asking the counties, as an extension of their Emergency Alert System plans, which are County based, to work with us to shape how NY-Alert will be utilized within the County, and we just feel that's the absolute most solid place to have those discussions.

So, I just want to give you just in a couple of minutes a quick overview. For the person that's creating the emergency information, they sign in on our secure website, they create a new message. And I would point out on this slide that you can see where the site would list the current alerts that are out there. You can also have pending messages, draft messages stored. And where it says, "Archive messages," we have very good tracking in terms of who activated the system, at what time, for -- you know, for what reason. But they create a new message, they -- you select whether it's an exercise, or a test, or a real event, what category of event it is. And you see in the middle box, I'm sorry, I don't have a pointer, but where the notifier would determine which of those gateways, you know, the dialers, the blast fax, the E-mail, the text messaging are going to be activated. And then the page where the message is created is this simple.

There's a headline, and it's this headline that ends up being the text message that's received to your cell phone. As I said, there's a character limitation, but then the -- you can have it as involved emergency messages needed, as well as specific instructions are actions that you want the civilians or the general public to take. We have a very robust text speech engine, so whatever is typed here is automatically converted to voice, and that's the message that's the message that's read over the phone. We're currently working to have a Spanish language option also with NY-Alert, so folks that want to hear the message in Spanish will be able to choose that. Down at the bottom of page, you see the -- you select an air time when you want this message to go out. You hit a publish button and away it goes.

As I said, nyalert.gov is our website, and we're very interested in working with the County to get the word out to the public on how to sign up. And I just wanted to, just in these last couple of slides, to show you how easy the sign-up is. People go to the nyalert.gov website, they enter an E-mail address first, and then the message comes back to that E-mail address so the person can then click on the link to sign up. They enter some very basic information, and then they tell -- they tell you, they tell the County, or they tell us how they want to be notified. And they can put multiple E-mail

addresses in, multiple phone numbers, multiple cell phone numbers for text messaging. We're currently developing a gateway that will allow us to broadcast across instant messaging systems as well. They can give us their IM name. And, again, however they tell us they want to be notified, the message will be transmitted via those gateways.

People can also tell us where they want the information from. So, while we have their address, they can select whether they want information from just Suffolk County, or if they want information from all of Long Island or New York City, or, you know, maybe they're -- maybe they have relatives Upstate, that they want information from Upstate areas as well. So, the person selects where they want emergency information from and they will receive it. They could also choose which categories of information. If they only want weather information, they can select that. If they want to know about all hazards, they can choose that feature as well.

Again, that's our website, nyalert.gov. I didn't want to take too much of your time this morning, but we really appreciate the opportunity to give you an overview. We're very proud of this system.

P.O. LINDSAY:

Thank you, Mr. Gibb, for coming. I have a question, and I know Legislator Vilorio-Fisher has one, too, and probably more to Joe. Can we use this venue to -- like say we have a major storm hitting the South Shore of the Island; to notify like all nursing homes that they have to evacuate, or can it be done geographically, as well as in general?

COMMISSIONER WILLIAMS:

Yes, it can. We can define our groups, like Mr. Gibb had mentioned in the beginning. We can break down into fire groups, police groups, specialty groups. We've even looked at this as an advantage to our JEE Program, our Joint Emergency Evacuation Program, where we have a list of 400 names of people who need extra help during a time of emergency. We can actually do this.

Our biggest project is going to be -- and when we've worked with -- we were talking to the County Executive about this, is roaming this out Countywide. And then, what we also would need is the cooperation, which -- of everybody, even your local districts. The best thing we can do is get out and talk to your groups. We do roll out for hurricanes now, we do about 25 a month.

A lot of people in New York State don't know about this, and I think it's our challenge over the next couple of months to try to get that out to them, and we're going to do whatever we can to get it out to them.

P.O. LINDSAY:

In terms of having them enroll for the -- in the program, they're on the contact list?

COMMISSIONER WILLIAMS:

Yes. What happens is this particular -- the unique thing about this program, New York Alert, it's -- to get enrolled in it, the person has to do that themselves. Every other program that we looked at would require us to not only buy the program, but set up a program in the County with personnel, and everything else, to get it done. And quite frankly, every program we looked at was not as good as -- as good as this right here. So, our job is to let the people know to get online with that and sign up.

We will be doing a special outreach to our JEEP Program, which is that Joint Emergency Evacuation Program, which is mostly elderly people. We're talking within our own OEM Office, how can we help them. Can we get them signed up themselves? We do have their information. We have to check, is it legally, we'll have to sign up for them, with our own County Attorney. But the ideal thing, we'd take those 400 names and put them in here and get them logged in. We need to find out, do they have -- do we have their phone numbers, their hard phone numbers? But this notification will go to text messaging, will go to a cell phone, will go to a Blackberry. We don't think those people would have that. The number one thing would be the hard line phone.

So, our intention would be to bring that out to everybody as much we can to try to get the people enrolled, but the average citizen would have to enroll themselves. We encourage them to enroll. And I think once we let them know what's out there through some type of campaign over the next couple of months, a lot of people will be getting on this program. They're looking for information any time there's an emergency. The best we can do is give information out. We are working with the towns and the villages in the County to make sure that all messages they want to send out to an individual go through our office, only that -- make sure we're sending out the same message, if we ever have to do an evacuation in the time of an emergency, that's the biggest thing; more information, correct information, but saying the same thing as the County, village and town.

P.O. LINDSAY:

Thank you, Joe. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Joe, so that brings us to my original question, which is you're trying to enroll people, you're reaching out particularly to senior citizens who would not be going on the website, you know, most likely. How do they enroll individually if they don't have a computer and aren't -- don't have access?

MR. GIBB:

We have an arrangement with our -- at one of our other State agencies that operates a call center, and the number escapes me, I apologize. But we actually -- we have an 800 number that residents can call, and the call-takers will enroll them, so that they have -- as long as they have a hard-line phone or a cell phone, you know, some way that they can ultimately receive messages, if they don't have an E-mail address or access to the internet. We do have a toll-free number that people can call to get registered right over the phone.

D.P.O. VILORIA-FISHER:

Okay. So, when you roll this out, along with the URL, you'll have the 800 number --

MR. GIBB:

That's correct, yes.

D.P.O. VILORIA-FISHER:

-- very prominently displayed, because it might turn some people off if they see only this and then they have to search for another way to get enrolled.

MR. GIBB:

No. We'll provide the number at the same time. And, also, we have a short video that we developed in conjunction with New York Network that can also be used for community meetings that walks people through New York Alert and the process for signing up.

D.P.O. VILORIA-FISHER:

Joe, I attended a community meeting at the Emma Clark Library a couple of months ago, and I believe it was the Sheriff's Office and the Red Cross had presenters. I guess this wasn't ready to roll out at that point?

COMMISSIONER WILLIAMS:

This was issued -- this was talked about in June. We first heard about it at our Hurricane Seminar. It was online, but we were unsure about it. We were looking at it as a County back and forth, and now we're trying to roll it out a little bit. We do have a -- I don't want to say a downtime for -- we are downtime from a hurricane, so we are going along. But just to reassure you, too, besides this program, as far as your nursing homes, the County this year, through Federal Grant money, we issued out notification radios to every single nursing home that they notified. We're in the process right now of going out to bid for sixteen hundred notification radios, which will actually almost give the same type of thing we have right here, and it will be in nursing homes and --

D.P.O. VILORIA-FISHER:

Well, Joe, I'm even more concerned about the senior citizens who might be living at home alone, and make sure that they know that something's happening and contact family.

COMMISSIONER WILLIAMS:

Well, one of the things that we've been trying to do for the last couple of years is that we had this JEEP Program, just not to go into another subject, but that's a Joint Emergency Evacuation Program, that is directed exactly for that person. We've pushed this very hard and we need some help pushing. But we have approximately a little over 400 names right now. We're going to get them online. When we get to do it, we will definitely get them new. We need -- we know there's more than 400 people living out there alone who need some help. What we do during a time of emergency, even the last storm we just had a couple of weeks ago where we thought that we were going to get a little bit of a hurricane, we actually bring CRT people in, Community Response Teams in, and we called every one of those 400 people on the phone. And, actually, it was kind of good for us, because they never expected us to call them. And we owe it to them to call them, and we take their name like that. So we really need to push that more.

Again, we would offer FRES' OEM Office. We do about 25 presentations a month. Any time, any time anyone in any of your districts need anybody there from FRES to give a talk on any of this, we'll definitely have somebody there.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Anyone else have any questions of Mr. Gibb? Thank you very much, fellows, for coming this morning; very, very informative, and, really, I think, could do an awful lot of good in case of a disaster right around here. Thank you.

COMMISSIONER WILLIAMS:

Thank you.

LEG. COOPER:

Thank you.

LEG. ALDEN:

I had that presentation at a senior citizen center and it was excellent.

P.O. LINDSAY:

Okay. Going to the public portion. First speaker is Douglas Lee. Mr. Lee, you have -- yeah, you could come to the podium. You have three minutes.

MR. LEE:

Okay. Good morning, Mr. Presiding Officer, Members of the Legislature. My name is Douglas Lee. I live at 158 Shelter Road in Ronkonkoma. I come here to speak on behalf of the Lake Hills Ronkonkoma Community, and I appreciate the opportunity to address this Legislature.

We are the neighbors who live downhill from the proposed Holiday Mid-Rise Condominium Towers. Everything we've researched tells us that the water converges in lake hills from several areas as it heads to the Connetquot River further south. We believe the hill near the Wind Watch is one such source of those waters.

Let's ignore for one moment the rhetoric of studies that show that groundwater only flows south in a single direction when dropped on a hill. Even the most politically-biased engineer will tell you that groundwater will disperse radially, and that even if it did flow in a single direction, it would add to or

displace water in that area. The water even needs to go somewhere or it increases the water table, or both.

Where the groundwater is flowing when it heads south from the water treatment plant, we don't know. Is it heading to the fountain at the Islandia Center, or is it heading to the Connetquot River. Do we care? We, in Lake Hills, have long borne the burden of others not caring where the water flows. We have our suspicions of where it ends up. We shiver at the thought of an additional 750,000 gallons a day. However, I'm not here today to attempt to stop the progress juggernaut. Controlled and managed progress is good for us all. I am not here to question the wisdom of our County leaders. We elected you because we respect that wisdom. I'm here with a plea for help. I'm here to ask that the County ensure that the impact of the sewer treatment plant expansion be closely watched.

Statistical data of the water height in the downhill areas should be taken prior to construction, and then monitored and scrutinized closely for signs of where the resulting impact is. The Department of Health not only has the responsibility to ensure that the waste is properly treated, but also that it does not cause health problems for the surrounding communities. I do not need to tell you of the health problems caused by flooded communities. While it is nice to know that the water is treated, I do not plan to drink any of the water that fills my basement.

This is not just for the Lake Hills area, but for all surrounding communities that are besieged by elevated groundwater in recent times. The scientists can tell you where the water divide is now, but they will also tell you that their studies show that it has moved over the past 35 years. We don't know where it will be five years from now. Thank you for your time.

P.O. LINDSAY:

Thank you, Mr. Lee. Elaine Renner.

MS. RENNER:

Good morning, Mr. Presiding Officer and Members of the Legislature. My name is Elaine Renner. I live at 10 Rosalia Court in Smithtown. I'm here this morning on behalf of many of my neighbors who cannot attend, because they do not have flex-time jobs that allow them to address this body that I would prefer. I myself only found out about this issue on Saturday, around 12 o'clock.

Families who reside on Rosalia, Hallock, North, South and Larsen Avenues have suffered with groundwater conditions for several decades without any long-term relief. Because of this, they've asked me to represent them this morning, as in the past. Through news accounts, neighborhood contacts, and through our local Legislator, we have been monitoring the status of the Avalon/Coventry Sewer District issue with continued concern. And because we are not certain of its current status, and with the Legislative year coming to an end, we feel that it is important to remind members of the Legislatures that we fear any expansion of the current treatment plant capability.

Because the Island has had little rain this summer, our community has not been forced to continually pump day and night as in the recent past. If the rain cycle picks up, groundwater, which is not that far away, will reenter our homes very quickly. The Avalon/Coventry Complex already impacts the quality of our lives, and if it is allowed to expand with what I hear may be an additional 50,000 gallons of water every day, we are going to be impacted even more than we are now. If that water were being taken away from our area with sewers, that would be one thing, but that is not the case now.

Our homes are considerably lower than the townhouses and condominiums that sit on a rise further east, and we have to accept the results of their group flushing and washing. Our homes are devalued, and if there are any further expansion, we will lose even more market value on our homes than we already have lost.

Our additional concern is that expansion will allow them to take on new commercial interests,

making our problem even greater than it already is. If local and County governments approve of such conditions, then they have an obligation to prevent any further health and property destruction than would already exist. We also pay school taxes, and the elementary school across Route 347 from us is suffering the same issues that we are. So, on top of our property losses of this complex, we have also to pay increased school taxes to fix the septic system in this school and many -- that many of our children go to, and expansion may overwhelm the new system they are putting in. When will this stop? We believe you are concerned, but we don't want you to forget our families. Please, don't. Thank you for listening.

P.O. LINDSAY:

Thank you, Miss Renner. Nick Caracappa.

MR. CARACAPPA:

Thank you, Mr. Presiding Officer. Thank you, Suffolk County Legislature. My name is Nicholas Caracappa. I'm here today with my Vice President, Paul Donnelly. I represent -- I am President of Local 393, Utility Workers Union of America. I'm here representing my members. I come before you today to express some concerns that we have as to the extreme lack of consideration our union receives from this Legislative body and its committees when it comes to discussions, decisions and deliberations regarding the Suffolk County Water Authority, when all other unions, whether municipal or trade, always seem to have a seat at the table when it comes to matters of their well-being. I'll tell you, my members are fully aware of this treatment and recognize just how unjust it is to all of us.

We are a membership of 365, we're not very large. We reside, work and raise our families here in Suffolk County. We have parents, siblings, spouses, children, grandchildren, aunts, uncles, nieces and nephews who also reside here in Suffolk County, and we range from -- anywhere from Amityville to Montauk, Huntington to Southold. We're widespread across Suffolk County, we cover every area.

Well, today, you are scheduled to vote on Resolution No. 2229, a wage increase for the Board Members of the Suffolk County Water Authority. A percentage increase, we're aware, is in the sum of 27%, to a Board, that, aside from Mr. Brady, has a combined service of under two years. In fact, Miss Jane Devine has approximately five months of service as a Board Member. I am curious to the justification of the proposed increase. After all, as I stated earlier, no one has ever reached out to us and asked us, "How are things going over there? Is there anything you might want us to know about?" Have we had -- do we have any concerns regarding Labor Management relations or day-to-day operations at the Authority? If you're only getting one side of the story, which I'm sure was a rosy-colored picture, how can you accurately or thoroughly assess the situation before prescribing or proscribing such a proposal? I'm certainly not asking or suggesting that you invite us down here for a complaint-fest. That's not what I'm about, that's not what my union is about.

Everyday Labor Management situations, we'll handle that, as we have done and what we have been doing. I'm sure Mr. Halpin would attest to that. He has grown quite accustomed to hearing me speak at their monthly Board meetings. It's the slightly larger items of concern that I'd like to bring to you, things that directly affect your constituents, and things that directly affect you and I as ratepayers, things such as overall consolidation. Why doesn't the Authority offer customer service at all of its offices, approximately thirteen across Suffolk County? Instead, they offer one, no-bid contracts in the amount of 4.2 million dollars; unjustifiably contracting out work; not checking up or holding contractors accountable for their work.

P.O. LINDSAY:

Could you wrap up, Caracappa? Your time's up.

MR. CARACAPPA:

I will, absolutely. Thank you. These are just some of the things and concerns that are going on at the Suffolk County Water Authority that you, as a Legislative body, should be aware of and have

concerns about.

In closing, I would like you to read you the mission statement of the Suffolk County Water Authority, that is to provide the highest quality water at the lowest possible cost, with excellent customer service. And if you feel this Board is doing this at this time, well, perhaps they do deserve the increase. That's up to you. I'll wrap it up. I have much more, but thank you for your time.

LEG. CARACAPPA:

Thanks, Nick.

P.O. LINDSAY:

Debra Alloncius.

MS. ALLONCIUS:

Good morning, Presiding Officer Lindsay, and Members of the Legislature. I'm here speaking on behalf of Cheryl Felice and the Association of Municipal Employees. AME strongly support I.R. 1799, and the Legislative oversight of consultant hiring that should be strengthened to ensure that the consultants are not performing functions that would be better carried out by County employees.

This body is absolutely aware of the knowledge and the expertise your County employees have. There are none better who are fully aware of the resources available and the best management practices to ensure the job will be done correctly, with the safety of the residents of Suffolk County in the forefront. The notification requirements are quite -- they're extensive, but they're quite necessary. And I just would like you all to support and pass I.R. 1799. Thank you for your time.

P.O. LINDSAY:

Thank you, Debra. Michael White.

MR. WHITE:

Good morning, Mr. Presiding Officer, and Members of the Legislature. My name is Michael White. I'm the Executive Director of the Long Island Regional Planning Board, and I just wanted to come here to support -- to ask for your support of Resolution 2102, which is the appointment of Peter Elkowitz to be a member of the Long Island Regional Planning Board, soon to be reorganized as the Long Island Regional Planning Council. Myself, I know members of my Board and I know members of this Legislature have had opportunity to work with Peter. He is a quintessential professional, has a great knowledge of Long Island, and is a true consensus-builder, and I know will be a real asset to our Board. So, I ask your support to confirm Peter's appointment to the Board. Thank you.

P.O. LINDSAY:

Thank you, Michael.

D.P.O. VILORIA-FISHER:

Thank you, Michael.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

-- by Legislator Viloría-Fisher, seconded by --

LEG. MONTANO:

Second.

P.O. LINDSAY:

-- Legislator Montano. All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

I'm here.

MS. ORTIZ:

Seventeen -- 16. (Not Present: Legs. Kennedy and Horsley)

P.O. LINDSAY:

Okay. Going to the agenda, if you turn to Page 3 of the agenda, the Consent Calendar, I'll take a motion for --

LEG. MONTANO:

Motion.

P.O. LINDSAY:

-- the Consent Calendar.

LEG. LOSQUADRO:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:

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

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

It probably would be appropriate now. I have a couple of requests to make. One would be, when we get to the Public Works portion of our agenda, I have a couple of specific questions on some of the projects, specifically, Resolution 1918, and also the Avalon project, if someone could be here from Public Works to answer those questions. The second thing would be, do we know if anybody's coming in from Department of Economic Development, because there's a law on our books that really --

D.P.O. VILORIA-FISHER:

Carolyn Fahey is here.

LEG. ALDEN:

Oh, good, because, when we get to that, I have a couple of other questions. And then I would like to make a motion to discharge and allow to age Introductory Resolution 2215.

P.O. LINDSAY:

Okay. Just taking things one at a time, we'll see if we can place a call. You're going to have Public

Works here, Ryan? Okay. So that's already been taken care of.

The second issue is --

LEG. ALDEN:

Carolyn's here.

P.O. LINDSAY:

Carolyn's here. And the agenda should go pretty quickly, Carolyn. I won't take it out of order, but we should go pretty quickly. And the third thing was to take --

LEG. ALDEN:

A motion to discharge Resolution Number 2215, to allow it to age.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I'll second that motion to discharge.

P.O. LINDSAY:

Okay. Do you have --

LEG. ALDEN:

I have copies and they're coming around now, I think. This is the one that would allow us to discuss a little bit about DARE.

P.O. LINDSAY:

Okay. We have a motion to discharge 2215 and a second.

D.P.O. VILORIA-FISHER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Cameron, we still have a lot of questions about what the proposal is that's going to be put out in January, and I thought that the -- that they might come to the committee meeting, so that we could try to see what it is, because I've read more in the newspaper than I've gotten here.

LEG. LOSQUADRO:

They did.

P.O. LINDSAY:

They did, but they didn't have a lot of answers.

D.P.O. VILORIA-FISHER:

There are still a lot of questions.

LEG. CARACAPPA:

A lot of unanswered questions.

D.P.O. VILORIA-FISHER:

So, I'd like to go to the committee that this is in and ask the questions. So, I'm not going to support the discharge motion, because I'd like to have the committee process.

LEG. ALDEN:

Well, I'm not on that committee, but the committee basically got some testimony, and as you -- I'm not on that committee, but, as you did, I got a lot of information in the papers. But, unfortunately, I also got some information from direct contact with the Police Department and others, and it's not really -- in my estimation, it's not an open and transparent type of process that we're using where the Commissioner of Police in Suffolk County just did away with the DARE Program at the stroke of the pen without consulting us. And I believe that policy in this County is set by this Legislative body, so I felt that this is a resolution that would allow us to at least discuss that and see where we wanted to go. Whether we want to table it in the end --

D.P.O. VILORIA-FISHER:

I agree with you, Cameron.

LEG. ALDEN:

-- and send it back to a committee, that's fine, you know, that might be fine with me, but I think that this Legislative body, you know, this was what we were elected to do, and make policy and discuss issues. And this is a tough issue, but I think that it's our duty to take a look at this and start talking about it, and I would like to do that today.

LEG. NOWICK:

Bill.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. Just I, of course, was at the committee meeting, and what I wanted to tell you, Legislator Viloría-Fisher, is, from what I'm understanding, is the reason maybe we need this to come out today, Cameron's -- Legislator Alden's bill, is because, from what I understand, is they are going to go ahead with the new Health Smart in January. So, if this bill is not discharged, it's too late later on.

This is --

D.P.O. VILORIA-FISHER:

Don't we have one more meeting in December?

LEG. NOWICK:

We do, but --

D.P.O. VILORIA-FISHER:

We do, okay.

LEG. NOWICK:

-- from all I have understood at the meeting all summer long, BOCES and the Police Department have been working on this, so this seems to be a fait accompli for January. So, if we don't take this step of bringing this back out today, we might find that that's going to be -- that the new Health Smart Program will be there in January, regardless. So, that's the only reason why I think maybe we should bring it back out again.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And for those of you who just got some information from the newspapers, perhaps it

was unfortunate they left out about the hour-and-a-half of questioning that Legislator Caracappa and I had for the Police Department and for the Health Department. I, since that meeting, have contacted Superintendents from the school districts that I represent, and the extent of notification for those that have any idea this is going to happen is a letter that was sent to them. In questioning the Health Commissioner, and this is of great interest, I'm sure, to my colleagues from the East End --

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

-- they never contacted any of the East End police departments. This has been touted as this is wonderful, this is going to expand this program Countywide. Well, nothing is going to change on the East End, because those police departments are not within the Suffolk County Police District, and those police departments on the East End, villages and towns, have never even been contacted by the Health Department to see if they're even willing to take part in this Enhanced Health Smart Program.

This -- I don't care if we wait until the next meeting or if we have had six more meetings this year, there is no way logistically this program is going to be ready to be rolled out in a month's time. They have not done their legwork, they have not done their due diligence. And speaking as someone who has a teacher for a wife, I can tell you, trying to change curriculum in the middle of the year like this for a school districts that perhaps were counting on the DARE Program in the Spring to fulfill part of their New York State Health curriculum requirements, when are they going to find the time and the money to do curriculum writing? Has that been factored into their budget -- these questions have never been asked of the Superintendents throughout Suffolk County.

We had one Assistant Superintendent from one school district, and, unfortunately, I felt badly for her, because I think she got used. From the largest school district in Suffolk County, they went over this, they went over the details with her, and she got up here and said, think this is a good thing and we should adopt it." But she should have done her homework and her due diligence and gone out and spoken to her colleagues, and she would have found out that no one else was contacted. None of the other school districts are prepared to even move forward with anything come January. In fact, like I said, the extent of the notification has been a letter sent to them.

This process has been done behind closed doors. And we talk about the fact that there are unfunded mandates on our school districts, and 65 to 70% of our tax bill is school taxes. I see this as another unfunded mandate. We're going to throw this on school districts and expect them to find a way to integrate this into their curriculum come January? Impossible, impossible. Things like this take months, if not, an entire school year to find a way to integrate in and write into your curriculum. It's December. They want to do this in January?

I agree that the DARE Program needs work. In fact, for some of you who might want to take a look at the lengthy transcripts from that Public Safety meeting, I believe we had a good discussion on what needs to change in the DARE Program. But this, rolling this current proposal out in January, is not only not feasible, but impractical as well, because the school districts are not involved. There is no buy-in. The East End police departments have not been consulted on this.

I believe we need to pass this bill, continue the DARE Program in its current format, even though we all agree it could use some changes and some tweaks, work on a proposal that we can get all of the school districts, the East End police departments to buy into. Yes, it's going to take some extra work on the part of the Police Department and the Health Department, but that's their job. They can't expect these districts and these police departments to just figure out how to deal with this when they have never even spent the time to sit down with them and discuss this with them. I think it is prudent for this Legislature to act, pass this bill, and make sure that the Health Department, the Police Department do their job and find a way to integrate this, perhaps next -- as early as next

school year. But January, it's not going to work.

P.O. LINDSAY:

Before I just recognize Legislator Caracappa, just a couple of things that you said, Legislator Losquadro. The hearing went on, and I was at the hearing, went on for a long time, but it wasn't just you and Legislator Caracappa. A number of Legislators --

LEG. LOSQUADRO:

I understand.

P.O. LINDSAY:

-- had questions about this. And it, you know, I think there still remains some questions, and I would assume that that same group is going to be at the next Public Safety meeting. And I would invite all Legislators, if this doesn't carry, to let this bill age to discharge it. But I would invite all Legislators to be present to hear the testimony, because some of the questions we didn't get answered, that's absolutely true.

There was a lot of -- you could tell there was a lot of work that went into this program, and it is very extensive, but -- and as far as an unfunded mandate, we're not mandating any school district to have DARE, it never was mandated. I mean, in my district, I have five school districts, only four of them use DARE, the other one has chosen, for whatever reason, consistently, not to have DARE. And DARE is a County-funded program that costs us a lot of money, but it isn't mandated on anybody, you know.

LEG. LOSQUADRO:

If I may just respond to that, that was one of the most simple questions that I asked that I thought they should have had an answer to, was which districts currently use Health Smart and are using DARE, which districts currently use Health Smart --

P.O. LINDSAY:

Right.

LEG. LOSQUADRO:

-- and don't use DARE, which districts don't use Health Smart and currently use DARE, and which districts do neither. They said on the record they had never even analyzed that data. To me, how can you build any program without having even looked at that data to see which schools may or may not even want to take part in this?

P.O. LINDSAY:

I don't mean to debate this with you. I don't remember them saying they haven't analyzed the data.

LEG. LOSQUADRO:

They did.

P.O. LINDSAY:

They didn't have it available.

LEG. LOSQUADRO:

Actually, it was both, and it was said on the record.

P.O. LINDSAY:

Okay. I have a list. Legislator Caracappa, and then Viloría-Fisher.

LEG. CARACAPPA:

Very briefly, Mr. Chairman. I don't want to debate the bill, we're just discussing about taking it out

of order. But what Legislator Losquadro meant about our comments at length in the committee, I think that he and I maybe were the harder-hitting Legislators by way of the questions that really couldn't be answered, and I think that's what he meant by that, not to put any words in his mouth.

But I think what came out of that committee meeting was very, very crystal-clear to me, is that the Health Smart Program is a good program, and that schools are opting into it as basically an enhancement to their health classes which, they're mandated by the State to take and to provide to all students. What is not being said, which has become, again, crystal clear to me, is Suffolk County and the Suffolk County Police Department Executive's Office is using this Health Smart Program to do away with DARE. They're using -- they're hiding behind this program to do what they've been wanting to do, not only in this administration, but former administrations, going way back to '95 and beyond, since I was here. So, don't get caught up as we discuss the bill and whether we're going to continue DARE or not. Don't get caught up saying that this enhanced DARE is actually better. It's actually, as Legislator Nowick made clear on the record the other day, it's less, it's much less. The schools are going to go ahead with Health Smart, but they are -- but, again, they're going to hide behind -- the County's going to hide behind it and do away with DARE because of it. So, please, keep that in mind.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I couldn't agree with you more, Dan, about curriculum. Having spent 30 years in the classroom, I know how difficult it is to put something else on the teacher's plate. And, in that case, it would be an unfunded mandate, because the teacher's time is spread out thinner. And, as a teacher, I want to be part of the debate, and this is why I want to be at the next committee meeting where this will be discussed, because the more I look at what the plan is, the more questions I have. And, so, I want to be part of that debate in the committee process. I wasn't anticipating the bill to be before us today for full discussion.

I also have a question about the East End, because they're not part of the Police District. And maybe, Jack Eddington, as Chair of that -- you're Chair of that committee that it's in. Because they're not part of the Police District, they did not have DARE in the same form as the rest of the County, right, the five East End Towns, because they're not part of a Police District?

LEG. LOSQUADRO:

No.

D.P.O. VILORIA-FISHER:

Did they have DARE.

P.O. LINDSAY:

He's up next.

LEG. LOSQUADRO:

Through the Chair, if --

P.O. LINDSAY:

He's up next. He's up next.

LEG. LOSQUADRO:

Okay.

D.P.O. VILORIA-FISHER:

Yeah, okay, Jack will answer when he's up, but -- so that was a question that I wanted to just throw out, how that works regarding the Police -- those towns within the Police District and outside of the

Police District. And I did have questions about how many visits would be made by the police at the schools, what the police presence would be, how that would be worked out on the East End. I just have many, many questions, and I'm just asking that we give it -- put it back in the committee cycle.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I just want to say that I am going to invite the group back. And when I first heard about this and invited them to come talk, some of the questions that were asked were answered to me, so I didn't know really why it seemed like BOCES was not really delivering the information that they had given me, and I want them back here to answer all the questions. And my understanding was that if this was going to happen, all the Legislators would have been told in advance and it would have been discussed prior to this happening. So, it didn't happen the way that I had first heard about it, and I think the discussion has to happen, and I would be more than happy to have them all come back and invite everybody here to come, and let's get this cleared out of the how, when, where, who, and all the questions answered. So, I will do that for Thursday.

D.P.O. VILORIA-FISHER:

And the question about the East End.

LEG. EDDINGTON:

The East End also, yeah. Well, the East End, what happened, DARE is a program that anybody can buy into, and my understanding is a number of the school districts and the Police Department have bought into the DARE Program and offers it themselves. It's all over the country.

D.P.O. VILORIA-FISHER:

Right.

LEG. EDDINGTON:

The only problem is that it is not an effective tool for drug prevention. It is a great tool for bringing morale in the community and to get people knowing the police officers. That's great, and it's been very effective, but as a drug prevention program, it has not been successful.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. I don't want to support the discharge, not because I'm opposed to the DARE Program. Yes, the DARE Program has been great, but, again, as a parent, I think it's important that we look and keep an open mind at what's best for our kids, rather than do something that is saying -- they've been saying for quite sometime, it doesn't work.

The other issue is, is that I have been reaching out to my school districts and I want them to have an opportunity to come to the next Public Safety meeting, so they have an opportunity to come and say how they feel about it. And I want to be sure, have they been reached out to? Are they aware what's going on, and making sure that they are aware. So, you say they haven't. I want to hear that from them. So, I want --

LEG. LOSQUADRO:

They haven't.

LEG. BROWNING:

I want my school districts to be able to come to Public Safety and give us their opinion.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

All right. First, pertaining to the East End, because there were some questions about that, East End, DARE is very active on the East End. It's not run through Suffolk County P.D., it's run through the Town Police Department. So, it's not costing the County, though there might be some element. But, in general, it's paid for through the Towns and their Police Departments.

DARE is not a perfect program. I think we possibly could do better, and I'm certainly willing to listen to all sides of this. But the resolution that we're being asked to discuss only simply says is that this Legislative body will be involved in making the decision. It doesn't say what the program will be, per se, it just -- it prevents the County Executive from acting unilaterally to change these types of programs or eliminate this program, and it's hard to not support that intent.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I just wanted to be -- I just wanted the sponsor to be aware that I will support the motion to discharge, and if that's successful and then we get to a point we actually discuss the resolution, I will not support the resolution, and, at that time, I'll tell you why. Okay?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I do intend to support the motion to discharge, because, as my colleague from the East End has aptly pointed out, what this resolution does, in essence, is it keeps DARE in effect, and then requires any termination, modification or reorganization to come in front of this Legislature.

The County Executive is to be complimented for starting the debate about DARE. He just did it as he is given to do the wrong way, unilaterally. There are two branches of government that make policy together in the County. I believe that there should be a full and complete debate about DARE, but I think this Legislature should be involved in making that policy. I don't believe the decision to modify, terminate or otherwise reorganize DARE should be made unilaterally by the County Executive and his appointee as Police Commissioner and totally exclude this Legislative body. That does an injustice to the separation of power issue, and we're seeing it more and more and more. We should have a voice, and I am definitely supporting this for discharge.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I just want to point out the timing. And everyone is saying, "Well, we have another cycle, we should just wait." Well, the problem is we've seen the County Executive act on this with the absence, at least for the most part, of input from this body. What will lead anyone to believe that if this bill was passed, it would not be subject to a veto?

LEG. ROMAINE:

Of course, it would.

LEG. LOSQUADRO:

And if we don't pass this until the next cycle, then we don't have an opportunity to act on it prior to this program, supposedly, taking effect in January, even though I see no way that they can successfully implement it, given the lack of communication with the people that would be affected,

but that's neither here, nor there. They have said that their intention is to roll this out in January. So, we will not have an opportunity to act on this, at least in my estimation, if we do not act on this today, because I believe it will be subject to a veto, and then we will not have a chance to override it, because the legislation will, unfortunately, with all other legislation, you know, roll over at the end of the year.

I urge my colleagues to support a discharge motion on this, approve this today, so that we can maintain at least a degree of control over the type of policy that's going to be taking place in Suffolk County regarding the children and how school districts are going to be affected, which we all know is very important to us. I absolutely think this is the time to act on this, because if we wait until the next cycle, we're going to lose an opportunity.

P.O. LINDSAY:

Okay. Anyone else? Legislator Alden.

LEG. ALDEN:

Through the Chair, if it's all right to ask the Committee Chairman a couple of questions. Jack, was this scheduled for a debate prior to me putting, and Joe Caracappa putting this legislation in?

LEG. EDDINGTON:

You mean, in our committee?

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

Yeah, that's why I invited them to come to our committee, to discuss --

LEG. ALDEN:

It was because of this legislation or just --

LEG. EDDINGTON:

Oh, no, no, no.

LEG. ALDEN:

Just on a general principle?

LEG. EDDINGTON:

Yeah, because it had been -- it had come to my attention that this was the plan, and I said I would like to have them come and explain it to the committee.

LEG. ALDEN:

Okay. So, you didn't have prior knowledge back in October or --

LEG. EDDINGTON:

What I had heard was that the County Executive and the Police Commissioner wanted to do away with DARE. And, at that time, based on my background in drug prevention, I said, "There's no way we can take away that responsibility that we have to offer some kind of plan." And, at that point, I think that's when they started looking for an alternative plan. When I heard they had a plan, I said, "Come to my committee and let's hear it." I was hoping that it was going to be done earlier.

LEG. ALDEN:

And that's, actually, if you talk about open government and open process, that's really what should happen, because to those who are teachers, or were teachers, or have teachers as part of their families, you also know that better than I do, that the school year is completely different than our

year. So, when you start talking about doing something in January, it might be okay with the Suffolk County budget, but it's completely different than what a school has done, because a school has already made the plan for next year, including the DARE. So, to teach -- and then just one other comment. When I did contact Eastern Suffolk BOCES, they admitted, and it's a number of high level people at Eastern Suffolk BOCES admitted that their program is completely different than our program, as far as to try to keep kids tobacco, alcohol and drug-free. Their program is more of -- I think that you mentioned it before, Legislator Vilorio-Fisher, that theirs is more of a health program, which goes on right now.

They also mentioned to me that they weren't even extended, as far as their budget and their commitment from Suffolk County, for a contract for money to provide that program. They weren't even extended for a year. They've been operating on the second of two six-month extensions. So, as of last year around this time, they weren't even sure that they would be providing the Health Smart or any kind of program, because they didn't have a contract with Suffolk County, they didn't have any funds. So, a number of those things, when it came to my attention, and not officially, not through a piece of legislation that was going to be debated and a policy that was going to be debated, when it came to my attention, of course, I was very, very concerned. And then a number of constituents, and I'm sure that some of you have gotten calls also, they had planned on having their children in a DARE Program, because some of their older siblings had gone through it and they'd heard about the DARE Program, or they had started the DARE Program in September, and they felt that they were going to see it through until graduation. So, now you've got, in midstream, that program being yanked out.

And I would just hope that, you know, even individually, if maybe we don't agree with the DARE Program, maybe we do, but at least to press upon the County Executive to have this Commissioner reconsider and go through the whole process, an open, debated process, because the program that they're going to substitute in is as untested as supposedly the DARE Program is unsuccessful, which I don't believe it's unsuccessful, I believe it's a successful program.

So, I would just ask that we get this going. If we leave it until next time, until our next cycle, the DARE Program will be eliminated in Suffolk County, and then it's kind of too late to go back to those families and even the school districts and say, "Okay, now you can come out and talk to us next year," after the program in midstream has been eliminated. So, I would just ask that we act in a little bit of a quicker fashion.

P.O. LINDSAY:

Legislator Alden, one of the questions that were asked and answered at the committee meeting was the classes that are in effect now, that they will be completed through graduation.

LEG. ALDEN:

So, through the end of next year.

P.O. LINDSAY:

No, no. The classes that started in January -- in September, in the Fall --

LEG. ALDEN:

Okay.

P.O. LINDSAY:

-- will be completed through the graduation period --

LEG. ALDEN:

But that underlines --

P.O. LINDSAY:

-- even it that's over the first of the year.

LEG. ALDEN:

That underlines the point, though, that I've made, because some kids in certain classes got the early -- you know, like the early program, and some were waiting for, you know, next semester. So, a school year doesn't coincide with our fiscal year, so there are going to be major changes in the school district.

P.O. LINDSAY:

Any other -- yeah, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I think I would just add to this, that similar to what several of my colleagues have been talking about as far as the school year, I can say in particular with my Smithtown School District, I'm aware that some of the elementary schools are scheduled for the Fall cycle, and the balance of the elementary schools in the district are scheduled for the Spring cycle. So, to acquiesce to this administrative decision in the midst of this school year, I think, really would be us breaching a good-faith representation as far as the continuance of the program and the viability. Again, I see it as something where I don't think that we ever affirmatively put forward a desire on our part to abandon a policy to maintain DARE. So, I find it interesting that we're now here having to act to reaffirm what's been our policy all along. I think it should come out.

P.O. LINDSAY:

Anybody else? Seeing none, Madam Clerk, call the roll on this, please, on the discharge.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. ALDEN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. MYSTAL:

No.

LEG. HORSLEY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes to discharge.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Nine. (Not Present: Leg. Horsley)

RESOLUTIONS TABLED TO DECEMBER 3, 2007

P.O. LINDSAY:

Resolutions Tabled to December 3rd: ***2022 - Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of Long Island Jet Center East, Inc., Town of Smithtown.*** Is this -- is this close to being ready; do you know?

MR. NOLAN:

No, it's not --

LEG. SCHNEIDERMAN:

It's actually on our agenda in another resolution.

P.O. LINDSAY:

Okay. It should be with --

LEG. SCHNEIDERMAN:

So this bill pertained to an earlier --

P.O. LINDSAY:

Yeah, it should be withdrawn.

LEG. SCHNEIDERMAN:

Yeah, just table it.

P.O. LINDSAY:

Okay. So --

MR. NOLAN:

It's withdrawn.

P.O. LINDSAY:

It's withdrawn already. It's --

LEG. SCHNEIDERMAN:

Oh, it's withdrawn? Okay.

P.O. LINDSAY:

It shouldn't have been on the -- ***1894 - Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York in a fiscally responsible and prudent manner.*** I'll make a motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano All in favor? Opposed? Abstentions?
1952 - A Local Law to require proper --

MS. ORTIZ:

Seventeen -- 16. (Not Present: Leg. Horsley and Nowick)

P.O. LINDSAY:

Oh, I'm sorry. ***Proper supervision at hotel/motel swimming pools***

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Madam Clerk, please list me as recusing myself.

MS. ORTIZ:

16. (Not Present: Leg. Horsley)

P.O. LINDSAY:

2290 - A Local Law to require landlords to register 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.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

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

LEG. STERN:

Motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to table, seconded by -- motion to table by Legislator Stern, second by Legislator Montano. All in favor?

LEG. SCHNEIDERMAN:

On the motion. I'm sorry.

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

I'd like to know, maybe from Legislator Stern, but what the status of this is. I think it's important to use the mercury-free vaccines. And are we doing that particularly with the flu shots? I hear that we're not. And I'd like to -- you know, there is more and more studies showing a relationship with childhood autism and mercury in vaccines, so -- and we've been tabling and tabling and tabling it, and I'd like to know what's happening here.

LEG. STERN:

Through the Chair. We've been tabling it because of the constant update that we've been getting from the Department of Health saying that the program already in place is going very well, that, financially, the mercury-free vaccines have been procured by the Department of Health, and there's been great federal assistance in covering the cost. So, this is legislation that would call for additional funding for the implementation and continuation of that program, and we're told constantly by the Department of Health that the additional funding to continue their program just isn't necessary at this time.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1166 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Zoumas property, Town of Riverhead.

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1359 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary headwaters north from CR76, Townline Road to Miller's Pond, Smithtown, Lake Ronkonkoma, Old Nichols Road Corridor, and surrounding areas.

LEG. KENNEDY:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

Which makes 1359A the accompanying bonding resolution moot.

J.R. 1700 - To bar the introduction of Memorializing Resolutions.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

16. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1748 - Establishing an Affordable Housing Task Force for Land Trusts.

Anybody?

LEG. LOSQUADRO:

Oh, I'm sorry.

LEG. COOPER:

Motion to table.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Losquadro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1942 - Authorizing the sales of certain tax liens sold at the August 15th, 2007 auction as per Exhibit "A" (Omnibus Resolution).

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Is this the one that included the parcel by Riverhead High School, and if so, then did we get a response? These are contaminated properties, right?

P.O. LINDSAY:

Yes, these are brownfields.

LEG. ROMAINE:

Yes, I --

LEG. ALDEN:

I believe that we tabled it to get a response from --

LEG. ROMAINE:

Yes, we got a response from the Town of Riverhead. They are not interested in the property. The school has not contacted me after I spoke with them, so I'd go ahead and --

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

-- consider it.

LEG. ALDEN:

Just that, with your indulgence, just quickly go on the record. We have no liability, we're just selling tax liens and we're not in the chain of title, so the people in Suffolk County are not going to be looked to to make whole any cleanup that occurs on these properties?

MR. KENT:

That's correct. That's why we did not go into title and that's why we're selling the tax lien.

LEG. ALDEN:

And what's the time frame that we've allowed these people that purchase our tax liens to actually clean the properties up, or is it just in perpetuity?

MR. KENT:

We cannot -- we cannot mandate. Under the current program, we cannot mandate them to clean up the properties once they take --

LEG. ALDEN:

We're selling them something, that could be a term of the contract.

MR. KENT:

Well, it has not been the term of the contract on this sale.

LEG. ALDEN:

Okay, so it's not. So what happens if they don't -- if they don't pay the tax, if they don't clean the property up?

MR. KENT:

Well, they're paying the tax or they're not -- or we're not giving them a certificate to --

LEG. ALDEN:

Not future taxes, that's what I meant. So they're going to come up to date with the tax?

MR. KENT:

That's correct.

LEG. ALDEN:

And then, in the future, if they determine that it's too costly, we'll end up with these tax liens back?

MR. KENT:

That's correct.

LEG. ALDEN:

That's a remedy. Okay.

MR. KENT:

Yes.

P.O. LINDSAY:

Okay. Any other questions? We have a motion --

LEG. ROMAINE:

One question.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

If there's no guarantee that these brownfield properties will be cleaned up, what's the purpose of us selling that, except for the minimal dollars that that will generate for the County in terms of the repayment of the tax liens? I mean, what's the purpose of it? Because, in essence, we're just leaving a contaminated piece of property to further sit out there, and all we want to do is get it off our plate and onto someone else's plate without any obligation for cleanup. I just don't see this as a worthwhile program environmentally.

MR. KENT:

Well, I believe that was a decision that was made a year ago at the time when this was approved. But going forward, we're getting made whole on the tax lien. It will be a decision by the new property owner whether they're going to clean it up or not. I would think it would be foolish for them to make us whole on the tax lien and then not go forward with the cleanup to make it a productive piece of property.

LEG. ROMAINE:

Well, it might be, because the reason the Town of Riverhead, and as early as yesterday I spoke with the Supervisor when we were marching in the parade and which we saw you, we waved to you at the sideline. He said, "You know, Ed, the reason we're not doing this is because we don't know how much this cleanup is going to cost. We would be very interested in that piece of property, but right now, no one can give us an absolute guarantee what the cleanup cost is going to be. If it was \$100,000, we'd love to have that piece of property, but we're not sure. That's why we're not jumping at the bargain, because we don't know how much it's going to be."

MR. KENT:

Well, that was --

LEG. ROMAINE:

Suppose this guy buys it and he finds out that it's a half a million dollars to clean that up? He's not going to clean it up either. So we're doing --

MR. KENT:

No, but then we will have been made whole. We would be no worse off. In fact, we'll be in a better position. We will then, I guess, take another lien on the property and go through it again. At some point, we should make a decision as a County whether we want to take title to these properties and we want to be responsible for the cleanup or not. But right now, the decision was, on this program, to sell it to business people who would invest money to make us whole, and then logically, I guess, make the investment to clean up the property and put it back into a tax-paying productive use.

LEG. ROMAINE:

Well, the only reason I raise this, because it is a policy decision. Are we more interested in the money or the environment? And that --

MR. KENT:

But that policy decision was made at the time you adopted the program, which was a year ago. If we want to change the program for the next go-around, we may want to consider that, but at this point --

LEG. ROMAINE:

All right.

MR. KENT:

-- we're three-quarters of the way down the road. I don't know if we want to go back and revisit the policy that was made at the beginning of the road.

LEG. ROMAINE:

Okay. Thank you.

LEG. ALDEN:

Make sure the checks are good, though.

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Yeah, but Legislator Kennedy is first, then --

LEG. MONTANO:

Oh, sure.

LEG. KENNEDY:

Thank you, Mr. Chair. It sounds like, as often is the case with contaminated properties, that it's all matters of money. Is this private individual redeeming the lien for consent, basically, to go onto the site and do investigatory work? Is there a way to have that done, you know, without the lien having to be redeemed? I'm wondering if that's really what we're at here, a Phase I or a Phase II environmental assessment to quantify what remediation cost is.

MR. KENT:

They had the right to do that before the auction, to go on the site to do investigative work, so that they could determine whether they wanted to bid on the property or not, bid on the tax lien or not.

LEG. KENNEDY:

Are you aware, did they do a Phase I or a Phase II?

MR. KENT:

I'm not aware. We make no representations as to the condition of the property. They are allowed to look at our files and our records and to make their own investigation as to the condition of the property before bidding at auction.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. I'm sorry, I don't know if you answered this question. How long does the owner, if the owner were to take title, how long does the owner have, how much time does he have to clean up the contamination before we can exercise our right to get back this property?

LEG. ALDEN:

Forever.

MR. KENT:

How long?

LEG. MONTANO:

Yeah. In other words, is there a time --

MR. KENT:

Well, they're buying the lien, they're going into title.

LEG. MONTANO:

But once he has --

MR. KENT:

They have -- we have no -- we have nothing on these individuals that buy these tax liens and ultimately convert it to a tax deed, which they are going to take ownership of, we have no -- nothing to force them to clean up this property. We would only go back into a lien situation if they fail to pay future taxes.

LEG. MONTANO:

So, essentially, if -- what you're saying is that if the owner took title and the land was contaminated, and the owner chose not to do the remediation, not to clean it up, as long as he continues to pay the taxes on the property, that property remains contaminated?

MR. KENT:

It could.

LEG. MONTANO:

Okay.

MR. KENT:

The force -- the mechanism to force them to clean it up would be the State. The DEC could force them to do a cleanup, the County does not force them to do a cleanup.

LEG. MONTANO:

Right. But can't we make the contract conditioned upon their cleaning up the property within a certain amount of time?

MR. KENT:

Again, if that's something you want to do in the next round of brownfields, we could consider that, but the policy decision on this round was not to require it to be a condition of taking title or taking -- or purchasing the tax lien.

LEG. MONTANO:

But why can't it be conditioned on that?

MR. KENT:

Because we already have gone forward with the brochure, with the sale. The documents contained in the brochure as exhibits, which include the sale certificate or the proposed transfer, did not include a requirement that they clean up the property to buy the lien from us.

LEG. MONTANO:

Right. But if we don't approve this resolution, then, in fact, you can go back and renegotiate that, can you not?

MR. KENT:

No. We probably have to go back and do another -- start over from square one.

LEG. MONTANO:

But you have to do another auction.

MR. KENT:

And do another auction, I would think.

LEG. MONTANO:

Okay.

MR. KENT:

I don't think we can renegotiate the terms post auction at this point.

P.O. LINDSAY:

Legislator --

LEG. MONTANO:

Well, you can if it's voluntarily. If the owner -- if you put that condition in there and the owner decided that he would acquiesce to the time limits that you're proposing, they can, in fact, go through with the contract. I mean --

MR. KENT:

We have, as kind of an aside of this program, we have been able to negotiate with the prior owners settlement agreements where they're going to repay the taxes they owe where we didn't sell them at auction. Those people on those settlement agreements we are forcing cleanup. But the ones that were sold at auction, they're just buying -- the bidders are just buying the tax liens and then they're going to convert that into ownership. And I would think, once they've made the investment of buying the lien, that they would probably go forward, or in hopes they would go forward to make a good business decision to expend the monies to clean it up, so that they could get a return on their investment.

LEG. MONTANO:

Yeah, but, at the same time, they could sit on that property for years waiting for the market to go up, so that they can -- you know, we could be sitting on this property for 20 years without any activity, and the only benefit we would get is the County would pick up the taxes. By the way, is this undeveloped property?

LEG. ROMAINE:

Yes.

MR. KENT:

Yes.

LEG. MONTANO:

So the taxes are even lower. All right. If there's --

P.O. LINDSAY:

Legislator Losquadro.

LEG. MONTANO:

I'm not voting for it.

LEG. LOSQUADRO:

I could be mistaken here, but Ms. Bizzarro's here, isn't she? I believe that in committee, didn't the County Attorney's Office indicate that the cleanup would be written into the contract?

LEG. MONTANO:

I thought so.

LEG. ROMAINE:

Yes, that's correct.

LEG. LOSQUADRO:

That was my understanding in committee. This is --

MS. BIZZARRO:

Thank you. My recollection of the committee meeting was that, and I believe it was Legislator Romaine had indicated that he wanted -- he was interested in revising the resolution to include just that. And I indicated, if that's where this body wanted to go, that certainly could be done. However, the amendment was never made. The resolution, as it was, was presented to this body, and you voted on the program as it was stated in the resolution, which did not include that caveat for the sale to go forward.

LEG. MONTANO:

If I may.

P.O. LINDSAY:

Let Legislator Losquadro finish.

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

You're done?

LEG. MONTANO:

The resolution that you're referring to was a resolution that was presented last year; am I correct?

MS. BIZZARRO:

Correct.

LEG. MONTANO:

But the resolution would not indicate the terms of the cleanup, necessarily. That's something that would be handled by the proposal in the County Attorney's Office; am I correct?

MS. BIZZARRO:

Well, like I said, the discussion was here. It was done through the committee process. Reference was made that that provision, there was an interest to put that provision in the resolution and that was never done. And then it's up to the department, in conjunction with the County Attorney's Office, to work out how the auction and the bidding would proceed.

LEG. MONTANO:

Well, let me ask you this. If, in fact, this resolution were not passed today and you went back to the prospective buyer or purchaser and asked them whether or not they would consider agreeing to a timetable on the cleanup, could that, in fact, be done?

MS. BIZZARRO:

At this late time in the game, I really -- I highly doubt it. It was not a part of the process. And I would just say, at this late game, it really would not be something that you could renegotiate.

I just want the body to be mindful that the price is not cheap. I mean, one of the properties is going for \$280,000. I don't know that someone's going to pay that on a parcel of land and have absolutely no indication or desire at all to make it, as Chris Kent stated, a productive piece of land that's going to go on the tax rolls.

LEG. MONTANO:

Right, but that's speculation, and you have no way of knowing what's in the mind of the purchaser in terms of why the purchasers would want to buy this property and what his or her intentions are with respect to the cleanup.

MS. BIZZARRO:

I do not.

LEG. MONTANO:

Okay.

MS. BIZZARRO:

But, as I said, in light of the purchase price is pretty --

LEG. MONTANO:

Not a problem.

MS. BIZZARRO:

Fairly high.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yeah. I'd like to ask the Clerk's Office if they would be so kind at some point to provide us with a copy of the minutes of that meeting, because, as I recall, and again, I have an imperfect memory, but Legislator Montano kind of stimulated it, that I was told that --

LEG. MONTANO:

My memory is imperfect also.

LEG. ROMAINE:

-- that should not be in the resolution, that, in fact, the cleanup provision would be dealt with in the contract. And if that's the case, I'd like to just take a look at the minutes of what was discussed at that meeting, because, if this is an opportunity to table this at this point, we could then determine if, in fact, that was a policy moment, a policy decision, or if we had imperfect information when we were making this decision, because that is an important thing. And I think it's \$80,000, the piece that I'm talking about in Riverhead that's being sold for.

And I understand the County's desire to recapture the taxes, but I'm also mindful of our obligation in terms of trying to clean up some of these properties that are heavily contaminated, because we have no assurance under the current program if, in fact, that was the policy, if, in fact, we were told that would be the policy, if, in fact, when we cast our vote, we cast our vote for that policy. We were not given any guarantee that, in fact, that that was the case. So I want to make sure that what was conveyed to us was exactly what we understood when we voted for this. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

If I could perhaps make a request to -- well, to perhaps get a copy of those minutes, if we could pass over this until such time as we could maybe take a look and see what was -- what exactly was put forward to the members of the committee, because, as I said earlier, I --

P.O. LINDSAY:

I don't want to speak for the Clerk's Office, but you're talking about a meeting that was probably last year, not the current meeting, the original one.

LEG. LOSQUADRO:

Then perhaps we need to table it, then.

P.O. LINDSAY:

Well, I mean, are you making a motion to table?

LEG. MONTANO:

I'll make the motion.

LEG. ROMAINE:

I'll second that.

P.O. LINDSAY:

Okay. And on the tabling motion, I'm just going to say something. You know, this is an ongoing program. If you want to change the rules midstream, do it for the next auction, because this is envisioned as an annual auction. We debated this. We had the auction. Now is to approve the sale of the auction. Why anyone in their right mind would bid on a polluted piece of property, if they didn't have intentions of cleaning it up, is far beyond my comprehension why they would possibly do that.

And I also would like to point out to the Legislators that, yeah, the County has an inventory of these polluted properties where people walked away from the property and we acquired it on tax liens, so it didn't cost us anything initially. We all have the ability to appropriate money in the Capital Budget, or to suggest that we put in a resolution in the Capital Budget to selectively clean up this property or that property. And I, in fact, did that in my district where I took a brownfield, we put a quarter of a million dollars in the Capital Budget, and we -- it took us a couple of years to complete the remediation, but the property is just about ready to be signed off on DEC, that, you know, I'm going to look to put for a public use at this point now that the property is purified, but we all have that ability.

So we have a tabling motion and a second.

D.P.O. VILORIA-FISHER:

Can I --

P.O. LINDSAY:

And Legislator Viloría-Fisher wants to talk on the tabling, and then Legislator Montano.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. We have tabled this a couple of times, and I believe we should approve it at this point, because we sat here while the County made representation on how the sale was going to move forward, and there were bidders, and the bidders -- the bids were accepted for these properties. And I think, at this point, we need to complete the process that has begun with the representations that were made to the public. If we want to change the program, then we should certainly take a look at those minutes again, see what kind of discussions there were, see how we want to redirect the program, but I don't believe that it's in the County's best interest to change something midstream.

P.O. LINDSAY:

Legislator Montano, did you want to comment?

LEG. MONTANO:

Well, just very briefly. We'll be back here in two weeks. I don't see that there's a total detriment by

waiting two weeks on this. We have time before the end of the year to resolve it. I would like to look at the minutes. I also have two properties in my district that are contaminated. I passed resolutions three years ago on moving those. They haven't moved quite the way I'd like to see that. But I believe those properties were excluded from this bill. But I would like to see what the minutes say with respect to that issue as to the cleanup. And if we approve this, I would like to see in the future that if we do move on contaminated properties, that we at least write into a contract a timetable, so that we know that at some point in time, the purchaser is either going to clean up the property or will deed it back and then we'll resolve it at that point.

P.O. LINDSAY:

And I don't think anybody argues that point with you, it's just that this one, we've already had the auction, you know. Mr. Zwirn, did you want to comment about what the Executive's Office --

MR. ZWIRN:

Just briefly, Mr. Presiding Officer. We would urge you to -- if the Legislature would pass this at this particular time. There's \$360,000 in revenue that has been applied to the budget that we're counting on to plug holes. I'm just saying, with this \$360,000, you're turning this \$360,000 and saying -- you know, kissing it good-bye. In addition, any contamination that spreads from this property after the title has changed is going to be the responsibility of the owner of the property. So you also limit the liability and you have somebody who has a real incentive in the private sector to get these properties cleaned up. So it's a revenue issue, it's also a safety issue, because there's an incentive on the private sector to undertake this cleanup.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Ben, on just one comment. You said has been applied to the budget; '07 or '08?

MR. ZWIRN:

'07.

LEG. ALDEN:

Okay.

LEG. MONTANO:

You still have time.

LEG. ALDEN:

But then that would translate into a fund balance --

MR. ZWIRN:

But '07 cash at the end is rolled over --

LEG. ALDEN:

So it's a fund balance for '08.

MR. ZWIRN:

-- so it's '07, '08.

LEG. ALDEN:

So, really the impact is '08.

MR. ZWIRN:

Yes.

LEG. ALDEN:

Right. Thanks.

P.O. LINDSAY:

Okay. All right. We have a motion to table and a second. All in favor of tabling? Opposed? I'm opposed.

LEG. ALDEN:

You should do a roll call.

P.O. LINDSAY:

All right. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes to table.

LEG. BARRAGA:

No.

LEG. ALDEN:

Pass.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Pass.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
Yes.

LEG. ALDEN:
Everybody else voted?

P.O. LINDSAY:
No, you didn't get me.

MS. ORTIZ:
I'm sorry.

D.P.O. VILORIA-FISHER:
Or me.

(Roll Call Continued by Ms. Ortiz, Chief Deputy Clerk)

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

LEG. ALDEN:
Yes.

LEG. CARACAPPA:
Yes.

MS. ORTIZ:
Eight.

P.O. LINDSAY:
Okay. The tabling fails. And we have a motion to approve and a second. All in favor? Opposed?

(OPPOSED SAID IN UNISON BY LEGISLATORS)

P.O. LINDSAY:
We've got one, two, three, four, five. You, Cameron?

LEG. ALDEN:
No.

P.O. LINDSAY:
Five opposed.

LEG. CARACAPPA:
And one abstention.

LEG. MYSTAL:
Six.

P.O. LINDSAY:
And one abstention.

LEG. MYSTAL:
Six opposed. No.

D.P.O. VILORIA-FISHER:
With Lynne's hand up?

LEG. MONTANO:
Six nos, one abstention.

P.O. LINDSAY:
Oh, I didn't see Lynne's. Six, six. Okay.

MS. ORTIZ:
Six nos. Eleven.

P.O. LINDSAY:
Okay. Procedural Motion Number 10 - To retain a consultant -- I think -- have I withdrawn that yet?

MR. NOLAN:
No.

P.O. LINDSAY:
Yeah. I have to put in a motion to -- a resolution to withdraw.

LEG. ALDEN:
You're withdrawing that?

P.O. LINDSAY:
Yeah, yeah, I want to withdraw it.

MR. NOLAN:
Withdrawing Procedural Motion 10.

MS. ORTIZ:
We have it here, yeah?

MR. NOLAN:
Withdraw it.

MS. ORTIZ:
I'm sorry?

P.O. LINDSAY:
Withdraw it. I'm making a motion to withdraw. Okay. Page 6.
J.R. 2005 - A Local Law to require cash deposits to be made in accounts at authorized banks or trust companies.

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. NOWICK:

On the motion.

MS. ORTIZ:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

2218 - Apportioning Mortgage Tax by the County Treasurer.

LEG. MONTANO:

Motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Do we have a motion on 2218?

LEG. MONTANO:

Motion.

P.O. LINDSAY:

We have a motion by Legislator Montano, and I'll second it. All in favor? Opposed? Abstentions?
And I recognize Legislator --

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

-- Horsley for the purpose of a motion. Legislator Horsley for the purpose of a motion, you want to be recognized?

LEG. HORSLEY:

Yes, I do.

P.O. LINDSAY:

Okay. Take the mike and make your motion.

LEG. HORSLEY:

I'd like to make a motion. Motion to approve.

LEG. MYSTAL:

No, no, no. Motion to include you.

LEG. HORSLEY:

Oh, yes, I'm sorry.

P.O. LINDSAY:

You wanted to be recognized to make a motion.

LEG. HORSLEY:

Yeah, please.

D.P.O. VILORIA-FISHER:

On the Consent Calendar.

LEG. HORSLEY:

To put me on the Consent Calendar, please. Thank you.

LEG. NOWICK:

With the majority.

LEG. HORSLEY:

I make a motion.

LEG. NOWICK:

Put him in the majority.

P.O. LINDSAY:

You have to make a motion to reconsider.

LEG. HORSLEY:

I'd like to make a motion to --

P.O. LINDSAY:

Microphone.

LEG. MYSTAL:

Reconsider.

LEG. HORSLEY:

To reconsider the Consent Calendar.

LEG. NOWICK:

To put you with the majority.

LEG. HORSLEY:

And put me with the majority.

D.P.O. VILORIA-FISHER:

Joe seconded it.

P.O. LINDSAY:

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

LEG. MONTANO:

What's the motion? I'm sorry, I missed something.

P.O. LINDSAY:

To reconsider the Consent Calendar for the purposes of him registering his vote, because he came in late.

LEG. MONTANO:

Oh, okay. Yes. I'm sorry.

P.O. LINDSAY:

All right. We have a motion and a second to reconsider. All in favor? Opposed? Abstentions? The Consent Calendar is back before us.

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

Joe made a motion to approve it.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *2225 - Authorizing the County Comptroller and the County Treasurer --*

LEG. MONTANO:

Did we do 2218? We approved it?

P.O. LINDSAY:

2218 passed.

LEG. MONTANO:

Oh, I didn't -- that's where I'm confused.

P.O. LINDSAY:

And the County Treasurer to transfer funds to cover unanticipated expenses in the 2007 Adopted Discretionary Budget.

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

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

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second? Where is it?

LEG. NOWICK:

Second.

P.O. LINDSAY:

By Legislator Nowick. Any questions on this? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2226 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2007 Adopted Mandated Budget.

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. BARRAGA:
Second.

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

MR. LAUBE:
18.

Economic Development, Higher Education & Energy

P.O. LINDSAY:
Economic Development. *IR 1828 - Amending Adopted Resolution No. 703-2007, to appropriate General Funds for Capital Project 5739.*

D.P.O. VILORIA-FISHER:
Wayne, are you going to make a motion?

LEG. HORSLEY:
Yeah, I'll make a motion to approve.

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

LEG. STERN:
Second.

P.O. LINDSAY:
Seconded by Legislator Stern. What is Capital Project 5739?

LEG. HORSLEY:
May I refer to BRO on this?

P.O. LINDSAY:
Ms. Fahey is going to tell us what that is.

MS. FAHEY:
It's our Pavement Management Program. It's pavement reconstruction for the runway.

LEG. CARACAPPA:
Mr. Chairman.

P.O. LINSDAY:
Legislator Caracappa.

LEG. CARACAPPA:
Counsel, the amendment?

MR. NOLAN:
The underlying resolution was to accept a grant. There was a very small County share which was \$4,500, approximately. It was originally going to be bonded. This is changing it to cash which is something the Legislature had requested and now they have found an offset that is acceptable.

LEG. CARACAPPA:
What is that offset?

LEG. ROMAINE:
Sound wall.

LEG. CARACAPPA:
Sound walls.

MS. VIZZINI:
The cash is coming from Public Works office machines.

LEG. ALDEN:
That's better than the sound wall.

LEG. HORSLEY:
Or the Legislative account.

P.O. LINSAY:
He's very suspicious, you know that. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINSAY:
2111 - Appoint member to the Suffolk County Community College Board of Trustees (Avette D. Ware).

LEG. EDDINGTON:
Motion to approve.

P.O. LINSAY:
Motion to approve by Legislator Eddington.

LEG. LOSQUADRO:
I'll second.

P.O. LINSAY:
Second by Legislator Losquadro. And Legislator Alden, she did come to committee.

D.P.O. VILORIA-FISHER:
She did.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I should point out that Ms. Ware used to be a student trustee for a couple of years on the board, so it was nice now that she's graduated she'd still like to participate in the college.

LEG. ALDEN:

And she doesn't get paid for this, does she.

P.O. LINDSAY:

No.

LEG. ALDEN:

No benefits?

P.O. LINDSAY:

No benefits. Nothing.

P.O. LINDSAY:

Did we catch the vote on that? Did we take the vote?

MR. LAUBE:

Yes, you did.

P.O. LINDSAY:

2121 - Authorizing the execution of a grant agreement with New York State Department of Transportation, Aviation Bureau in connection with airport improvements (noise berm).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman and seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Cosponsor, Tim, please.

P.O. LINDSAY:

2173, 2173A - Appropriating funds in connection with replacement of flightline lighting at Francis S. Gabreski Airport CP 5711).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstention?

MR. LAUBE:

18.

P.O. LINDSAY:

And we have the accompanying bonding resolution, 2173A. Same motion same second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

2174, 2174A Appropriating funds in connection with the tower renovations at Francis S. Gabreski Airport (CP 5709).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

And maybe the committee Chair can answer this, but 2173, 2174, 2176, and 2117, these are all -- oh, 17 is different, but those three that I first mentioned, those are projects. Are they going to be done this year, because we're appropriating the money right now.

LEG. HORSLEY:

They're ready to go, but Carolyn?

MS. FAHEY:

They'll be done in '08.

LEG. HORSLEY:

'08.

LEG. SCHNEIDERMAN:

FAA money mostly.

LEG. ALDEN:

So then what's the -- is there a purpose to appropriating the funds today?

MS. FAHEY:

Well, it's a scheduling of a Capital Program. You need to schedule now and then we'll start the bidding and do everything that we need to do. The planning and design work will be done in '08.

LEG. CARACAPPA:

Cameron, you have to appropriate capital funds in the corresponding year, even if the project's going to be --

LEG. ALDEN:

I know, but the other thing I'm getting to, and later on we really should hear a little report about how our bonding is going and how are projects are going because I think it might be an eye opener to people.

LEG. CARACAPPA:

Absolutely.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2174A, the pending bond resolution. Same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yep.

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. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2176, 2176A - Appropriating funds in connection with the airport fencing and security system at Francis S. Gabreski Airport (CP 5721).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

The accompanying bonding resolution, 2176A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

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. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Cosponsor, Tim, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

I'm going -- is Gil Anderson still in the audience? I saw him walk in before.

MR. BEEDENBENDER:

He's here, he's not in the audience.

P.O. LINDSAY:

Legislator Alden had requested that someone from Public Works be here to answer some questions on a specific resolution as well as Economic Development. I know Ms. Fahey is here. What was that resolution, Cameron?

LEG. ALDEN:

1918 was the --

P.O. LINDSAY:

Public Works, I know. But what is the one for Economic Development for Ms. Fahey that you had a question.

LEG. ALDEN:

Actually Economic Development -- I can give it to --

P.O. LINDSAY:

Or is that answered already.

LEG. ALDEN:

No, it's a resolution that Legislator Horsley and I sponsored in 2006 and it's 1075 and it directed the --

P.O. LINDSAY:

Is that on our agenda today?

LEG. ALDEN:

It's not on our agenda, but it --

P.O. LINDSAY:

Well, I'm looking to take things out of order so you can ask your questions.

LEG. ALDEN:

Yeah, so if she can stay then that's fine.

P.O. LINDSAY:

Okay. Mr. Anderson, would you come forward, please? I'm going to make a motion to take 1918 out of order because Legislator Alden requested that Public Works be here to answer some questions. And I am going into Executive Session in five minutes because we have an attorney here to give us a report on some pending litigation. Legislator Caracappa.

LEG. CARACAPPA:

I'll second the motion to take it out of order if I can make a motion to follow that with a quick vote seeing that there's some people here from the public that need to get back to work. If we could take 2229 out of order, which is the Water Authority raises.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, we're up to 2217 and the people for that resolution are also here. This is the Long Island Jet Center.

P.O. LINDSAY:

Let me get this one done. First to take this out of order, 1918, and I'll try to get to the Jet Center and I'll try and do that. Go ahead. We have a second to take 1918 out of order. All in favor?

Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. 1918 is before us. *1918 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 13 - Windwatch with Holiday Mid-Rise Tower (IS-1451)*. Do we have a motion on this?

LEG. KENNEDY:

I make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. SCHNEIDERMAN:

Do we have a motion to take it out of order yet?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

It's before us.

P.O. LINDSAY:

It's before us. Come one, get with the program.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

We have a motion. 1918, it's on Page 10. We have a motion to table and we have a motion to approve and I don't have a second to either motion yet.

LEG. ROMAINE:

Who was the maker of the tabling motion?

LEG. ALDEN:

If there's no second to the motion to approve I'll second the motion to table.

LEG. D'AMARO:

I'll second the motion to approve.

P.O. LINDSAY:

Second the motion to approve?

LEG. D'AMARO:

Yeah.

LEG. KENNEDY:

I got the motion to table.

LEG. ALDEN:

There's no second to that yet.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. So we have a motion and a second to approve, motion and a second to table, before us. Mr. Anderson. Okay.

COMMISSIONER ANDERSON:

Yes, sir.

P.O. LINDSAY:

Do I have any questions of -- Legislator Kennedy, do you want to be recognized?

LEG. KENNEDY:

Thank you Mr. Chair. As a matter of fact I have -- I just at my request, because this resolution would authorize the connection of an additional 50,000 gallons of effluent on a daily basis to this treatment plant, which is right over here in Sewer District 13 by the Galleria, I asked for some kind of representation as to where groundwater divide is. This is very close to the area that we just heard individuals speak on earlier today in the public position.

On Friday afternoon I got an e-mail from the Health Department, and I appreciate the Health Department's submitting this to me. I have had an opportunity to review it briefly this morning and unfortunately I'm still concerned because the last groundwater modeling data that our Health Department has is from 2002. That pre dates by three years when we had biblical rains October of 2005. It does not give us, I think, something dispositive as to where we're at right now.

Now, Mr. Anderson and I had some comment or conversation about this this morning but not as to be able to vet what some of the representations are. So I'm going to ask for a tabling for one cycle so I can now speak with himself and with our representatives in the Health Department as to what this means.

P.O. LINDSAY:

I'm still trying to get over the biblical rains.

D.P.O. VILORIA-FISHER:

Yeah, we're all thinking Noah.

LEG. KENNEDY:

Rains of biblical proportion. That's the way it's been characterized, because if you speak to some of the folks that stand here on a regular basis, they'll talk to you about their flooded basements and the facts that they are fearful that any act we enable is going to compound it.

P.O. LINDSAY:

Maybe we should tell them to build an arc.

LEG. MONTANO:

This is your district?

LEG. KENNEDY:

Yes, as a matter of fact, it is.

P.O. LINDSAY:

Mr. Anderson, would you like to comment on that being that it was requested that someone from your department be here.

COMMISSIONER ANDERSON:

Yes. With regard to that, we submitted a letter last week to the Legislator. We had the consultant for the project go out and measure, excuse me, physically measure groundwater at wells that surround the treatment plant. The information provided by the engineer was the groundwater flows in a southerly direction. Additionally, in speaking with the Town of Islip because of the Blydenburgh landfill, and although I haven't had that information, it is indicated in the report that from annual groundwater analysis the groundwater in the landfill, which is right adjacent to the treatment plant, flows in a southerly direction as well. So it does, you know, it does not appear to go north toward the area of concern as far as the northeast branch.

P.O. LINDSAY:

Well, Legislator Alden is the one that requested someone from Public Works. Do you have any questions before I turn it back to Legislator Kennedy?

LEG. ALDEN:

Just a couple of quick ones. Gil, this is an existing sewer district, right?

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

And they -- the effluent is pumped into the ground after treatment?

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

And how many total gallons is that?

COMMISSIONER ANDERSON:

Currently I'm not sure. I believe the total and the end -- when everything -- if everything becomes approved I think is 750,000 gallons a day.

LEG. ALDEN:

A day. Okay. Unfortunately, the district to the south of where this project is, is in my legislative district and they've had some major flooding problems too, which now if we're talking about an additional 750,000 gallons a day --

P.O. LINDSAY:

No, no. That's total. Seven-fifty total now if its approved. It's 50 more, 50,000 more.

LEG. ALDEN:

Right. But the total influence in the area is 750,000 gallons a day. And if people are having high, and it's really high tables of groundwater just to the south of this project, has there ever been a study done to see if this discharge is affecting anybody to the south of the project?

LEG. SCHNEIDERMAN:

It is the north that they are worried about.

LEG. ALDEN:

No, south is my district. North is Legislator Kennedy.

COMMISSIONER ANDERSON:

To the south, I've had discussions with Islip officials as we've been talking about the Lake Ronkonkoma, Nissequogue and now the Connetquot. To the best of my knowledge there hasn't

been a study done. The impact of these 50,000 gallons per day as well as the total effluent is minimal, you know, according to the U.S.G.S. compared to everything else that's going in there as far as groundwater. We've had discussions with Islip and some recommendations, although very preliminary, about what could be done to get the flow of the Connetquot to move better and we are investigating that as far as our discussions with them.

LEG. ALDEN:

But a total of 750,000 gallons a day would have no effect? I would think --

COMMISSIONER ANDERSON:

It's extremely minimal. By the time you get more than 100 feet, 100 yards away from the treatment plant, the groundwater level just -- it just goes back to normal. You have a little bit of mounding, a small amount of mounding as the groundwater goes down. It is spread, at the worst case is about, you know, 100 meets, let's say, from the --

LEG. ALDEN:

That I would like to explore a little bit more with the -- who supplied you with that information?

COMMISSIONER ANDERSON:

That was the U.S.G.S. I can definitely get you information on that as well.

LEG. ALDEN:

Yeah, I'd definitely like to -- and share that with the people that live just south of there because they've got some major problems.

COMMISSIONER ANDERSON:

Right. We feel, I mean, in the discussions, again, with Islip we felt the issues were more from the Connetquot River and the backup, you know, that's caused because similar to the northeast branch, it's, you know, it's --

LEG. ALDEN:

Well, there was a disruption there. The L.I.E. is a disruption of the natural flow and this might be -- in my estimation it might be a contributing factor.

But then the last question that I would have is in this resolution it calls for the \$15 per gallon per day. This had conceptual approval?

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

So prior to the resolution?

COMMISSIONER ANDERSON:

Prior to the legislation.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I don't think it's unreasonable to go ahead and ask for one cycling, one tabling cycle and in some requests I'm going to respectfully disagree with Mr. Anderson, at least as far as the

representations from U.S.G.S. As recent as Wednesday, Mr. {Terasino} would not give a definitive representation as to where groundwater moved. Now admittedly I spoke at length with Vito Minei and our Health Department takes into account many other factors besides the U.S.G.S. monitoring wells.

Nevertheless, as I said, in a quick read of this as I've been sitting here I see that our last groundwater modeling data was 2002. I think, and just to correct the record, the plant as it exists now has a 400,000 gallon per day capacity. It puts out 200,000 gallons. This resolution before us is a consent to connect for an additional 50,000 gallons. However, all told there have been approvals already rendered for expansion that would take it to 750,000 gallons. It's a significant amount of additional groundwater going in in an area that is impacted and I don't think a one round of tabling is unwarranted.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher and then Schneiderman.

D.P.O. VILORIA-FISHER:

Commissioner, what's the alternative to this?

COMMISSIONER ANDERSON:

That's a very good question, and I don't have an answer for it. There really isn't one, unless we can do some type of direct, you know, effluent to an open body of water. There is really -- there is nothing nearby that we can do. We've been doing this, you know I would state that even though it to us seems like a large volume of effluent going into the ground, compared to the groundwater that's out there, it's a minimal impact.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Gil.

P.O. LINDSAY:

Any other questions? Yes, Legislator Schneiderman, if you can make it quick.

LEG. SCHNEIDERMAN:

I'll try to go quickly. I mean, as committee Chair I think there's information I think that's important that we're aware of. And we are not at this point asking to expand the sewer treatment facility. That expansion permission was already granted years ago by this body. The only thing that's before us is who gets to hook in and use that expansion.

At the committee level there were concerns raised by neighbors to the north that the groundwater flow might be actually to the north and we all know about the flooding in that area, in John's district, and we did table this for a couple of cycles until we got data that clearly showed that the groundwater flow direction at that point is to the south, not to the north, and at that point we move this up to the committee.

Now there's concerns by Legislator Alden that there might also be more water in his district adding to flooding. Even if this is conventional sewage system -- sewer facility, you're still going to get additional water recharging. So typically this is a zoning decision. It's really up to the Town of Islip to decide how much development can go in an area if it complies with Suffolk County Health Department regulations, which this does, and typically we would not be deciding which type of use is allowed to hook in. And I just -- hopefully we're not making that decision in terms of deciding what the density should be or what type of facility should hook in. The decision to expand this plant was made years ago and not challenged.

P.O. LINDSAY:

Okay. I am going to take a vote on this to move this along because we have a lot of other business. I have an attorney in the audience. I would recommend to the body that we go along with the

tabling for one cycle so that the report that was given to Mr. Kennedy and other Legislators, that have a time to digest it before we take this vote. Mr. Anderson, I don't think that will inhibit. It's only two weeks a way, all right?

COMMISSIONER ANDERSON:

Understood.

P.O. LINDSAY:

We have a motion to table which takes priority over the --

MR. LAUBE:

Legislator Lindsay, can I just get the motion and the second again? You didn't announce them and we had motions flying around the room.

P.O. LINDSAY:

All right. The motion to table was Kennedy and Romaine, and the motion to approve, Cooper and D'Amaro.

LEG. COOPER:

I'll withdraw my motion to approve.

LEG. D'AMARO:

I withdraw my second.

P.O. LINDSAY:

So we only have a motion to table before us. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

The motion stands tabled for the resolution for a two week period. And you were concerned, Legislator Schneiderman, about 2217? I'll take that now.

2217 - Authorizing the lease of property at France S. Gabreski Airport to L.I. Jet Center East, Inc., for the construction, operation and maintenance of a fixed-based operation. Do

I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator -- who was the second?

D.P.O. VILORIA-FISHER:

Cooper.

P.O. LINDSAY:

Cooper. All in favor? Opposed? Abstention?

LEG. BARRAGA:

Negative.

LEG. ROMAINE:

Abstention.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

Just call the vote.

LEG. SCHNEIDERMAN:

I haven't voted yet. I just want to say on the motion, because this is the Gabreski Airport, it's also in my district. This isn't a motion to take it out of order. This is the next resolution, so we're actually voting on it.

I have said repeatedly that I was not going to support increases in jet uses until we had an adopted master plan which we don't. This application, though, has gone before the Screening Committee, the new Screening Committee, the Advisory Committee. It was, I think, overwhelmingly supported. I don't have any real objections to this other than it would be inconsistent at this point for me to say we should approve this so I'm just going to abstain.

P.O. LINDSAY:

Okay. We have a motion to approve and a second. I called this once but you didn't announce it yet. So we have one opposition, Legislator Romaine?

LEG. ROMAINE:

Abstention.

P.O. LINDSAY:

Abstentions. Two abstentions. Legislator Barraga --

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Opposed. Okay. Anybody else in the negative or abstentions? Okay call the vote.

MR. LAUBE:

15. (Legislator Barraga - Opposed; Legislators Romaine and Schneiderman - Abstentions).

P.O. LINDSAY:

Now Legislator Caracappa wants to call a resolution out of order.

LEG. CARACAPPA:

2229, page eight. It's in Environment, Planning and Agriculture.

LEG. MONTANO:

Oh, okay,

LEG. CARACAPPA:

So they can get back to work.

LEG. MONTANO:

I got you.

P.O. LINDSAY:

IR 2229, Legislator Caracappa wants to take out of order.

LEG. CARACAPPA:

Motion to take out of order.

LEG. COOPER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

And a second by Legislator Romaine. Any comments? All in favor? This is taking it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

All right. It's before us now. *IR 2229, Authorizing an increase in compensation for members and chairman of the Suffolk County Water Authority.* Do I have a motion?

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ROMAINE:

Opposed.

LEG. CARACAPPA:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

LEG. LOSQUADRO:

Opposed.

LEG. ALDEN:

Opposed

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Five are opposed to tabling.

LEG. ROMAINE:

Six.

LEG. ALDEN:

Might have six.

MR. LAUBE:

We got six opposed.

LEG. BARRAGA:

Could you call off those who are opposed, please?

MR. LAUBE:

Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga.

LEG. KENNEDY:

Changed mine to opposed.

MR. LAUBE:

Kennedy.

P.O. LINDSAY:

Okay.

MR. LAUBE:

That gets us to 11.

P.O. LINDSAY:

So it stands tabled.

MR. LAUBE:

Tabled. (Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga and Kennedy - Opposed).

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Wait a minute. I've got one other piece that I have to go into Executive Session.

LEG. ROMAINE:

This is a point of personal privilege.

P.O. LINDSAY:

All right, but I have my own point of personal privilege, but I'll hear yours. Make it quick because I got to get in there. I got an attorney sitting here.

LEG. ROMAINE:

I rise to a point of personal privilege in that the County Attorney representative misrepresented what she had said at a General Meeting almost a year ago November 21st '06, where she clearly stated that these properties would be cleaned up. She misled this Legislature today in the statement of

policy. I've put before you the actual transcript of that meeting and I have to say as a Legislator I take personal offense, because I raised those issues, and you can see at the General Meeting there are several pages of dialogue and in each page of dialogue, Ms. Bizzarro had continuously stated that a clean up provision would be part of the contract and that we would have an opportunity to vote on that contract at that time.

I take personal umbrage that I was misled today as to believe that the policy of this County was not to clean up those properties when clearly, if you take a look at the dialogue of that meeting, which reported verbatim, that we were led to believe that each of these properties would be cleaned up. The verbiage is clear and you can read it for yourself.

LEG. MONTANO:

Read it into the record.

LEG. MYSTAL:

Ed, Ed, you're going to bust a vein. Slow down.

P.O. LINDSAY:

Stop, stop. You're out of order.

LEG. SCHNEIDERMAN:

I'll make a motion to reconsider 1942 for the purposes of tabling it.

P.O. LINDSAY:

You're going to have to do that after lunch because I have to go into Executive Session. I cannot hold this up any longer. The man's been with us, and I have -- Mr. Elkowitz has been with us all day. He's looking for his appointment to be approved. So I would like to make a motion to take 2102 out of order.

LEG. CARACAPPA:

Second.

D.P.O. VILORIA-FISHER:

Second.

LEG. MONTANO:

What page?

P.O. LINDSAY:

Page 7. Motion and second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

I'm here.

MR. LAUBE:

18.

P.O. LINDSAY:

2102 is before us. ***2102 - Appointing Peter J. Elkowitz, Jr., as a member of the Long Island Regional Planning Council a/k/a the Nassau-Suffolk Regional Planning Board.***

D.P.O. VILORIA-FISHER:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Vilorio-Fisher, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

That's approved. All right. I'm going to make a motion at this point in time to go into Executive Session to hear from our outside legal counsel about the progress in the MTBE litigation, so if everybody could clear the room. This is for Legislators only. Do I need -- I need a second to that.

LEG. D'AMARO:

(Raised hand).

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Please clear the room.

MR. LAUBE:

18.

P.O. LINDSAY:

Shut off the microphones.

(Executive Session 11:48 AM to 12:40 PM)

P.O. LINDSAY:

Okay. We just concluded the Executive Session on -- with our attorneys on the MTBE lawsuit. In present was the Legislature, Budget Review, Vito Minei from the Health Department and our Counsel. With that, I'll make a motion to recess for lunch.

D.P.O. VILORIA-FISHER:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

2:30, right?

MR. LAUBE:

14. (Legislators Romaine, Caracappa, Losquadro, Montano, and Cooper - Not Present)

P.O. LINDSAY:

2:30.

(*THE MEETING WAS RECESSED AT 12:40 P.M. AND RECONVENED AT 2:35 P.M. *)

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

P.O. LINDSAY:

Okay, Mr. Clerk, please call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not present).

LEG. COOPER:

(Not present).

LEG. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Twelve. Thirteen (Not Present: Legislators Schneiderman, Caracappa, Kennedy, D'Amaro & Cooper).

P.O. LINDSAY:

Going into Public Hearings. Mr. Clerk, have all the hearings been properly advertised?

MR. LAUBE:

Yes, they have.

P.O. LINDSAY:

Just for my colleagues that are present, I intend to make a motion to close all the Public Hearings today because --

D.P.O. VILORIA-FISHER:

It's now or never.

P.O. LINDSAY:

It's now or never, right. All the local bills die at the end of the year and if the hearing isn't closed, you wouldn't have a chance to act on it anyway.

Okay, the first one is *Public Hearing on IR 2064-07 - Charter Law to expand sex offender notification requirements to include public libraries (Browning)*. Do I have -- I don't think I have any cards on that subject. Is there anyone in the audience that would like to speak on that subject? Seeing none, I'll entertain a motion to close.

LEG. BROWNING:

No, actually, I believe this is -- no, I'm going to make a motion to recess, but actually I probably should withdraw because the Sex Crimes Unit can do it without legislation; I believe that's it, right?

P.O. LINDSAY:

Okay. So you're going to make a motion to withdraw.

LEG. BROWNING,

I'll make a motion to recess at this time.

P.O. LINDSAY:

Well, if you -- I mean, if you recess it means that we have to have Public Hearings at the next meeting, which I'm trying to avoid.

LEG. MONTANO:

Just close it.

LEG. EDDINGTON:

Close it.

LEG. BROWNING:

Okay, we'll close.

P.O. LINDSAY:

And then it goes back to committee and you can table it in committee if it isn't necessary, or withdraw it.

LEG. BROWNING:

You got it.

P.O. LINDSAY:

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

MR. LAUBE:

No, I did not have a second.

P.O. LINDSAY:

The second was Legislator Eddington.

MR. LAUBE:

Okay, thank you. Eighteen. No, fourteen (Not Present: Legislators Schneiderman, Caracappa, D'Amaro & Cooper).

P.O. LINDSAY:

Public Hearing on IR 2065-07 - A Local Law in relation to disposition of auction properties (Browning). Again, I do not have any cards on this subject. Is there anyone in the audience that would like to speak on 2065? Seeing none, it's Legislator Browning again, are you going to make a motion to close?

LEG. BROWNING:

Well, is George here? Actually, I'm not sure if I can close because I still have -- thank you, George.

P.O. LINDSAY:

You still have what?

LEG. BROWNING:

I do have some changes that we're making on that and I don't know if I can close it because of that; can I close it, George?

MR. NOLAN:

You should close it.

LEG. BROWNING:

Okay, we're closing it.

MR. NOLAN:

Otherwise you'll have no shot this year.

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

You know, if you can't -- if there's substantial changes, it would have to go back to a Public Hearing, you'll have to file a new bill in the new year.

LEG. BROWNING:

Okay.

P.O. LINDSAY:

We have a motion to close by Legislator Browning and I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Schneiderman, Caracappa, D'Amaro & Cooper).

P.O. LINDSAY:

Public Hearing on IR 2069-07 - A Charter Law to streamline the process by which resolutions and Local Laws are introduced (Alden). I don't have any cards on this subject. Anyone in the audience like to speak on 2069? Legislator Alden?

LEG. ALDEN:

Oh, yeah, motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Alden to close, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Schneiderman, Caracappa, D'Amaro & Cooper).

P.O. LINDSAY:

Okay, ***Public Hearing on IR 2071-07 - Consent to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes (Kennedy).*** And I do have a card. John B. Zollo; if you would come forward, Mr. Zollo.

MR. ZOLLO:

Good afternoon, Mr. Presiding Officer, Members of the Legislature.

MR. NOLAN:

Turn on your mike.

LEG. LOSQUADRO:

You're mike's not on.

MR. ZOLLO:

The old turn the mike on trick.

P.O. LINDSAY:

There you go.

MR. ZOLLO:

Good afternoon, Mr. Presiding Officer, Members of the Legislature.

My name is John B. Zollo, attorney on behalf of St. Pat's Cemetery and I would -- I have nothing to offer. We have a petition filed that has been presented by Legislator Kennedy and I would just ask for the consent of the Legislature to allow the expansion of the existing cemetery.

P.O. LINDSAY:

Okay. Thank you, Mr. Zollo, I appreciate it. Is there anyone else in the audience that would like to speak to us on this subject? Seeing none, Legislator Kennedy?

LEG. KENNEDY:

I'll make a motion to close.

P.O. LINDSAY:

Motion to close by Legislator Kennedy.

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Schneiderman, Caracappa, D'Amaro & Cooper).

P.O. LINDSAY:

Public Hearing on IR 2117-07 - A Local Law to reduce nitrogen pollution by reducing use of fertilizer in Suffolk County (County Executive), and I have several cards. First is George Starkie.

MR. STARKIE:

Good afternoon, Members of the Legislature. My name is George Starkie, I'm a farmer out on the East End. I farm 86 acres of nursery stock out in Southold, but I also have a retail establishment in Farmingdale and I also have a wholesale seed and fertilizer company that was in Nassau County in Farmingdale and I just moved to Copiague, so I am now a constituent of yours.

I am grateful that the latest version of the amended copy, as of 11/30 is the copy I have, has become a little bit more realistic, but I did have a couple of questions I wanted to get in to the record. There's a statement on the first -- Section I, third paragraph at the bottom that, "17% of the upper glacial water supply now exceeds the six milligrams per liter," and it was 9% in 1990 -- '87, I'm sorry. I was also part of the Agricultural Stewardship Committee as a stakeholder in Riverhead and it was with all of the farmers and everyone, and obviously we know there's a need to reduce the nitrogen impacts, especially with being a local out there, what it's done to the waterways. Now, there was a geologist there from New York State, that was probably the best testimony we heard all day and it is part of the record. And my question to him was how long did it take the nitrogen that was used predominantly in potato farming in the farms that I own now, how long did it take for it to get down to the Peconic Bay, and he said minimum 30, upwards of 40 years for it to actually migrate through the upper glacial to get down to the waterways; and we're not talking surface run-off here, we're just talking normal course. And what my question is in this is that there are some goals that you have -- that you have some forward-looking goals and are the reductions realistic if we're going to be measuring materials that might be migrating out from past practices 20 and 30 years ago. So yes, I'm not saying don't do anything, but I don't want to end up five years from now the pendulum swinging too far over and then new, unrealistic restrictions might be put on for past practices that we can't do anything about right now.

Section IV and B. One of the problems that I'm real concerned about is that there's a statement in here that the Department of Agriculture is going to be one of the agencies that you want to work with to know what's being sold and used, and one of the problems that I see with that is although the manufacturer's might report whether they're shipping it to the State of New York, and ultimately you might be able to get some County numbers, that's only going to be based on just distribution into Suffolk County, but my majority of my business is done in Nassau County. Even on my retail level I'm on the boarder line in Farmingdale, I'm actually in Nassau County, a lot of my customers come from Suffolk.

I'm wondering that -- I'll give you just one example. My other company, All-Pro Horticulture in Copiague, we sell a substantial amount of fertilizer, and if you were to use those numbers they would be flawed by, like, a lot, a half of million pounds, a million pounds, a significant amount of fertilizer. So I don't know how, if this is a set-up almost, that it's going to come back in some other way to get the information that you're going to need. Ultimately, it's going to be the end-users and where they're applying it. Even on a retail level or even my customers now coming in to All-Pro,

would I have to ask them where are they applying their fertilizer? I mean, ultimately someone is going to have to capture that information for you, otherwise I don't see how it's going to be of any value.

And Ag and Markets, as far as I know, in all the years I've been in business, has never required any reporting from us. In fact, until I saw this bill and the additional information that was added to it, I didn't even realize that they were reporting on a State level. So I don't know what information you're going to get out of that.

There's also a provision in there about a new license; if not a new license, I know you require Consumers Affairs licenses. But this is going to be a new provision now, that we're going to have to have some type of education over and above what we might possess now to do applications. And I don't know when that's going to be implemented; is that going to be immediately on the adoption of this, if this is adopted?

P.O. LINDSAY:

Just to answer that one question, Mr. Starkie, I don't think we do anything immediately. If this was to be adopted, I'm sure there would be a lead time.

MR. STARKIE:

I just want to mention also, my title is Honorable, I'm an elected trustee in the Village of Farmingdale, so I will be in my suit and tie tonight on the other side of the dais, so I understand the timing that goes into this stuff.

The thing that also I have a big concern about is that obviously, and one company in particular, the Scotts Company sells a product called the Four Step Program, your legislation has now effectively made it illegal to sell a four step program. Now, those orders are already in, they're shipped, they're in my warehouse for this coming spring season, I mean, this is going to have to be a rolling change, I would assume.

D.P.O. VILORIA-FISHER:

May I ask him something about that?

P.O. LINDSAY:

Yeah, Legislator Viloría-Fisher, maybe you could have a dialogue.

D.P.O. VILORIA-FISHER:

Hi. I saw you at both of the Public Hearings that my Homestead Assist Task Force had and we talked about this. How does it make it illegal? You know, we talked a lot about -- remember the County Executive had given us a draft of this, so that became a real point of discussion at the public hearings and it was the pounds of nitrogen used per year and the fertilizer. And when Scotts testified, they said that in the application, each application did not come to the full one-pound of nitrogen per thousand square feet because of the mix --

MR. STARKIE:

Yes, the percent of nitrogen.

D.P.O. VILORIA-FISHER:

-- it was actually less. So can you explain to us -- in fact, I'd like you to explain two things because of something Scotts said last week, and you reiterated it today, regarding Ag and Markets. But in backwards order, can you first explain your final statement which was that it would render that Four Step Program illegal? And number two, go back and explain for me in layperson's terms, because I've heard you say this before but it's still a little complicated, on that Ag and Markets reporting regulation.

MR. STARKIE:

Well, there is. I'm going to go -- because I remember that one first, there is no Ag and Markets reporting requirements to my knowledge; in fact, the first that I've heard of it --

D.P.O. VILORIA-FISHER:

Scotts showed me a list that they have to put in that shows how many, you know, what is being sold. But they said what you said, that it's regionally done or Statewide, so it's hard to pinpoint how much is being sold in Suffolk County?

MR. STARKIE:

I'll give you an example. I'm also a True Value Store, a True Value Home and Gardens Showplace, and those products could potentially get shipped to Pennsylvania, Scotts would report Pennsylvania as their end shipping point and then through their warehouse systems it would get distributed throughout Long Island to independent garden centers and hardware stores. So at that point, Scotts met the requirements, but technically there's really no information. It's going to be a problem.

Now, on the fertilizer of it, one of the things that Scotts is saying -- and this is where it gets a little bit more involved, I'll make it as simple as possible -- is that the goal is one pound of nitrogen per thousand square feet, and they are usually below that in their analysis. Even though it says 2837 on the label, ultimately when you do the math it comes out to about eight-tenths of a pound. But my point is if you're looking to achieve three applications per season, which seems to be the goal or at least what say Cornell might say you can do as a minimum to keep healthy turf, then that fourth bag is not needed. So ultimately, if you're selling someone the four step program --

D.P.O. VILORIA-FISHER:

But, you know, according to Scotts marketing people, and they came here a number of times, most people don't do the four step program anyway.

MR. STARKIE:

Well, I have sales figures that I'd share with you at any time.

D.P.O. VILORIA-FISHER:

Okay, I'm just telling you the testimony that's on the record, and I have it in both Public Hearings, that they said most people don't do more than two, you know,

MR. STARKIE:

The majority is correct, but then we still have a four-step program that technically is going right against what the legislation is proposing.

D.P.O. VILORIA-FISHER:

But even you, when you spoke at the Public Hearing, you didn't see -- if I -- this is from memory, of course, but I did review it when I put together the Executive Summary on the public hearings, you were opposed to the original item which was one pound per year, and we said that wouldn't work for a healthy lawn, you need at least -- you need the three applications.

MR. STARKIE:

Minimum three pounds of nitrogen.

LEG. VILORIA-FISHER:

Three pounds a year.

MR. STARKIE:

Now, if we could achieve that over four applications, that's even better, then that spoon-feeding and that's better.

D.P.O. VILORIA-FISHER:

Okay, yeah and, you know, slow release.

MR. STARKIE:

Yes.

D.P.O. VILORIA-FISHER:

So we were okay with the three pounds per year, so I don't -- and I think even Scotts was on board with the three and Lebanon was okay with it.

MR. STARKIE:

The only problem with legislation like this -- and like I said, I experience on both sides of the dais -- is that I'm afraid that when you get the finger, the next is the arm. And the some of the information that you might get in three to five years down the road could be old information that's coming through the ground waters to the Peconics that, again, all the experts have testified that at least on the Ag Stewardship part of this with the farming community, that this is practices that took place 30 and 40 years ago.

D.P.O. VILORIA-FISHER:

Well, you know when we put together the Ag Stewardship Program, that was voluntary.

MR. STARKIE:

Yes.

LEG. VILORIA-FISHER:

It was voluntary participation, you know, I wrote the legislation that way and Homestead Assist is the same way. And I think probably the most important part to this are the voluntary parts, the educational pieces.

MR. STARKIE:

Okay, but there are fines involved in this and there are some --

D.P.O. VILORIA-FISHER:

In some areas, yeah.

MR. STARKIE:

Yes. Okay, thank you very much.

P.O. LINDSAY:

Before you go, just an observation about the description that this is the finger and we'll take the arm; sometimes we don't bother with the finger, we take the arm right away, so don't let that bother you. But the main part of your testimony, if someone followed with a Scotts Four Step Program, it would exceed the amount of nitrogen annually; is that what you're saying?

D.P.O. VILORIA-FISHER:

Uh-huh.

MR. STARKIE:

Ultimately, yes, that's what I'm saying. Well, you know, the biggest problem is is that it's one size fits all, in just packaging itself and fertilizer. It's not like you can go in and say, "Give me two or three or five pounds," or whatever you need, the packaging is mostly done in 5,000 square foot increments, tens or fifteens. Now, if you end up at 12,000 or if you have a 3,000 square foot turf area, there's no packaging in the marketplace to allow you to properly feed that at one pound a vin per thousand. So --

P.O. LINDSAY:

Well, that's --

MR. STARKIE:

-- this is where the public education is going to be a critical part.

P.O. LINDSAY:

But, I mean, without -- you know, forget the Four Step Program.

MR. STARKIE:

Any fertilizer.

P.O. LINDSAY:

If you have a landscaper or you do it yourself, who's to say how many times you're fertilizing your lawn, how do you police that?

MR. STARKIE:

Oh, you don't, ultimately you don't. But I think the goal is an important goal and I think there is a way to get the information and this might not be completely the way to do it. I think most of the people in our industry would have no problem reporting how much we've sold. But again, if I'm right on the boarder and I service all of Long Island, how am I going to capture the information just for Suffolk?

P.O. LINDSAY:

And the observation you made about how do those sales figures correlate to what goes in our ground, because how do you know is it going to go in Suffolk County, how do you know if your distributor is, like you said, shipping to Pennsylvania? You know, it's flawed.

MR. STARKIE:

There's no question. And then also, when we had the other hearings previous here, Newsday just happened to have the article in there about the septic systems down in the Mastic area, you know, the over proliferation of cesspools and the impacts and what was really causing the nitrogen problems in the bay at that point. So I'm just concerned.

And I'm a good steward, trust me, with the farming and where we used to broad-band our fertilizer, now we put it out actually by air with helicopters, it's actually more efficient if they spread it out instead of banning it. We've actually changed our practices and our farming operation. We know there's a need for this, what I'm concerned about is the pendulum might swing too far. Unfortunately, these were past practices from 30, 40 years ago that I think we're seeing the results of now.

P.O. LINDSAY:

Thank you, Mr. Starkie --

MR. STARKIE:

Thank you.

P.O. LINDSAY:

-- for coming and sharing your thoughts with us. Kevin McDonald.

MR. McDONALD:

Good afternoon, Presiding Officer and Members of the Legislature.

I'm Kevin McDonald, I serve as a Director of Public Lands for The Nature Conservancy and I'm here in an additional capacity as Chairman of the Peconic Estuary Citizens Advisory Committee.

Suffolk County has been in the nitrogen reduction mode for about the last 30 years, since the 208 Study when a whole series of initiatives were undertaken to try to manage the impact of nitrogen on groundwater and also surface waters. And we have found in just the last ten years that the impacts

of nitrogen entrained in groundwater and what impacts those are having on surface waters are more than we anticipated. And therefore, the next logical strategy is, well, what else can we do to reduce nitrogen impacts on groundwater and surface water? And a previous speaker made reference to reports in Newsday about Forge River and sewage treatment. I mean, septic system impacts, and in the capacity that I served in with the Estuary Program where nitrogen management and nitrogen reduction loads is a high priority, which is true for most of the waters that rim Long Island, the issue that we came up with was if you want to get into the large infrastructure business and spend hundreds of millions on upgrading septic systems and expanding sewage treatment plants which is another subject, you're actually -- you've made years and years of investments in reducing nitrogen loads in groundwater and surface water and if we don't get a better handle on fertilizer additions to surface and groundwater, then you're sort of -- you know, what you're doing with one hand you're negating with the other.

So this proposal is actually very modest, it basically says we don't want to apply fertilizer when the plants can't take up the fertilizer anymore, because if the plant's fertilizer -- I mean, if the plant's going dormant and it can't take up any fertilizer, anything applied just goes right into the groundwater and the surface waters. So that's a rather reasonable recommendation.

The other recommendation that comes out of this legislation is a conversation that folks from the Peconic Estuary Program and the Health Department had with industry representatives from Cornell and from the nurseryman organizations out further east a little bit, and one of the major recommendations they made was if you really want -- the first thing you want to do is not have applications when the plants are dormant, and they said in particular when the ground is frozen. So that's a recommendation right from the industry folks saying this doesn't make sense. And the third recommendation that came out of that discussion was most of the folks in the industry said, "We do what Cornell tells us." And Cornell's principal function, up until the beginning of that conversation was, "We make recommendations that are best for the plant, whether it's turf or a tree or something else." But we -- you know, that sort of sheepishly admitted that they really weren't managing for the impacts on groundwater and surface water. And we said, "Well, if you were going to manage for that, wouldn't we do things a little differently?" And that's the conversation that began which partly produced this legislation.

So it's very simple; anybody who's applying this stuff in a trained capacity for -- as a contractor should know what the most recent information suggests which is apply light in the spring and apply light in the fall and put the normal dose down in the late spring when the plants are ready to take up all the nutrients that you can give them, so we're going to train those folks which is what this legislation says.

We're going to have as a policy not to put this stuff down when the plant can't be taken -- can't plant take up -- when the plant cannot take up the nutrients or when the ground is frozen; if you put it on the ground when it's frozen in January, where is it going to go? Nowhere, it will probably runoff onto the street down into the nearest watershed or pipe.

And the next major piece of information that we're trying to get out of this is when we met with the agricultural industry to do this back nine years ago, they said, "You know, we're not the only culprit. We know we use a lot of this stuff and we're working to reduce the loads, we want you guys to help us do that, but we're not the only folks responsible for nitrogen from fertilizer." And we said, "Well, who did you have in mind," and they said, "Well, you should talk to the weekend warriors who go to various stores and buy bags of stuff and then go down without even reading the labels, they just open the machine, put it in and go. And they have a lot left over, rather than putting a half of bag or a third of a bag in the garage, they just keep reapplying it." Okay. So -- and then they also said, "Talk to the golfing industry." So to make a long story short, because I know I only have five minutes, we talked to the golfing industry, we met with them, we had a very good protocol developed that we're waiting to get implemented with them, it's -- nitrogen reduction strategies are consistent with the purposes of this statute, we have an agricultural policy that's emerging that's trying to reduce the nitrogen load, about 25% or more.

So the last party in the discussion on who applies nitrogen in Suffolk County is other residents. And what we're trying to do is give them good information, we're trying to give the people that apply the stuff on their properties better information and we're trying to put forth a rationale policy that says don't apply this stuff when the plant can't take it up, because it's just going past the groundwater into the surface water doing not a whole lot of good, and that's the essence of this legislation.

To the extent that it references accessing the Ag and Markets data that's -- I had a conversation with Carrie Gallagher and she's not here right now, but Ag and Markets represented to her that they could get -- they thought they could get most of the information we were looking for that way. If we can get it, great, and we'll come back after a year and evaluate whether it was obtainable or whether the information seems viable, credible.

And the last point I'll leave you with is the reason we're asking for the information is when we met with the agricultural industry they said, "We're not the only problem, all those other guys generate this stuff." When we met with the golfing industry guys, they said, "It's the homeowners and the ag industry that are doing it all." So when we met with folks from the industry that sell bags that people buy in Home Depot and Lowe's and others, and Starkies, those guys said, "Well, we're a small percentage of the market, we're not the large percentage of the market, somebody else is." So we were getting confused information, everybody was doing this. So we said, well, let's stop that and actually try to get the data as best we can to assess where we think most of the fertilizer in Suffolk County is coming from, where it's going and what's being used, and you can only do that by collecting the data and that's what this section is intending to do as well.

The short story is I think it's a very good start to deal with an important problem and this is the cheapest way to reduce fertilizer in Suffolk County; no capital costs, just a little extra information for people who are applying it in the hopes that they can reduce it.

If you have any questions I'll take them, otherwise I'd urge you to pass this bill at your earliest opportunity and thank you for listening to me.

P.O. LINDSAY:

Thank you, Mr. McDonald. Jennifer Skilbred?

MS. SKILBRED:

Good afternoon. My name is Jennifer Skilbred and I'm an environmental advocate with Group for the East End. For the record, Group for the East End is a professionally staffed, non-profit environmental advocacy and education organization and we've been fighting for environmental protection in eastern Suffolk for over 35 years.

We strongly support the County's efforts to reduce fertilizer use, including the introduction of this bill. Water quality has been a major issue in Suffolk County and especially on the East End, and excess nitrogen is often a major cause of these water quality issues. As you know, when fertilizer is not completely used by plants, it often ends up in our waters. This bill will help to support the nitrogen reduction goal of the Peconic Estuary Program Management Plan and will complement other nitrogen reduction programs. While the bill targets turf fertilization, other programs target the other nitrogen sources, including many that we have been working on such as septic system rebates in East Hampton. We spent about two years helping to create incentives for homeowners to reduce their nitrogen inputs and the {vessel waste} no discharge zone, we worked to get put in place for the entire Peconic Estuary which reduces nitrogen input from boaters. And we recently spent a large amount of time and effort promoting the Quarter Percent Drinking Water Protection Program which will help to promote water quality throughout the County as well.

This bill is just one part, but an important part, of a larger water quality protection effort that targets all nitrogen sources and we feel that it is an important step in protecting and improving the quality

of our groundwaters and surface waters. Thank you.

D.P.O. VILORIA-FISHER:

Are there any questions for Ms. Skillbred? Thank you very much. Is there anyone who wishes to address the Legislature on this issue?
Come on up, Pat Voges.

MS. VOGES:

Sorry I got here late. I'm Pat Voges from Nassau-Suffolk Landscape Gardener's Association. I just have one thing. I did receive the changes that were proposed for this bill and on page two in the eighth paragraph it states that, "Fertilizer should not be applied to turf" --

D.P.O. VILORIA-FISHER:

Pat, can you put the mike closer to your mouth? Thank you.

MS. VOGES:

Fertilizer should not be applied to turf when the ground is frozen and when grass is not actively growing, fertilizer on the turf during cold weather months, okay? In Section 3B it states, "Fertilizers shall not be applied on non-County owned real property by any person between November 1st and April 1st. Assuming that the reason for the November 1st is frozen grounds, a check on the weather temperatures for the month of November reveals that the average temperature in Suffolk County was 52 degrees; it doesn't constitute frozen ground. And I think where Marty Petrovic recommended the dates, he was thinking of New York State as a whole and Upstate it is definitely winter, I was up there this winter -- this summer -- this weekend, it was winter. I just think that it could be a later date. I think December, for the landscaping industry, would make a big difference. We've been told by Cornell for a hundred years, "Fertilize by Thanksgiving." So my recommendation is just to make this a little bit later.

The only other statement I think I have is the changes have made it come down to the only people that are being regulated on this again is the landscaping industry, and there's a hell of a lot of nitrogen put out there that is not put down by the landscapers who are very educated. Thank you.

D.P.O. VILORIA-FISHER:

Any questions? Legislator Romaine.

LEG. ROMAINE:

Yes, you made a number of good points. What would you recommend, if you had a blank page, on revisions to the current legislation, or in your view, is the current legislation the best you could hope for?

MS. VOGES:

Truthfully, I think when this whole thing started, again, with the task force and with this whole thing, it was to educate the homeowners and I think they need to be educated and I think the people who work in the garden centers need to be educated so that when Mrs. Homeowner comes in to buy her fertilizer, they can say to her, "You don't need that much, just put down this or you're going to harm your property." The property needs the fertilizer, it needs to be healthy or else you just have runoff when you've got nothing on the ground. And again, I feel that landscapers do their last fertilization which is for over wintering just before Thanksgiving. To say you have to do this by the 1st of November, you're not even doing leaves by then, so you're putting down fertilizer and picking it up and putting it in the ground fill, what does that do?

LEG. ROMAINE:

So you would revise the date.

MS. VOGES:

The dates more than anything, yes.

LEG. ROMAINE:

And you would choose a date of possibly November 20th.

MS. VOGES:

December 1st -- or the end of November, yes.

LEG. ROMAINE:

December 1st, November 30th.

MS. VOGES:

Yes.

LEG. ROMAINE:

And that's the only change that you think would --

MS. VOGES:

That's really the major change in this at the moment, yeah.

LEG. ROMAINE:

The only change that you would see.

MS. VOGES:

And again, I think that as far as -- we've discussed education, I also see that Carrie has taken out the trees, it's now down to strictly turf; is that the only place that nitrogen is going into the ground? I don't know.

LEG. ROMAINE:

No, I don't know either. I think about that when I flush my toilet every time, but that's --

*(*Laughter From Audience*)*

LEG. EDDINGTON:

He's always thinking.

LEG. ROMAINE:

Thank you.

LEG. SCHNEIDERMAN:

Don't go away.

P.O. LINDSAY:

Legislator Schneiderman, did you have a question?

MS. VOGES:

No, you can't have a bill.

LEG. SCHNEIDERMAN:

So Pat, first of all, thanks for coming out today. If I'm hearing it right, you're saying that -- and correct me if I'm wrong -- that your organization would support this if the date were changed to December 1st?

MS. VOGES:

We would never support a law on fertilizer.

LEG. SCHNEIDERMAN:

That's what I was going to ask you, because --

MS. VOGES:

Never.

LEG. SCHNEIDERMAN:

Yeah, the next thing I was going to say, you know, when I was working on a bill that put some limitations on other agri-chemicals, particularly pesticides, your organization took a pretty strong stance that the County -- it wasn't within the County's purview to place regulations on the use of those chemicals.

MS. VOGES:

I believe at the moment the Farm Bureau has introduced legislation into the State to regulate so that the local governments do not have the ability to do so, the same as they do with pesticides, okay, a preemption on fertilizer.

LEG. SCHNEIDERMAN:

So you're saying that fertilizer is not currently pre-empted but pesticides are.

MS. VOGES:

Yes.

LEG. SCHNEIDERMAN:

Oh, okay, I see the difference.

MS. VOGES:

No, you can't sit down and --

LEG. SCHNEIDERMAN:

So you're working on taking it that way. All right, thank you.

MS. VOGES:

And I think that voluntary education, I don't see anything wrong with it. I think that this mandatory to landscapers is ridiculous. I think there -- I mean, you know yourself, they're just educated so much and they have to attend so many things, that I think it's kind of silly.

LEG. SCHNEIDERMAN:

Well, I did notice that farming and golf courses are exempted from this bill which are probably some of the biggest culprits of fertilizer, over fertilization, and that's unfortunate, but I guess concessions were made, right?

MS. VOGES:

Yeah, well, we're visible.

P.O. LINDSAY:

Okay. Anybody else on 2117? Yep, come forward.

MR. CINQUE:

Good afternoon. Andrew Cinque, Lebanon Turf. I've been on the record a few times. Again, as Mrs. Voges said the date and discussed this at the last hearing, you know, it's still warm out right now, we did have a freak snow but, again, going back to last time, the landscaper normally would take and do his final fertilizing after the leaves are cleaned up, which again, you know, frost would kind of be it, December 1st is kind of at a line, through the month of November for the most part. If it were November 1st, we're getting it down on top of the leaves, at that point it would be picked up and

would end up in the landfills.

Again, I've been a big advocate on education, working with Mrs. Voges with the NSLGA and with All-Pro, companies like that. From the landscaper end of it, I think we do a very good job, we're constantly at the meetings working. I think again, where this bill had started was with the homeowner, again, that's where we really have to concentrate. And I'm hoping that the education -- I didn't -- I just happened to see a copy of the revised bill, but I'm hoping that the education, however it's done is what I would call user-friendly, okay. A lot of times you can take and write something in such a way that Joe homeowner gets scared because they're really not sure of what they're doing, so I think a fertilizer is like medication, if it's taken the right way it's good for you; the same with fertilizer, if it's put down the right way it's going to help, it's going to filter the water that goes through, a good healthy lawn is going to filter, so if the water goes into the ground system it's going to be purified.

So I just have a copy of a website, Gardening123, which is kind of like a basic website. There are a lot of different ones out there, this one was sent to me by Rise. And one nice part about this is there's a segment in there on lawns where a homeowner can go in and plot his size and it will also give an idea of how much he should have to put down. So I just want to introduce that in here. Thank you.

P.O. LINDSAY:

Thank you very much. Kevin, we don't normally recognize someone a second time on the same purpose.

LEG. SCHNEIDERMAN:

Can I -- I have a question for Kevin.

MR. McDONALD:

Just a point.

P.O. LINDSAY:

All right, go ahead. Legislator Schneiderman has a question for you on the prior testimony.

LEG. SCHNEIDERMAN:

I guess I'll ask my question first, and I think you wanted to make a point, too. Kevin, and you know I respect your work in this regard, I know you've been very active on this issue for a long time. But to get a sense of the impact of this bill, being that farmland is exempted and golf courses are exempted, we're talking about homeowners primarily that place fertilizer currently between November and April 1st. Do we have a sense of how much? Because I know -- I don't put fertilizer on, but I just would imagine that there's not a lot of people in the winter time who are applying fertilizer. Do you guys have any base data in terms of how much fertilizer is being used so we can get a sense of what this bill is going to actually accomplish?

MR. McDONALD:

Part of reason this bill is being done with the request for data of use on when the products are sold is there is no data, there's no central database that we can access to help us decide this. So that's the first issue.

The second issue is some of the industry folks told us that there are mostly national chains that are driving sales for six applications a year; it's a sales driven, marketing driven application, not based on the plants needs. Up until now, Suffolk County has never had a conversation about what's the impact of fertilizer on groundwater and surface water as a matter of policy? It's about septic system management, it's about sewage treatment plants and its atmospheric deposition and a whole host of other things.

So this is I think the County's appropriate foray into this to say -- to examine -- first of all, this doesn't take place for a year, so we have a year's time to develop the information guidelines, the

draft rules and regs, the education program for the industry. And the industry people told us, "We'll do anything you want, but just give us the right information."

And just a point of clarity on the lady who spoke earlier. Marty Petrovic and Frank Rossi, who are both two -- some of the -- probably the best turf management PhD folks at Cornell, told us in a meeting we were at, "You really shouldn't be applying the stuff, if you're concerned about the impacts on water, soon after Labor Day, maybe late September the latest," but we chose November 1st out of concern and I think appropriate respect for the impact this might have on the industry in its first attempt. So if you go to December, you've got to remember, it's not just frozen ground, is the plant taking up any nutrients? And on an annual basis, there's not a whole lot of plant nutrient uptake after November 1st.

LEG. SCHNEIDERMAN:

I guess what I'm saying, I mean -- you know, you brought forth to light some concerns about nitrogen, so there's significant concerns about nitrogen loading in our harbors and estuaries. You know, assuming we pass this bill, and obviously any step is a good step, but I'm afraid that a step that we have no sense of how -- to what extent the effect will be. You know, we may walk away from this issue and say we've done something about it and what we've done may be quite insignificant on this issue. You know, maybe there are some other ideas that would be more significant that we should be focusing our attention on.

MR. McDONALD:

Okay, I hear you, but it's not -- that's the same argument that the marina industry had with us when they said, "How many boats discharge raw waste into the waterways?" But we thought as a matter of policy, we really shouldn't be chopping up human waste and discharging it into waterways, even if it was treated with formaldehyde. And the industry resisted that initially and then came to recognize it's about time that we probably would support a no discharge zone, and in the not too distant future most of Long Island's adjacent waters will have -- will be no discharge zones.

The agriculture industry is much like a large aircraft carrier, it's going to take them a long time to turn around and adjust the practices that they've been doing for the last 30, 40 or 50 years. Some of them are moving faster than others but, you know, we're -- it's tension, there's dynamic tension between the industry and folks concerned about groundwater impacts, both from pesticides and fertilizers, and we're going to have to keep working on it. But most reasonable people think, you know, most homeowners can probably make a pretty good adaptation to, "I shouldn't apply this stuff after November 1st, I probably shouldn't put it on until April 1st, and I might want to be a bit more cognizant about how I manage my property."

That's about all this bill does. It doesn't shoot people, it doesn't murder people, it doesn't string people up, it doesn't destroy enterprises across Long Island, it just says everybody's got to make some adjustment. We're working with the industry and affected stakeholders to help materialize that.

One recommendation we had in the discussion was one of the industry guys said, "You know, if we can't do a late application, maybe we could do an aeration of lawns rather than an application of chemicals," and we said, "That's terrific." And one guy said, "I tried to do that but my customers don't want to, maybe this would help force that," and I said, "We would support that."

So that's sort of how this came about. I don't know if -- it's not perfect by itself, it won't solve the world's problems or the problems of nitrogen in our waterways, but like other things, it is an incremental improvement to get there.

P.O. LINDSAY:

Did you get your question answered?

LEG. SCHNEIDERMAN:

I did, and I know Kevin had one more point he wanted to make

P.O. LINDSAY:

Legislator Romaine.

LEG. SCHNEIDERMAN:

If I might, though, because I just want to respond to the last thing that Kevin said, and hopefully this will have some affect, as you say. But you say it doesn't shoot people, that's true, but there is a penalty, there's a thousand dollar penalty for violating. It might be difficult to enforce, but let's not pretend that there is no consequence for somebody violating the policy.

MR. McDONALD:

Okay.

P.O. LINDSAY:

Legislator Romaine, you have a question.

LEG. ROMAINE:

Yes, my question is that this bill seems to regulate the application of pesticides.

MR. McDONALD:

No pesticides.

LEG. ROMAINE:

Excuse me, fertilizer. Would it not be better, maybe out of the box -- and this is just a philosophical question -- to have spent a little time and perhaps a little bit of money to do a mailing to most of the homeowners in Suffolk County about an education program, to work with the cooperative library system to offer courses on this at local libraries? It's a harder, more difficult way to go, but obviously I always favor education over regulation. If you're going to try to accomplish a goal, I think that would be, you know, just from my point of view, a better approach to get that done. There's a lot of people out there that, as you say, they read the Wal-Mart or whatever circular and they think they have to put fertilizer down six times a year, maybe a public education program would be a much better way to go rather than regulation.

MR. McDONALD:

Well, respectfully, I understand your point, I think education is one component of this bill, but if we rely exclusively on education, mostly the education that people get is the picture of the most perfect lawn imaginable and they think, "Oh, well that's it, I'll just do what that guy says." That's the education process that we're living in right now and, you know, unless the County of Suffolk is going to put up a campaign tantamount to the most aggressive anti-cigarette smoking campaign imaginable for lawns, you will never compete in the marketplace for that information.

LEG. ROMAINE:

I'll conclude because I know the Presiding Officer has other business today, but I will conclude by simply saying I would encourage the County Executive to come forward with that type of program, even on a limited basis where we could work either with Cornell or the Cooperative Library System or both to provide public education at our local libraries for people who want to know how to appropriately maintain their lawns without threatening groundwater.

MR. McDONALD:

I support that.

LEG. ROMAINE:

You know, I can't think that would be very expensive and certainly a contract with Cornell or whatever could get that done and I look forward to hearing from our County Executive on that.

MR. McDONALD:

Thank you.

D.P.O. VILORIA-FISHER:

Kevin, I'm sorry, could I just jump in? Because Legislator Romaine, that's exactly what the Homestead Assist Task Force did and it's mentioned in this bill. We're sending out brochures in their Suffolk County Water Authority bill next spring, it will be in the All-Employee Memorandum, you know, included in every County employee's paycheck. So we've developed some informational literature that will be going out, and posters in garden centers.

MR. McDONALD:

Thank you very much.

LEG. ALDEN:

Thank you. Motion to recess.

D.P.O. VILORIA-FISHER:

No, bite your tongue.

P.O. LINDSAY:

Thank you, Kevin. Is there anybody else who would like to speak to us on 2117? I'm glad.

LEG. ALDEN:

Me, too.

P.O. LINDSAY:

I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

Public Hearing on IR 2203-07 - A Charter Law to promote accountability and transparency in government by requiring an Agency Oversight report (Cooper). Debra Alloncius.

MS. ALLONCIUS:

Good afternoon, Presiding Officer Lindsay, Members of the Legislature. My name is Debra Alloncius, AME's Legislative Director. Thank you for allowing me, on behalf of Cheryl Felice, AME President, the opportunity to address the Legislature regarding Resolution 2203, a proposed Local Law that will afford the Legislature and the public more accountability and transparency in agency operations by providing information essential to the budget decision making process.

For the past few years, AME has proposed many of the initiatives that are included in this legislation, including the public presentation of a multi-year financial plan. This would allow for the determination of the impact of decisions made in the current year on ensuing fiscal years. It's a tool that is essential in the decision making process for both the Executive and Legislative branches of government, it will better explain the effect at one-shot revenues and expenses on our County finances. You, the Legislature, must be provided with information in order to make informed budget decisions affecting our residents futures.

This legislation also proposes sharing information regarding monitoring agency spending against agency appropriations. Agencies will be required to explain significant changes of both revenues and expenses. The Legislature needs to be aware of problems as soon as they begin to occur, not when it's too late to participate in the decision making process. This will allow you more options and more time for dialogue on how to resolve these variances. You'll be less likely to be placed in a position of being asked to approve actions that the Executive has already begun to implement. In addition, the sharing of this information will require faster action and resolution by the agency so as to be prepared to explain any aberrations directly to you.

Finally, we have proposed a resolution for the creation of an agency oversight report. We have watched as time after time this legislation has been -- this Legislature has been frustrated and stymied in an effort to determine which budgeted positions are funded and which are not, as well as which unfilled positions should be considered critical to fill as soon as possible. Your attempts to collect work load and caseload information often times result in failure as the agency definition of these measurements either changes with the political climate or is inconsistent with the Budget Review Office's understanding. This lack of consistent information and definition across our government has caused confusion and blurs the ability to make decisions as opposed to using one set of statistics that are accepted by all. This report will allow all participants the use of this data and assist in making rationale, sound, enlightened and intelligent budget and hiring decisions.

We envision a report that will be divided by department and include an agency mission statement, critical objectives and performance measures and statistics including workloads, caseloads, inputs, outcomes and head count. This information will allow you to better determine whether an agency is achieving their critical objectives and provide you with the basic performance data that is necessary in order to make more informed decisions.

The specifics of this report and its implementation can be resolved through discussions between the Executive's Budget Office and your Budget Review Office. This report will ultimately provide you with tools that you've never had and will increase your capability to make more informed budget decisions. This report and the other information being proposed in this legislation will break the monopoly that the County Exec's Office currently possesses. It will lift the veil over statistical information and create the transparency that all this deserve. The Legislature will be put on a more equal footing and the understanding and analysis of the County budget. Please approve this resolution and allow more sunlight into the operations of our government. Our County needs your help. Thank you very much, Legislator Cooper, for sponsoring this resolution.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you, Debra. I don't have any other cards on this subject. Anybody else in the audience want to speak to us on 2203?

Seeing none, I'll make a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by?

D.P.O. VILORIA-FISHER:

Legislator Cooper.

P.O. LINDSAY:

Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Sixteen (Not Present: Legislators Caracappa & Kennedy).

P.O. LINDSAY:

Procedural Motion No. 21-2007 - Renewal and modification of Agricultural District No. 3 in Towns of Huntington, Smithtown, Islip & Brookhaven (Presiding Officer Lindsay). I don't have any cards on this subject. Would anybody in the audience like to speak on any of these issues? Seeing none, I will make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Caracappa & Kennedy).

P.O. LINDSAY:

Okay, back to the agenda; page six, down at the bottom.

2227-07 - Amending prior Capital authorized appropriations for the replacement of unsafe tennis courts - planning (CP 2170.110) to the replacement of unsafe tennis courts - construction (CP 2170.310) (County Executive). Counsel tells me that has to be tabled because it needs to be amended. So I will make a motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

We're at the top of page seven now.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, before we broke I had attempted to make a motion to reconsider 1942, you asked me to wait until after the break.

P.O. LINDSAY:

So make the motion.

LEG. SCHNEIDERMAN:

Okay. I'll make a motion to reconsider 1942; I was on the prevailing side. That had to do with the tax liens on Brownfield properties.

LEG. ALDEN:

Page seven.

LEG. SCHNEIDERMAN:

It's on the Tabled Resolutions page.

LEG. ALDEN:

Page five.

LEG. SCHNEIDERMAN:

It was under Tabled Resolutions.

LEG. MONTANO:

Oh, it was under Tabled, okay.

LEG. SCHNEIDERMAN:

I'm making a motion to reconsider for the purposes of tabling.

LEG. MONTANO:

You need a second?

LEG. SCHNEIDERMAN:

Anybody can second, you don't have to be on the prevailing side to second.

P.O. LINDSAY:

All right, I'm still trying to find it. What was the number?

LEG. ALDEN:

Page five.

LEG. MONTANO:

We're reopening 1942, to reconsider it.

LEG. SCHNEIDERMAN:

Motion to reconsider 1942.

LEG. MONTANO:

I'll second it.

LEG. SCHNEIDERMAN:

In light of some new information that's been distributed.

P.O. LINDSAY:

Okay. Okay, so make a motion to reconsider 1942, seconded by Legislator Losquadro. On the subject, anybody want to talk about it?

LEG. MYSTAL:

Roll call.

LEG. SCHNEIDERMAN:

On the motion. I voted with the majority there. I thought you made a very compelling argument, frankly, Mr. Lindsay, about basically the County keeping or acting in good faith. We had held these auctions, people had bid on them and I felt that in the future perhaps we could change things, but it -- I became aware of the fact that there are no conditions for these purchasers to clean up these properties. And there was a sense in the testimony that originally, if you looked at what was distributed, that the County Attorney was representing that there would be guarantees that these properties would be cleaned up, and I thought either tabling it or having this discussion, I think, was important, before we vote.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

Yes. This question was raised when this resolution was discussed and we were told at that time, earlier this morning by a representative of the County Attorney's Office who was also present at our November 21st meeting in 2006, that, in fact, the policy had -- we could adopt this as a policy later on, but this was not a policy that the Legislature was involved in now where they were requiring clean-up. And I referred back to the minutes, and when we subsequently got a copy, all of you have the copies of the minutes. I asked in every possible way, and with me in that meeting were Legislator Kennedy and Legislator Montano, we both -- the three of us served on the Ways & Means Committee back in 2006 and we were gravely concerned that any sale of Brownfields would include in the contract a clean-up provision. As you can see, over several pages of asking the questions several different ways, we were assured by Ms. Bizzarro that, in fact, there would be a clean-up component in the contract and we could address that at the time it was ready for a full vote of the Legislature to authorize the sale of the tax lien; that time has now arisen and a different position seems to have been forthcoming.

As Legislators, we don't administer the day-to-day activities of this County government. As Legislators, we feel compelled to rely on the information that various department heads and their representatives give us regarding that information. Even when Legislator Montano clearly pointed out that the minutes from over a year ago would reflect the assurances that there would be some clean-up provision, it was stated once again, "No, those assurances weren't given"; the record belies that fact.

As a Legislature, we must depend on the accurate information that we receive from our department heads. We now do have a policy decision before us and that decision is clear; do we wish to ask the Brownfields contracts to include a clean-up provision? Everything that was purported to this Legislature, all 18 of us on November 21st, 2006, indicated that such a clean-up provision would be included in the contract and we would have an opportunity to vote on that when that was presented. It is now that time, the clean-up provisions are not there, we have an opportunity to say whether we want the clean-up or not.

So the issue is before us and we should look very carefully at the assurances that were given to us when we make this policy decision today. I want to thank Legislator Schneiderman for reconsidering this so we can actually look at the record --

LEG. SCHNEIDERMAN:

It's not before us yet.

LEG. ROMAINE:

-- once we hopefully vote this for reconsideration and then, in the clear light of day, make a decision. It may be that my colleagues decide no, we don't need a clean-up provision; despite whether it was assured to us, other things have transpired and no, we're not going to go that way. But that decision clearly lies in the hands of all 18 of us and we should have accurate information when we make that -- those decisions. Thank you very much.

P.O. LINDSAY:

I have a question and maybe you can answer it, Mr. Zwirn; if not, maybe Ms. Bizzarro could answer it. But to enter into a contract with these successful bidders and to add a clean-up provision to that contract, would that forego the auction we just had?

MR. ZWIRN:

I would ask Chris Kent to come up from the Real Estate Department.

P.O. LINDSAY:

Okay.

DIRECTOR KENT:

Could you state the question again? I'm sorry.

P.O. LINDSAY:

Well, my point is Mr. -- Legislator Romaine is making a compelling argument here, that it was presented to us that in the contract, after the auction, there would be some proviso that the buyer of the property would commit to clean up the property. If we were to add that to the contract, the final contract -- we approve the sale, add it to the final contract -- I mean, are we within our rights or would that forgo -- I don't want to go through another auction, all right? That's where I'm at with this whole thing.

DIRECTOR KENT:

The representations in your brochure are -- to the bidders, are that the terms and conditions contained in the memorandum of sale that's included in the brochure are the terms and conditions that they will have to agree to in order to consummate the transaction.

P.O. LINDSAY:

Okay. In that brochure, were the terms and conditions -- did it say that they'd have to clean-up the site?

DIRECTOR KENT:

No, it did not.

P.O. LINDSAY:

Okay.

DIRECTOR KENT:

Are you posing the question that could I go back to them at this point, or could someone from the County Attorney's Office go back to the successful bidders and try to renegotiate the terms and conditions to include the requirement that they clean-up the property?

P.O. LINDSAY:

Well, that would be, you know, really nice if you could do that, but I -- so they'd have to get their permission to do this.

DIRECTOR KENT:

If they said no to that, I think we would be bound by the terms and conditions that are included in the brochure or terminate the bidding, not accept them, have the Legislature not accept the bids and that would terminate the outcome.

P.O. LINDSAY:

Well, if we don't -- if we don't pass this resolution, we just terminated the whole bidding process.

DIRECTOR KENT:

That's correct.

P.O. LINDSAY:

All right.

DIRECTOR KENT:

It's clear that the successful bidders are subject to approval by this Legislative body.

P.O. LINDSAY:

Okay. But in your estimation, because the difference of what was portrayed in the original proposal by Ms. Bizzarro and what happened with the contract, that wasn't put in the contract when this was

bid.

DIRECTOR KENT:

No, it's not in there now.

P.O. LINDSAY:

Okay.

DIRECTOR KENT:

If I could just speak on that, though. We only have two properties that we had successful bids. At this auction, we only were successful on bidding two properties out for sale, two tax liens for sale.

LEG. ROMAINE:

Out of how many?

DIRECTOR KENT:

Out of 12. I would ask, if we are going to try to develop a program and sell tax liens, that we go forward with these two and let us try to improve upon it prior to the next Brownfield sale. Because if we -- if we don't go forward, I think we're really going to have a chilling effect on potential future auctions where bidders will not come forward to bid on properties that the County is offering, because we're not awarding the successful bids.

P.O. LINDSAY:

Well, I think it goes beyond that. I mean, I'm as disturbed by the transcript that we got as the rest of the Legislators because one thing was portrayed to us and it really wasn't done, which is upsetting. But these Brownfields, I know it's an experimental program, it's the first time that we've had this type of auction. I mean, if we reject this auction the property ain't going to get cleaned up any faster, we're going to hold the property and we're not going to clean it up and then we're going to auction it off at some point in 2008 and hope that we get somebody back to the table to bid on it. And I still go by that original premise, if somebody is laying out cash dollars, the property isn't worth anything to them until they clean it up.

DIRECTOR KENT:

And in addition, as Ben had mentioned this morning, the longer they wait the likelihood of the contamination traveling to surrounding property owners is greater and there is liability there.

P.O. LINDSAY:

Okay. Ms. Bizzarro, did you want to comment on the transcript or whatever?

MS. BIZZARRO:

Thank you, Presiding Officer. Yes, I'm concerned about what I'm hearing about myself particularly and I just would like to address that. I read through the transcript from that General Meeting and I also had the opportunity to read the committee meeting minutes as well; that ultimately, you know, culminated in the resolution being before you at the General Meeting.

Just before -- just in terms of the General Meeting, just before the vote was taken at that General Meeting on that resolution that approved, you know, going forward with the auction, Legislator Romaine stated as follows in response to a dialogue that he and I had; *"You killed it"*, I'll put in parenthesis (meaning the bill). *"This administration has killed it by the way they've treated the minority Legislature. I am not a trusting soul, I am not going to give a blank check to a poorly authored, poorly written resolution that doesn't guarantee the clean-up of the properties."* There was a lot of dialogue. There was some dialogue at that General Meeting, whatever was said prior to that, there was a full understanding by Legislator Romaine. And that statement was made to everyone that was sitting at this horseshoe that there was no guarantee the clean-up of the properties was going to be done; it was clear on the record that there was a full understanding.

There was then a vote taken and Legislator Romaine voted yes to tabling it and no to approving it; he did not approve -- he did not agree to move forward with that resolution. It was stated on the record several times at that General Meeting by Legislator Romaine that there was no guarantee that the property would be cleaned up; I could cite to you exactly in the record where I see that language. I stated that the sale of a tax lien could be conditioned on the property being cleaned up. Yes, it could be negotiated in terms of the sale and the terms of the contract, absolutely; and that is the brochure that Mr. Kent is referring to. If I said otherwise, I would have been lying. I did not unequivocally state to you that that's where it was going.

At the committee meeting, Ms. Zielenski, the Director of the Real Estate Division at the time, was present and heard everyone's concern. There was discussion all throughout that. And as I said, I absolutely made representations that that clean-up could be made a part of the sale, but I am not the policy maker; I am the lawyer and I did not ultimately make that policy decision. Thank you.

P.O. LINDSAY:

Legislator Alden and then Romaine.

LEG. ALDEN:

Actually, I have -- and it's one step past the -- and I thought it was really a representation that was made to this body because it did influence the way that I voted on the bill or would have voted on the bill and I'm going to point to Legislator D'Amaro's answer to some direct questions. He's the Chairman of Ways & Means and he clearly states that he was under the impression that that would be part of the process, or not part of the process but part of the bid package. And even further, that the analysis would have been made that the people who were bidding on that had the wherewithal and the means to clean-up the property. So the Chairman of Ways & Means was clearly under a different impression than what you just testified to.

And quite frankly, if we can't rely on your testimony as far as what is contained in the bill and what we're going to do with these auctions, then we've got a major problem here because a lot of us predicated our either support or not support on this bill to your testimony; it was put directly on what you're going to do. And that was part of my concern, that if we go and sell these liens, are we, in fact, going to affect some kind of a benefit for Suffolk County or is it just a couple of dollars in our pocket and then we feel good about what we did and walk away from it?

So this is a two-pronged thing. The testimony is pretty clear that yes, that was going to be part of the bid package, that these people were going to have to agree to cleaning up the property; and number two, that we were even going to go further than that and we were going to look into their background to make sure that they had the wherewithal to actually affect that clean-up.

MR. ZWIRN:

If I might, Mr. Presiding Officer?

P.O. LINDSAY:

Go ahead, Mr. Zwirn.

MR. ZWIRN:

As I look at the minutes, Legislator Alden was involved in the debate, and if I may quote from the minutes, if I might. Legislator Alden to Lynne Bizzarro --

LEG. MONTANO:

What page are you on?

MR. ZWIRN:

They are not numbered, so I don't know. It's the only page that Legislator Alden is recorded on and he says, *"Okay, now you are satisfied that we can protect the taxpayers when we sell these from any liability from clean-up that would be imposed by another governmental agency."* MS. BIZZARRO:

Yes. LEG. ALDEN: *And we're going to recover the money that we've laid out because these -- we pay the property tax, so that if these are here for ten years, they didn't pay the property tax, we pay the property tax, the school tax, fire district, lighting district, town taxes. So at a minimum we will recover -- what we will recover would be the tax that we've laid out over a period of years.* MS. BIZZARRO: Yes. LEG. ALDEN: *Good.*" And that's what will happen if we approve the sale today.

LEG. ALDEN:

Well, Ben, to be honest with you, that's nice that you're quoting me and everything, because that was just part of exactly what I just said, part of it is that I'd like to see us recover the money. But I'm going to go back, and go back a couple of pages and let's get an answer to a direct question that I asked. Legislator -- well, I said yeah, whichever way, but Legislator D'Amaro's answer is I think key here; *"Through the Chair, the bill lists the moratorium only to the extent of these Brownfields, which is defined in the bill. The County Attorney's Office testified at the committee that these concerns were raised concerning how do we know, if there's a successful bidder, that they're actually going to clean the property, and they told us that that would be part of the terms of the sale, the negotiated terms of sale."* And certainly, they're also having as a part of the terms of sale the qualifications of the bidding companies upfront to make sure that they have the wherewithal and the expertise to clean the properties as well. So that was raised at committee. That was what I based part of my vote on, and then the other part was the assurance that we were going to get back the money and be made whole.

MS. BIZZARRO:

Well, in terms of the second part of that, if I may, I'll go back to the committee meeting minutes regarding the whole financial --

LEG. ALDEN:

Well, I'm not on the committee so you're not going to quote me I hope.

MS. BIZZARRO:

No. Actually, I have a quote by Legislator Romaine, and there was dialogue regarding how is anyone going to know whether or not the individual who takes the tax lien will have the financial means to clean up the property? And basically, Legislator Romaine stated that the question was answered, *"Because that gives me a level of comfort that as each resolution comes up, I'm going to ask that question. So it's obviously something that was contemplated as these sales came up. How was the determination made that the bidder of the property that you decided to bid it out to -- give it to, if we agree -- has the financial ability to clean it up?"* So at that time, it was clear that notwithstanding what Legislator D'Amaro stated on the record, that that was something that you were going to question when the bill came back to you.

LEG. ALDEN:

What was that answer to that in committee, your answer?

MS. BIZZARRO:

Actually, the original conversation was who makes that determination that a potential bidder has the financial means and expertise to do the clean-up, and basically it was stated that, well, you would present that information, you will have another chance to vote on the resolution that would ultimately approve the sale; that's the resolution before you today. *"So basically,"* Legislator Romaine stated, *"so each of these properties will come back to us individually?"* And I stated, *"Correct, right, and you can deal with it at that juncture."* This is that opportunity and he indicated that, *"Okay, I am now going to ask that."* So notwithstanding whatever you may believe that Legislator D'Amaro was stating at the General Meeting, it was clear that the financial means of this person that was going to possibly do the clean up was financially able to do that was a question that nobody would know until you came back to the Legislature.

LEG. ALDEN:

Yeah, but then that flies in the face of the testimony that was just presented by you and Mr. Kent

that now it's too late, it's either take the -- take these bidders for the conditions and requirements as stated or go and have a new bid. That was the testimony that we just heard.

MS. BIZZARRO:

Well, that's for you to discuss now and for you to make that determination. It's not that any misrepresentations were made to you.

LEG. ALDEN:

Well, that was bad advice for us to take it up now. Why didn't -- why wasn't the advice taken up then that it's going to be too late?

MS. BIZZARRO:

There was no advice given, I'm explaining to you what Legislator Romaine put on the record at that time.

P.O. LINDSAY:

Let me see if I could bring everybody back, instead of the battle of the transcripts. We have a resolution before us to be reconsidered, it hasn't been voted on yet and I have a long list. Legislator Romaine.

LEG. ROMAINE:

Yes. This is a point of contention. And I guess my skepticism is being redeemed here today; the skepticism I expressed in committee in 2006, the skepticism that I expressed, as you can see, that was read by Ms. Bizarro in this transcript of the General Meeting of November 21st, 2006 where I said I did not trust this administration to require a clean-up. Despite the fact, repeatedly, it is told, yes, we want to do this, and I'm going to quote; *"At that point, there will be an obligation,"* and I'm quoting Ms. Bizarro, *"on the buyer to foreclose on that tax lien and ultimately to clean up the property. Yes, that's all going to be contemplated and dealt with in the contract,"* and she repeats that contention throughout the testimony that's set before us.

MS. BIZZARRO:

Contemplated, yes.

LEG. ROMAINE:

Many of us are not -- excuse me.

MS. BIZZARRO:

I'm sorry.

LEG. ROMAINE:

Many of us are not attorneys. Many of us rely on our department heads. I had a great deal of skepticism about this, my skepticism is being rewarded by the fact that we're seeing the bait and switch today in this Legislature. When we were under the impression, each and every one of us -- not only the committee members who served on Ways & Means, and there's three of us here today that would have constituted a majority back there that would not have voted this out unless we were given the assurance it would be cleaned up. We were given that assurance, or words to that effect, to give the appearance of that assurance, and Legislator Montano, myself and Kennedy allowed this to be voted out, although I voted against it because I did not believe the clean-up would happen. Now we're being told this morning, we are being told this morning it's too late. Now, Mr. Kent -- where is Chris?

LEG. ALDEN:

He's over there.

LEG. ROMAINE:

Chris is late to this game because he wasn't the Real Estate Director at the time and I understand his concern from an operational need, but we're being told, "Oh, it's too late now." And now, just a

few minutes ago we're told, "Well, this is the time to make the policy decision." Okay, you understand my confusion? You understand my frustration?

MS. BIZZARRO:

But Legislator Romaine --

LEG. ROMAINE:

My goal -- excuse me, you're not a member of this Legislature, please.

MS. BIZZARRO:

My apologies.

LEG. ROMAINE:

My goal -- and I'm not addressing you, I'm addressing my colleagues, they got here through elections. My goal, my goal was to get those properties cleaned up and I stated that repeatedly. We are now at the point, if you ignore what was said this morning and listen to what was said this afternoon -- again, you have to choose -- but if you listen to what was said this afternoon, we're now at the point to make a policy decision. Do you want to sell tax liens, Brownfields tax liens without any requirement for clean-up? I am opposed to that, I believe we should clean it up. Now is the time to make the policy decision, so we're being told now, that isn't what we were being told this morning. I think that we should reconsider this and then make a policy decision. If the hour is late and we don't want to do that, and I can understand the Chairman's desire to move this, our Presiding Officer's desire to move this forward, we can table this back to committee and it could be considered at Ways & Means. But I just don't think we should vote on this once -- if it's reconsidered we should vote this out today. Thank you very much.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. As Legislator Alden stated, I chaired the Ways & Means Committee, I do have a specific recall of going through these -- of the hearings on this particular bill and I do agree with what Legislator Alden said and with what Legislator Romaine is saying to some extent.

My concern also throughout the hearing on this bill was not so much to sell the lien but to sell the lien and make sure that we came up with companies that had the ability to do the clean-up and that they would, in fact, effectuate the clean-up, and we had dialogue to that effect throughout the committee process with the County Attorney's Office as well as with the Real Estate Department.

I think I part ways with some of the other Legislators in when Ms. Bizarro was before the committee in effect representing that the terms of sale could include a requirement to clean-up, I think she believed that when she said it and I think she was reflecting what the policy initiative would be at the time. I want to move a little bit past that and then what -- I think the real issue here is not so much what she believed at the time, because she made her statement and the transcript is there, but it's really to Real Estate. I mean, even I had the concern about getting these properties cleaned up and how do we at least ensure that that's the direction we're going to go. And what I'm hearing here today is that a policy initiative was taking place at the time of committee where we would clean-up these properties and require that as a term of sale and then here we are asking to be approved after the fact when the auction has occurred and that was never negotiated or put in to the terms of sale. So I think the real issue here is why.

And I would like to hear from Real Estate as to why there was a policy put in place when they had to draft these terms of sale and negotiate these contracts, why those terms of sale did not include a provision or at least negotiate a provision that said if you are the successful bidder on these properties, you're going to establish that you have the credentials to clean them properly and you're going to establish that you are going to be obligated to effect a clean-up on the properties. If

there's a policy rationale to do away with those terms, I'd like to hear it.

P.O. LINDSAY:

Do you want to answer that, Mr. Kent?

DIRECTOR KENT:

To the extent I can. There was no policy, deliberate policy determination made not to require it. I was not aware that that was the primary concern of this body at the time they approved the resolution to sell the liens. If that is -- if that's the primary concern and you feel that today, then I guess we can start over with the whole program, we can redraft the terms and conditions and then go back to the drawing board with the sale of these liens that were done in August.

P.O. LINDSAY:

Well, there's another step, Mr. Kent, that maybe you could do and it's up to this body. If we approve the results of this auction, will your department go back to the successful bidders and ask, as part of the term of the final sale, that they give us a timetable of when they're going to clean-up the property?

DIRECTOR KENT:

There's two concerns I have with that. One, I don't think a lienholder has the right to clean up the property, I'm not sure of that. So you'd have to decide a timeframe within which they're going to take title to these properties. So the first would be taking --

P.O. LINDSAY:

So if that's the first step --

DIRECTOR KENT:

You might have to negotiate first the timeframe within which they're going to foreclose their lien --

P.O. LINDSAY:

And then the second is the clean-up schedule.

DIRECTOR KENT:

-- and then a clean-up schedule.

P.O. LINDSAY:

Right. And in the meantime, they're paying taxes on this.

DIRECTOR KENT:

No.

P.O. LINDSAY:

They're not, not until they file the title.

DIRECTOR KENT:

No, the owner is responsible for the taxes. They only have a lien, and that's another issue.

P.O. LINDSAY:

Until they claim the title, they're not responsible for the taxes.

DIRECTOR KENT:

That's correct, and that's a second issue. While they're holding just the lien, the property owner can come back in at any time and pay the Treasurer the money due on the lien and the lien -- the successful bidder from the lien sale has to accept the money that's paid to the Treasurer.

LEG. ALDEN:

Up to a statutory point.

DIRECTOR KENT:

No.

LEG. ALDEN:

Forever?

DIRECTOR KENT:

Until the lien is converted to a deed, that is just -- it's just a lien. It's just like satisfying a judgement line. You can -- once it's paid in it's paid in, you'd have to pay whatever is owed, there would be interest accruing but it's a lien, it's not a right, other than to receive money, until you could vote it to ownership.

LEG. ALDEN:

Bill, you have to put me on the list.

LEG. MONTANO:

Yeah, put me on the list.

P.O. LINDSAY:

Okay, I think you better stay there, Mr. Kent.

LEG. SCHNEIDERMAN:

It's not over yet.

P.O. LINDSAY:

Legislator Kennedy.

LEG. D'AMARO:

Bill, could I just follow up very quickly, because I had asked the question initially. I would just like to ask Mr. Kent, then, just to clarify, when the terms of sale were drafted -- let me go back. When this went through the committee process and then finally the Legislature here, at the time you were not the Director of Real Estate; is that accurate?

DIRECTOR KENT:

That's correct.

LEG. D'AMARO:

All right. But when the terms of sale were drafted and the auction process began, you were the Director of Real Estate.

DIRECTOR KENT:

When they were finalized I was the Director; I came into the process, it was already under way.

LEG. D'AMARO:

Are you saying that you were not aware of anyone's concern when through the bill process, through the Legislature, at the committee level and the full Legislature, you were not aware that a major priority of this Legislature -- and I think I can speak for most of us here on this issue -- was to make sure that the properties would ultimately be cleaned and that that would be at least an attempt to negotiate that into the sale or to make it a condition of the auction; were you not aware of that?

DIRECTOR KENT:

I was not aware of that until we came before the Ways & Means Committee after the auction to first discuss this resolution. That was when I first became aware that the County as a policy wanted to enforce clean-up requirements.

LEG. D'AMARO:

Okay, thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I don't know what to add to this process or what's going on at this point other than what we've all discussed in this transcript. And you are now very much aware that prior to your time, several of us on the committee looked at, I think, trying to balance some desire to generate some revenue with what appeared to be, I'll characterize it as more over-arching objective, a desire to have remediation.

You know, at the end of the day we're a government and we are the ones who are supposed to, at some point, be stewards and have some responsibility. We spend millions of dollars to buy property, to protect property, to clean water, to grown clams, do all kinds of stuff, and this one it looks like we're just flipping off, say whatever happens, we'll take the money and run.

Clearly, none of us wanted to see that get to this point. And what's happened is this appears to be a classic meltdown. I don't necessarily fault Ms. Bizzarro, she just represents a client, I'd ask Mr. Zwirn to be here, because ultimately and then that gets to who's the client. Why didn't this get communicated that this is what the policy body wanted manifested? Do we have to vet the terms and conditions of the auction sale, if that where we need to go?

DIRECTOR KENT:

They're very clear to me that that's your policy directive. The question, to me at this point, is do you want to go back and re auction off these two parcels --

LEG. KENNEDY:

I would.

DIRECTOR KENT:

-- that we successfully bid.

LEG. KENNEDY:

Absolutely, absolutely I would revisit this. And as a matter of fact, unless you could give me the assurance that there would be language to hold the successful bidder accountable and a specific timeframe and with some type of a performance bond, I wouldn't vote for it; absolutely I wouldn't touch it. I'll yield.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Mr. Kent, maybe just refresh my memory on this.

DIRECTOR KENT:

Yes.

LEG. ALDEN:

Every year taxes are due; if you don't pay them, then we don't auction that lien off to ourselves very quickly, do we? We wait, we don't --

DIRECTOR KENT:

We don't auction off liens. We hold the lien, it's our lien.

LEG. ALDEN:

No, there's a lien on the tax --

DIRECTOR KENT:

The County pays the money back to the towns and at the point that the County pays -- makes the towns whole, we have a lien to recoup those monies out of the property.

LEG. ALDEN:

Okay, and then what is it in the Treasurer's Office when the Treasurer takes a tax deed?

DIRECTOR KENT:

Excuse me?

LEG. ALDEN:

The Treasurer takes a tax deed, right?

DIRECTOR KENT:

Yes. Well -- yes.

LEG. ALDEN:

So how many years do we --

DIRECTOR KENT:

The Treasurer conveys the tax deed to the County, that's what they do.

LEG. ALDEN:

Okay, and that's done after owing for one year?

DIRECTOR KENT:

Well, it varies on whether the property is in residential use, whether it's vacant land; it depends upon the use.

LEG. ALDEN:

Okay, say residential land, and maybe there's a house sign and maybe it's occupied and maybe it's not. But residential land; what's our traditional policy on that; it's three years, right?

DIRECTOR KENT:

The liens come up annually, it generally takes about three and a half years before the lien becomes a deed.

LEG. ALDEN:

Okay. For somebody to come in and redeem their property, you have a period of time that's as-of-right.

DIRECTOR KENT:

That's a redemption after we take title to the property.

LEG. ALDEN:

Right. Now, how long is that?

DIRECTOR KENT:

Six months after the County takes the deed, they as-of-right under six -- Local Law 16, they have the right to redeem their property within six months after our taking of title. In these cases, we haven't taken title, we only hold the lien.

LEG. ALDEN:

No, right. Right, so I'm going to go to the other point. A tax lien, then, every year a tax lien becomes viable we could use it to foreclose against a property -- not foreclose, but to take a tax deed, or we could just leave that in a department where they owe us that money. Is there a statutory period of time, five years, ten years, 15 years, that would cut off the owner's right to come in and redeem for the unpaid taxes?

DIRECTOR KENT:

My understanding, it only really commences, it doesn't toll, it doesn't start to run until we take the deed.

LEG. ALDEN:

Okay. So if we sell the tax deed from 2007 -- or not the tax deed --

DIRECTOR KENT:

The lien?

LEG. ALDEN:

The lien. We sell the tax lien from 2007, somebody doesn't pay a tax for 2008, which one's a superior claim on the property?

DIRECTOR KENT:

The lien is superior to the current taxes due, I believe; I mean, I could be wrong on that.

LEG. ALDEN:

So the '07, that would be superior to any claims that came after it? So if --

DIRECTOR KENT:

I mean, I'd have to ask Counsel that. I'm fairly -- I believe that the oldest arrears, the oldest lien is superior to the newer lien.

LEG. ALDEN:

Okay, but it gets to the point where Legislator Romaine was going, where Legislator D'Amaro was going also, if we sell this lien four, five, six, seven years from now, if the taxes from that period on remain unpaid, who's got the superior claim to the property? That lien or would our new lien be superior to them?

DIRECTOR KENT:

The older lien is superior.

LEG. ALDEN:

So the person that's gambling and possibly gambling, just the property would go up in value, he would be superior to us on a future oath of taxes.

DIRECTOR KENT:

That's correct.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'm going to try and be brief. I just want to get -- we auctioned 12 properties at this auction?

DIRECTOR KENT:

We had 12 tax lots that were assembled into seven parcels.

LEG. MONTANO:

And we got bids on two.

DIRECTOR KENT:

Two of them, yes. We also settled one which I -- which I had said this morning, if we could settle with a prior owner, that's the best situation, because our settlement can require clean-up.

LEG. MONTANO:

When you say you settle, does that mean that you received all of the money for the back taxes?

DIRECTOR KENT:

We have an agreement to receive the money for the back taxes, less penalties and interest. Because as part of the settlement, we require them to have a Brownfield clean-up plan with the DEC, and that allows us to waive the penalties and interest under the State law.

LEG. MONTANO:

Now, this bid, is there a contract between the successful bidder and the County that you're asking us to approve, is that -- there a written agreement between them and us that we're approving now or is this going to be done after we approve the bid?

DIRECTOR KENT:

It's the terms and conditions that are contained in the brochure. Once you approve this resolution, this resolution that's before you, the terms and conditions will be approved by the -- well, and the County Executive signs it, it would be approved. We would be entered into an agreement based on the terms and conditions that are contained in the brochure.

LEG. MONTANO:

So just so I'm clear, you have not entered into an agreement yet. You will enter -- if we pass this, you will enter into an agreement subsequent.

DIRECTOR KENT:

We've entered into an agreement subject to your approval.

LEG. MONTANO:

Is this agreement reduced to writing or is this agreement, the terms and conditions, in the brochure; that's what I'm trying to distinguish.

DIRECTOR KENT:

That's what it is, it's not a separate writing. The brochure contains the terms and conditions which we -- the words we use is a Memorandum of Sale; it's an agreement between the parties subject to your approval.

LEG. MONTANO:

Now, in terms of the lien, we sold this lien and we received a bid of X-amount of dollars, so we're going to collect whatever the successful bidder gave us. And are we also collecting the back taxes at the same time?

DIRECTOR KENT:

Well, the --

LEG. MONTANO:

Is that the same amount, the lien and the back taxes are the same amount?

DIRECTOR KENT:

It is up until a certain point. If current taxes aren't paid, those become a lien I believe on December

7th, so the '06-'07 tax year, which has just passed as of November 6th, that becomes a new lien, and I believe the Treasurer had told me December 7th, those now become liens.

LEG. MONTANO:

So the amount that we're receiving on this bid includes all of the back taxes plus -- in other words, whatever starting bid was offered includes all of the back taxes, the interest and the principal that we would collect from the owner; is that accurate?

DIRECTOR KENT:

To a certain date, December 7th the next year would become a lean. If they haven't paid their current taxes for '06-'07, that might also be an additional lien.

One of the bidders, though, I have to note, the total lien amount was \$155,000 and the winning bid was \$280,000; so we're actually getting in excess --

LEG. MONTANO:

And which property was that; is that the property in Riverhead or the other one?

DIRECTOR KENT:

No, the one in Bay Shore.

LEG. ALDEN:

Which one in Bay Shore?

LEG. MONTANO:

All right, I don't have any further questions.

P.O. LINDSAY:

Where your office is, next to where your office is.

LEG. ALDEN:

The one right next to my office.

P.O. LINDSAY:

Yeah, where your office is.

LEG. ALDEN:

It is my office.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Mr. Kent, this has been going on for about quite some time now.

LEG. ALDEN:

Your mike's not on.

P.O. LINDSAY:

Put your mike on, Tom.

LEG. BARRAGA:

This has been going on for quite some time now and I'm really -- I want to go back to something you said because I'd like to seek a solution.

DIRECTOR KENT:

Me, too.

LEG. BARRAGA:

We're talking about 12 parcels, the auction only enabled the sale of two, right?

DIRECTOR KENT:

That's correct.

LEG. BARRAGA:

Now, the other 10, if I heard you correctly, is there any prohibition in terms of you putting in the contracts for the future ten parcels as they are sold that they have to be cleaned up?

DIRECTOR KENT:

No, not at all. We're, in fact --

LEG. BARRAGA:

Okay. No, that's all right, say no.

DIRECTOR KENT:

Yeah, okay.

LEG. BARRAGA:

Now, you haven't signed any contract so far for the first two, right?

DIRECTOR KENT:

No, the first two we're saying that there is a Memorandum of Sale that is entered into subject to the approval of this body.

LEG. BARRAGA:

Okay. Is there any reason why either one of those two individuals who have purchased the liens would not be in agreement at some point to do a supplemental indicating that they will clean up the property?

DIRECTOR KENT:

That's something I had said earlier, if you'd like me to go --

LEG. BARRAGA:

I know you did.

DIRECTOR KENT:

Yeah. I don't know, I'd have to -- there'd have to be inquiry made to those bidders whether they want to tie their bid to a required clean-up.

LEG. BARRAGA:

Isn't there a high probability that at some point those who purchase the liens, in order to really do anything with the property in the future, have to clean it up, even though it's not in the contract?

DIRECTOR KENT:

Yes, that's absolutely the point that I made earlier. It's a business decision; why would they invest this amount of money? Especially the one who bids 280 for \$155,000 lien?

LEG. BARRAGA:

So if we approve this provision now in front of us, can you give us a commitment to at least go back and see if they want to do an addendum or a supplement to the contract to put in probably what

they want to do anyway, clean up the property?

DIRECTOR KENT:

I would definitely bring that to them, yes.

LEG. BARRAGA:

Thank you.

LEG. HORSLEY:

Here, here, Tom.

P.O. LINDSAY:

Okay, everybody talked out? I -- we have before us a resolution, a motion to reconsider 1942, and I just want to make my position clear. I'm not going to vote for that for the following reasons; we're not cleaning up the property now, so if we don't go through with the auction, that doesn't make it get cleaned up any quicker. We get \$360,000, we don't continue to pay the taxes to the towns and the school districts if it's off our book, and there's also the outside possibility we might get sued if we don't go through with the auction. So that's the reasons why I'm voting the way I am.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

If for no other reason, I would like to change my vote on this, so I would like there to be -- it to be before us, because I no longer will support it.

P.O. LINDSAY:

It is going to -- well, okay, okay. So all right, a motion to reconsider and a second; you have that, Madam Clerk?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Okay. I'm going to call for a roll on this; roll call, to reconsider.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Eight.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

An hour-and-a-half.

LEG. ALDEN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Just in response to one thing you said. Yes, it does clear up the taxes up until December 7th -- which is Pearl Harbor Day, by the way -- so going backwards, yes, it clears up the taxes. If they choose not to, or if the owners who don't really change as of this resolution, if they choose not to pay the taxes, we still have to lay out on December 8th probably it is, we have to lay out the taxes going forward to the municipalities and villages and things of that nature.

P.O. LINDSAY:

And then we have a fresh lien on the property.

LEG. ALDEN:

Which is -- which would be inferior to the lien that we're selling today. You know, just as a matter of point of reference.

P.O. LINDSAY:

Okay. Page seven, *Environment, Planning & Agriculture:*

IR 1996-07 - Reappointing George Proios as a member of the Suffolk County Soil & Water Conservation District (Losquadro).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2068-07 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Fiore Property) (Town of Southamptón) (Horsley).

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator D'Amaro. All in --

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

This one isn't as important to get the answer on, but we have a number of planning steps and then

we have a number of actual -- authorizing the acquisition of property. And I just had a couple of quick questions, if somebody is here from whatever department handles this, whether it be Real Estate or if it's the Department of Economic --

D.P.O. VILORIA-FISHER:

Real Estate is here.

LEG. ALDEN:

Okay. Because there's a couple of controlling pieces of legislation that were put in place years ago. One I'm --

P.O. LINDSAY:

He just went out to get a drink of water.

LEG. ROMAINE:

Ben is here to answer those questions.

LEG. ALDEN:

One of the questions is we have a requirement in Suffolk County that there be X number of police for X amount of property that we purchase, and I'd like to know if we're staying current with that requirement. And I hope that it's part of the deliberations when we do buy property.

And then secondly, there's a piece of legislation that was approved back in '06. Legislator Horsley and myself had put this forward and it really called for an evaluation of all the property that we have in inventory as to what would be appropriate or possibly appropriate for affordable housing. But more importantly, it would have provided us with an inventory of property, and I would hope that we do have an inventory of property. So if somebody could answer those questions.

LEG. ROMAINE:

I think Ben is here, he can answer that.

P.O. LINDSAY:

Okay, Mr. Kent got a glass of water and is going to answer these for you.

DIRECTOR KENT:

I'm sorry, I wasn't in the room, I didn't hear the beginning of the question. I'm sorry, I apologize.

LEG. ALDEN:

That's all right. There's a requirement, and I'm sure you're familiar with it, in Suffolk County that as we add property to our inventory, that we add police officers over in the parks -- yes, there's a formula and it was modified earlier this year, and I think properly so, to sort of exclude the property that we bought that was farmland. Because we're making the assumption that the people are going to farm it and they're going to be the stewards of the land, but the other property is the stuff that still concerns all of us. Are we staying within that formula's guidelines?

DIRECTOR KENT:

I don't know, I'm not the one who's keeping track of the number of Park Police that are being put on to comply with the formula for the acquisition of parkland.

LEG. ALDEN:

Okay. Who would look at that then, or who --

DIRECTOR KENT:

I would think Parks maybe or somebody in --

LEG. ALDEN:

Well, they're not involved in the acquisition.

DIRECTOR KENT:

Somebody in public safety. No, well, they are because as soon as I acquire land that goes to Parks, I transfer the management and stewardship of the property to the Commissioner of Parks by letter and with companion deeds and surveys and I forward that all on to the Parks Department.

LEG. ALDEN:

That was the complete opposite answer I was hoping for. I was hoping that somebody was looking at the number of Police and that as we went forward with planning steps and things of that nature, that we would stay up-to-date and coordinate between the departments. The second was --

DIRECTOR KENT:

We do, we do coordinate it by -- I forward it on to them, the information on to Parks, but I don't think I -- I don't really think it's within my power or authority to determine the number of Park Police that should be added to the force.

LEG. ALDEN:

No, but you're the -- are you the department that recommends purchases of property?

DIRECTOR KENT:

No, the Planning Department -- well, depending on where you go with that. The planning steps are done by the Planning Department. I really get involved -- once it's approved by this body to go forward with the planning steps, I then pursue the information basically, I investigate, I do appraisal work, I do environmental site assessments, those types of things. I don't really pursue the planning steps, no.

LEG. ALDEN:

Since you're here, through the Chair, would you just find out who's doing that, who's coordinating that formula and that kind of planning, because that should be done in advance, and get back to us on that. And then secondly, do we have an inventory of property? Because I had asked for it a couple of years ago and it -- the lack of an inventory actually necessitated putting in this piece of legislation.

D.P.O. VILORIA-FISHER:

Okay, can I tell him?

LEG. ALDEN:

Do you know if we --

DIRECTOR KENT:

Do we maintain an inventory of properties? Yes, we do.

LEG. ALDEN:

Of all the property in Suffolk County?

DIRECTOR KENT:

Yes, we do.

LEG. ALDEN:

Oh --

DIRECTOR KENT,

Well, that's a combination of -- there's a combination of departments that are responsible for that, between the Department of Public Works, Parks and Real Estate, we coordinate database to have all

the properties listed in one database, yes.

LEG. ALDEN:

Okay, but I could go somewhere, I could call you and get -- I could get a listing of the property we have in Suffolk County.

DIRECTOR KENT:

Yes. The one who handles it better, though, I'm fairly new to the computer game.

LEG. ALDEN:

This is what a quarterback does, they hand off.

DIRECTOR KENT:

I still do yellow pad and pencil, mostly, but the database is handled by Tom LaGuardia in the Department of Public Works.

LEG. ALDEN:

In DPW?

DIRECTOR KENT:

Yes.

P.O. LINDSAY:

Legislator Alden, Legislator Viloría-Fisher wanted to respond to one of your questions.

LEG. ALDEN:

Oh, sure.

D.P.O. VILORIA-FISHER:

Well, I can't give you very specific responses, but I remember when we were putting the budget together that we did add Park Police because we have added so much acreage. And you were in the working group, weren't you?

P.O. LINDSAY:

Not -- it wasn't this year.

LEG. NOWICK:

It was last year.

D.P.O. VILORIA-FISHER:

It was last year that we added them, not this year?

LEG. ALDEN:

Last year.

P.O. LINDSAY:

In the working group last year we did two things; number one is we excluded the development rights pieces that we felt that you didn't -- and then we were able, I think through Budget Review, to get a total acreage, computer how many Park Police we had and how many we needed and we added that number to the budget, which I don't think -- I think they're starting in this class.

LEG. ALDEN:

Okay. I think that --

P.O. LINDSAY:

We're playing catch-up, there's no doubt about it, we're behind the curve.

LEG. ALDEN:

Catch-up is okay but, you know, there should be a plan and there should be a coordination. And I think that we need that kind of information prior to all these resolutions we're going to vote on, although we're not going to have it today, it's obvious we're not going to. I think, though, in the future that would be the better way to be able to vote intelligently on these.

P.O. LINDSAY:

But you wouldn't want that for planning steps; planning steps you don't know whether you're going to be successful or not.

LEG. ALDEN:

Oh no, you're right, you're right. That's why I said, it's more appropriate to some of the other resolutions down here that actually approve the acquisition.

P.O. LINDSAY:

Okay. All right, 2068 -- I'm not repeating it again -- we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

LEG. STERN:

Tim, cosponsor.

LEG. HORSLEY:

2085-07 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Fiore Property) Town of Southampton (Horsley).

LEG. SCHNEIDERMAN:

Motion.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

2091-07 - Appointing Maria Brown to the Wetlands Stewardship Committee (Presiding Officer Lindsay). I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. ALDEN:

Did she come in?

P.O. LINDSAY:

Yes, she did come in for an interview. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

2118-07 - Adopting Local Law No. 2007, a Local Law to refine notification procedures of the Planning Commission (County Executive).

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

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

LEG. ROMAINE:

I'm here, Tim.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2119-07 - Appointing a member to the Council on Environmental Quality (Eva Growney) (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second, and she did come to committee.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2161-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the McDonnell Estate Property - Mastic/Shirley Conservation Area II Town of Brookhaven (SCTM No. 0200-983.40-06.00-021.000).

LEG. BROWNING:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Browning, seconded by Legislator Losquadro. All in favor?
Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2162-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Papell Property - Forge River Watershed, Town of Brookhaven. (SCTM No. 0200-983.40-06.00-021.000).

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2163-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Estate of Davi and Crino property - Swan River, Town of Brookhaven. (SCTM No. 0200-982.60-01.00-017.000).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Legislator Eddington makes a motion, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen .

P.O. LINDSAY:

2164-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Malpigli Property - Southaven County Park addition, Town of Brookhaven (SCTM No. 0200-707.00-02.00-038.000). Motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2165-07 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Environmental Legacy Fund for the Topping Property - Town of Southampton (SCTM No. 0900-087.00-01.00-010.000).

LEG. BARRAGA:

On the motion, Mr. Chairman.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:
Pardon?

LEG. BARRAGA:
On the motion.

P.O. LINDSAY:
On the motion, let me get a motion.

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. Do I have a second?

D.P.O. VILORIA-FISHER:
I'll second it.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro. On the motion, Legislator Barraga.

LEG. BARRAGA:
Thank you, Mr. Chairman. Ever since I've been here I have supported these farmland purchases, I don't think there's one that I voted against, even though I've had concerns about the bonded indebtedness associated with these purchases. I think things have changed rather dramatically from an economic perspective in this state and in this nation. I think we're facing very serious issues which have led me to move in a different direction with reference to further approvals by me in terms of farmland by way of bonded indebtedness.

This nation, as we all know, is facing a very serious problem with reference to the whole subprime market, that has an effect not only in New York State but certainly here in Suffolk County. The major financial institutions, places like Citibank and Meryl Lynch and Fannie Mae, have written off tens of billions of dollars in bad loans, these were so-called subprimes given with teaser rates and interest-only type mortgages that have really come home to roost. And when you take it down to Suffolk County, that could well mean, could well mean in the future where there's a reduction in the overall amount of money we get from the property tax, and even more importantly, maybe it will have a negative effect in terms of sales tax.

And I've never been able to get around the premise which some of you pronounced some months ago with reference to what happens as we purchase more and more land, there's less and less land available and it becomes more expensive. And how does all of this, you know, compare with the concept of workforce housing? How do you continue to build when you're buying and what's left is so much more expensive than it was formerly because the County has now purchased it. And recently, I guess in the last several days, the County has come out with some sort of incentives for local jurisdictions to provide further carrots for them to do more in the way of workforce housing, but as with most programs in the County, they depend upon the State to come up with the 87 million, as if the 87 million is coming from, you know, the residents of New Jersey.

So in the future, at least for the time being, based on a lot of different things happening Statewide, in this County, in this nation, I'll be casting negative votes on these farmland acquisitions that require bonded indebtedness. Thank you.

P.O. LINDSAY:

Legislator Alden wants to be recognized, but there is a bond with this because it's the Legacy Program which was put in to the Capital budget I guess two or three years ago. The prior resolutions where we just voted on acquisitions, there wasn't a bond because we don't bond them, they're pay-as-you-go from the Quarter Cent Water Quality money. And you're right in that with the referendum that passed on November 6th this year where we extended the Quarter Cent, we've agreed to borrow against that future revenue stream to purchase additional properties quickly over the next four years, so we're going to see a lot more bonding resolutions in terms of land acquisitions. And with that clarification, Legislator Alden.

LEG. ALDEN:

Well, you answered part of my question on this resolution, but the whole program now, when we have authorizing acquisition of land or authorizing acquisition of farmland development rights, if they're not specifically spelled out, like this is Environmental Legacy, if it's not specifically spelled out, does it go with the new Quarter Cent that was approved by the voters or --

P.O. LINDSAY:

Well, Legislator Barraga's concern is the indebtedness. And like if you look at the next bill, there's a bond for this purchase because it comes out of Legacy.

LEG. ALDEN:

Right.

P.O. LINDSAY:

It was part of the Capital Program that the County Executive put in his budget I think in '06 for '07, so it just started this year. I don't think we've seen too many resolutions under Legacy yet, this is one of the first ones I think I've seen.

LEG. ALDEN:

But there was 50 or 60 million in that.

P.O. LINDSAY:

We put 50 million into that and it was a matching fund, in order to access it you have to have a partner, a town that's willing to put up the same amount of money.

LEG. ALDEN:

All the other ones that we just approved, the authorization --

P.O. LINDSAY:

No bonds.

LEG. ALDEN:

No, but they're through the new Quarter Cent?

P.O. LINDSAY:

No, no, they're through the existing programs. And no bond to them, that's out of pay-as-you-go money.

LEG. ALDEN:

Okay, but then --

D.P.O. VILORIA-FISHER:

But it's out of Quarter Percent.

P.O. LINDSAY:

Quarter Percent, right.

LEG. ALDEN:

All right. Then Budget Review, through the Chair, before the end of the year you're going to have to give us a report on that because there was testimony that we don't have any money in that fund to buy anything, and we've just approved, you know, this meeting and the last two meetings we approved a heck of a lot of acquisitions out of that fund that there was no money left in. So maybe you could -- maybe for the next meeting, just a quick report or if you want to send it out by paper, through the Chair.

LEG. D'AMARO:

We get that.

P.O. LINDSAY:

Legislator Viloría-Fisher wants to comment.

D.P.O. VILORIA-FISHER:

I just wanted to say that when we looked at those projections -- oh, you know, actually you picked up your mike so you're probably -- it included those that were in negotiations as indebtedness or in the pipeline. Lance?

MR. REINHEIMER:

Right, a lot of these are in the pipeline. The old program ran through November 30th, so there are funds available and I'm sure that real estate is tracking them. The new program starts December 1st. And we've had discussions with the County Executive's Office on establishing a new fund so that we can keep track of the new/old program and the new program as it starts December 1st, so that we will be able to account for the old money and the new money and a portion, interest and revenues to those accounts properly.

LEG. ALDEN:

A simple balance sheet type of explanation would be good.

MR. REINHEIMER:

Yeah, I think Real Estate keeps track of those and they do forward them to us. We'll give you a status update.

LEG. ALDEN:

Good. Thank you.

P.O. LINDSAY:

Okay. All right, 2165, we have a motion and a second; am I correct on that?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All right. And nobody else wants to have dialogue? All in favor? Opposed?

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

Abstentions?

MS. ORTIZ:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

And the accompanying 2165A, same motion, same second; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

LEG. MYSTAL:

Yeah.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Pass.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

P.O. LINDSAY:

I really hate to do this, but I've just been informed that a resolution we passed earlier on page six has a flaw in it. So I'd like to go back and reconsider 2173A which is on page six, it's the --

LEG. SCHNEIDERMAN:

Just what was the count on that last one, 15 you said?

MS. ORTIZ:

Fifteen (Opposed: Legislators Barraga & Alden - Not Present: Legislator Montano).

P.O. LINDSAY:

There's a problem with the bond.

LEG. ROMAINE:

What number?

P.O. LINDSAY:

2173A.

LEG. ALDEN:

Page six.

P.O. LINDSAY:

The resolution is faulty in terms of the bond, so I'm going to make a motion to reconsider.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Okay, one opposed. The motion is back before us.

MS. ORTIZ:

Sixteen (Opposed: Legislator Romaine - Not Present: Legislator Montano).

P.O. LINDSAY:

And I have to make a motion to table 2173A.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. SCHNEIDERMAN:

On the motion. What is the nature of the problem?

MR. NOLAN:

The numbers don't match between the appropriating resolution and the Bonding Resolution.

LEG. SCHNEIDERMAN:

Can we do this by CN?

MR. NOLAN:

Well, you can just do it at the next meeting.

LEG. SCHNEIDERMAN:

We have time?

MR. NOLAN:

Yeah.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ROMAINE:

I oppose tabling.

MS. ORTIZ:

Sixteen (Opposed: Legislator Romaine - Not Present: Legislator Montano).

P.O. LINDSAY:

So that stands tabled.

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

Yeah, we've passed resolutions without a bond and we've done the bond the next time.

LEG. LOSQUADRO:

Oh, I'm sorry. I apologize, I was just informed that the Minority Aide actually had checked into this because she saw this discrepancy and was advised at the time that it was corrected as a scrivener's error.

MR. NOLAN:

That's not my understanding. Budget Review came up to me two minutes ago, said there was a discrepancy, so we should fix it.

LEG. LOSQUADRO:

Oh, they were -- I apologize, they --

MR. NOLAN:

If it was anything other than a bond resolution I'd say yes, but I think we should play it safe with the bonding resolution, let the Bond Counsel correct it, give us a revised one for the next meeting.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Okay, back to page seven, we're moving right along.

2166-07 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Environmental Legacy Fund for the Lundstrom Property - Woodlea Nursery, Town of Brookhaven (SCTM Nos. 0200-751.00-01.00-003.000, 0200-751.00-01.00-004.000, 0200-751.00-01.00-008.000, 0200-751.00-01.00-009.000 0200-751.00-01.00-010.000, 0200-751.00-01.00-012.000, 0200-751.00-01.00-013.000 0200-751.00-02.00-006.000, 0200-788.00-02.00-001.000 p/o) (County Executive).

And I point out to Legislator Barraga that these are all bonds, all right?

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning, seconded by Losquadro, Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. MYSTAL:

Opposed.

MS. ORTIZ:

Fifteen (Opposed: Legislators Barraga & Mystal - Not Present: Legislator Montano).

P.O. LINDSAY:

The bond, 2166A, the accompanying Bonding Resolution, the same motion, same second; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Fourteen (Opposed: Legislators Mystal, Barraga & Alden - Not Present: Legislator Montano).

P.O. LINDSAY:

IR 2167-07 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program for the 353 Manor Lane, LLC Property, Totino Nursery, Town of Riverhead (SCTM No. 0600-047.00-01.00-003.002 p/o) (County Executive). Motion by Legislator Romaine, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2168-07 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Lawnsdale LLC Property - Fresh Pond/Dickerson Creek - Town of Shelter Island (SCTM No. 0700-023.00-01.00-024.010) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

Same motion, same second on the accompanying 2168A Bond; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Hold it, hold it, let me stop it right now.

MR. NOLAN:

There's no Bond Resolution.

P.O. LINDSAY:

I'm just being told that the Bond Resolution didn't come through from Bond Counsel.

LEG. ROMAINE:

Motion to table.

MR. NOLAN:

There's no bond to table.

LEG. ALDEN:

There's nothing there.

P.O. LINDSAY:

There's nothing to table, we'll just skip over it and go to the next -- no, wait. What's going on?

MR. NOLAN:

There's no Bond required, that's a mistake on the agenda.

P.O. LINDSAY:

There's no bond required. But it's Legacy Fund, there's got to be a Bond.

LEG. ALDEN:

There's got to be a Bond.

LEG. NOWICK:

So we've got to table it.

MR. NOLAN:

There's no bond to table.

LEG. ALDEN:

There's money there, don't worry about it.

P.O. LINDSAY:

No, there isn't, it's all bonded money. All right, I'm going to skip over that so we don't have a bond with that, so we're in the same thing as the other resolution.

LEG. VILORIA-FISHER:

Lance had his mike up.

P.O. LINDSAY:

Lance, did you want to say something? Okay.

MR. REINHEIMER:

I'll double check, but I believe Resolution 278-07, 277-07 appropriated 11.3 million -- \$11.8 million and I believe there was a bond along with that, this identifies what portion of that money would be used from that bond.

P.O. LINDSAY:

So in other words, there isn't individual bonding resolutions with the Legacy Fund.

MR. REINHEIMER:

That was previously adopted.

P.O. LINDSAY:

Okay. Then how come we had a bond on the other Legacy Fund?

D.P.O. VILORIA-FISHER:

Right.

LEG. MYSTAL:

Too big.

LEG. ALDEN:

That's in addition to.

MR. REINHEIMER:

That I'm not sure of. And I'll double check this, but that was my understanding with this one why there was no bond, because we checked into this.

P.O. LINDSAY:

Well, if you're right and we don't need a bond, we passed 2168. And if we do need a bond, then we can't go forward with the purchase until it comes back before us. Do you want to add something, or do you want to just let this go?

LEG. ALDEN:

That's why we need an accounting.

MS. VIZZINI:

No, Lance represented the situation correctly. We have already bonded \$11.3 million in resolution two -- 11.8, in the previous resolution for this particular multi-faceted.

P.O. LINDSAY:

Okay, then that's -- my question was then why did we have a bond on the previous Legacy Fund.

MS. VIZZINI:

The Legacy is different; this is multi-faceted, correct?

P.O. LINDSAY:

No, this is Legacy, the one before was Legacy. Why don't we just let it go and move on?

MS. VIZZINI:

Well, I had this discussion with Carmine. 2169 is multi-faceted.

D.P.O. VILORIA-FISHER:

We know that. We're talking about 2168.

LEG. ALDEN:

Sixty-eight.

MS. VIZZINI:

Okay, 2168 is Environmental Legacy. We appropriated the 20 million.

P.O. LINDSAY:

Okay, three motions back, three resolutions back we voted on a bond for the Legacy Fund; why are we doing it with one and not the other?

MS. VIZZINI:

It's my understanding that we appropriated 20 million earlier on for Legacy, but we did not -- there was no accompanying Bonding Resolution. So now once we've identified the specific parcels, they will require, for Legacy, a bond.

MR. NOLAN:

But we don't have the bond.

D.P.O. VILORIA-FISHER:

We don't have the bond for 2168.

P.O. LINDSAY:

We approved the resolution, like I just said. If we have already approved the bonding then the purchase can go through, if we don't -- if that isn't -- don't have any more money in that fund then it has to come back to us, the bond has to come back to us. All right? I've got to move on.

2169-07 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Multifaceted Land Preservation Program for the Hodun Property - Town of Riverhead (SCTM No. 0600-065.00-01.00-009.002 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. MYSTAL:

Opposed.

MS. ORTIZ:

Sixteen (Opposed: Legislators Barraga & Mystal).

P.O. LINDSAY:

2170-07 - Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition of Farmland Development Rights under the Suffolk County Multi-faceted Land Preservation Program for the Manzi Property, Town of Riverhead (SCTM No. 0600-099.00-02.00-013.003 p/o) (County Executive), and to confuse this a little bit more, here's Multifaceted and has a Bond, so. We'll need an explanation. But on the regular resolution, I need --

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Vilorio-Fisher. Could someone explain to me why we have a bond with this?

MR. NOLAN:

The prior resolution, which is under Multi-faceted, tapped into monies that had been appropriated and bonded previously. This resolution is not tapping into the same source of money under multi-faceted, it was money that was moved into Multi-faceted, I believe it was from the Sewage Sludge Plant, it was like \$17 million came into Multi-faceted. That money has never been bonded, it is my understanding, but I will defer to Budget Review.

P.O. LINDSAY:

No, it wasn't from sludge, it was from --

LEG. VILORIA-FISHER:

That was at the end of the year.

P.O. LINDSAY:

-- Tier II Shelter.

MR. NOLAN:

The Tier II Shelter.

P.O. LINDSAY:

Right.

MR. CHUISANO:

Yes, I just want to -- my name is Carmine Chuisano, I'm from the Budget Office. The \$17 million was an amendment that was done earlier this year which moved the authorization from the Tier II Shelter into the Multi-faceted, but did not appropriate it or bond it at that time.

LEG. ALDEN:

We're not going to build a Tier II Shelter?

LEG. MYSTAL:

No, we're not. You don't want it in your district.

LEG. ALDEN:

No, it's already been -- there's a site picked out for it.

LEG. MYSTAL:

In your district?

P.O. LINDSAY:

Thank you, Carmine. Thank you, now that explains it.

All right, the resolution is before us. We have a motion and a second, Madam Clerk?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

The accompanying Bond Resolution, 2170A, same motion, same second; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

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:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Fifteen (Opposed: Legislators Barraga, Alden & Montano).

P.O. LINDSAY:

Okay, **2172-07 - Appropriating funds in connection with Public Health Related Harmful Alga Blooms (CP 8224) (County Executive)**. Motion by Legislator Schneiderman, second by Legislator Eddington, they're in favor of harmful algae blooms. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

And we're bonding Algae blooms, so we -- or same motion, same second; roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yeah.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Fourteen (Opposed: Legislators Kennedy, Barraga, Alden & Montano).

P.O. LINDSAY:

2175A, I'm being told -- 75, excuse me, I'm being told that it's defective and I'm going to make a motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And then we have *2240A - A Bond Resolution of the County of Suffolk, New York, Authorizing the issuance of \$703,500 bonds to finance a part of the cost of the acquisition of Farmland Development Rights of the Hodun Property in the Town of Riverhead, under the Suffolk County Multifaceted Land Preservation Program (CP 7177.215) (Res. No. 1231-02)*. Can anybody explain that to me?

D.P.O. VILORIA-FISHER:

We ran out of money.

MR. NOLAN:

Yeah, this was flagged and was discussed early this week. This relates to \$703,000 that was actually appropriated under Mutli-faceted back in 2002, the money was never bonded at that time for reasons no one really could ascertain. So the decision was made by the County Executive's people I believe to authorize the bonding now and use this money for the hold on purchase or at least to pay for part of the purchase which is also -- that particular purchase is on the agenda in an earlier resolution. I hope that helps.

P.O. LINDSAY:

Okay, I don't -- do we have a motion on this?

LEG. VILORIA-FISHER:

Not yet.

MS. ORTIZ:

No.

P.O. LINDSAY:

Nobody wants to make a motion.

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second?

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

Second by Legislator Losquadro. On the motion, Legislator Kennedy.

LEG. KENNEDY:

This is a question for Counsel. Bond proceeds, my recollection is that bond proceeds are usually raised for very specific purposes. If there was a bond let in 2002 for the purpose of doing something, buying a piece of property or anything else, how is it that we can elect five years later to apply those proceeds for something else?

MR. NOLAN:

Well, it was never bonded. The resolution from 2002 was a general resolution appropriating monies under Multi-faceted, it did not identify a specific parcel in that resolution. By the way, Carmine

Chuisano is the person who explained this to me, if you want to pitch it to him as well.

LEG. KENNEDY:

Sure, I'd love to. Hey, Carmine? Through the Chair.

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

Hi there.

MR. CHUISANO:

How are you doing?

LEG. KENNEDY:

Good. How are you?

MR. CHUISANO:

Pretty good.

LEG. KENNEDY:

Good.

MR. CHUISANO:

You want to know about the 703,000?

LEG. KENNEDY:

I'm all ears, Carmine, I'm all ears.

MR. CHUISANO:

Basically it was a resolution that appropriated that amount in 2002 and for some reason there was no companion bond adopted at that time with that appropriating resolution. So in order to utilize that 703,500, we need the bond to be adopted because that's the financing source that supports it.

LEG. KENNEDY:

But is the bond -- in other words, my question goes to when it was raised in 2002, was the mechanism of such -- was the language so broad that that money now can be moved forward five years and applied? Obviously we weren't talking about the Hodun Property in 2002, we were looking at other properties.

MR. CHUISANO:

That's correct, but it was generic at that point in time.

LEG. KENNEDY:

So there's no impediment, no legal impediment to taking it and rolling it forward.

MR. CHUISANO:

Well, the appropriating dollars are still there, there is no financing source to support it. So the financing source would be the bond, so in order to utilize that, you need to -- you need to approve that bond.

LEG. KENNEDY:

Okay, I'm going to yield. I tried, I guess; it's still not making sense, but whatever.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

A very quick question. Carmine, how are you?

MR. CHUISANO:

Pretty good.

LEG. ROMAINE:

Good. This money, in 2002, when it was appropriated, was not earmarked for any other purchases; is that correct? It just was appropriated generically.

MR. CHUISANO:

Was not earmarked for a specific purpose.

LEG. ROMAINE:

What purpose was it earmarked for?

MR. CHUISANO:

It was just a general appropriation. A lot of times in the past with the Multi-faceted appropriations, they've been appropriated in large amounts to appropriate all the dollars but not really identified for specific properties.

LEG. ROMAINE:

Okay. I wasn't a member of this body in 2002. I just want to make sure that the Legislature that voted on this in 2002, there wasn't somewhere in that pile of papers that they look at a list of properties that were intended to be acquired with the proceeds of the appropriations of which this represents a small portion of, and you're telling me no.

MR. CHUISANO:

There was no specific property that the 703 was tied to.

LEG. ROMAINE:

No, okay. And this 703 wasn't just 703, it wasn't part of anything else?

MR. CHUISANO:

It was available funds in the Multi-faceted account.

LEG. ROMAINE:

Let me ask you a question that goes to the basis of some of the things that I'm asking. Does the County currently hold title to this parcel, yes or no? Did the County close on this parcel?

MR. CHUISANO:

No, I don't believe it did, no.

LEG. ROMAINE:

Okay. Is there anyone that can answer that question? I'm asking you and I realize you handle Capital Programs, but is there anyone from the Executive or Real Estate Department here that can answer that question? Was -- has the County -- does the County hold title to this parcel currently?

MR. CHUISANO:

To the best of my knowledge, the authorizing --

LEG. ROMAINE:

Well, I didn't want to put it on your shoulders.

MR. CHUISANO:

The authorizing resolution to take possession of this property is also being voted on I believe today.

LEG. ROMAINE:

I'll just ask this another way, seeing that Mr. Beedenbender, soon to be a member of our august body, is here representing the County Executive. Brian, does the County hold title to this parcel currently?

MR. BEEDENBENDER:

I don't know, but I will be happy to get that information for you, Mr. Romaine.

LEG. ROMAINE:

Thank you very much.

MR. BEEDENBENDER:

No problem.

P.O. LINDSAY:

Would you like to skip over this until we get that information?

LEG. ROMAINE:

You know, I know how I'm going to vote, so I don't want to hold anyone else back.

LEG. HORSLEY:

So let's go.

P.O. LINDSAY:

Well, I'm going to skip over it until we can get that answer, okay?

Health & Human Services:

2129-07 - Approving the Vector Control Plan of the Department of Public Works, Division of Vector Control, pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County Executive). I'm going to make a motion to approve for the purpose of discussion. Second by Legislator Horsley. And now I understand why everybody is waiting in the audience. Does anybody have any questions about 2129? Legislator Romaine.

LEG. ROMAINE:

The hour is late, so I'll keep it very brief. This Vector Control Program, does this cover all vectors in the County of Suffolk?

MR. JEFFRIES:

Legislator Romaine, as we spoke about earlier, under the Suffolk County Charter, C8(2), Subdivision Y, "The Division of Vector Control is charged with the responsibility to control mosquitos and other arthropods provided that such measures are not injurious to wildlife." That's in accordance also with the Public Health Law which specifically lays out the specific -- the things that Vector Control are required to take care of.

Specifically concerning the scope of arthropods, and I believe what the scope of your question will be, I'm going to call on Dominick Ninivaggi who's our Superintendent of Vector Control. He's also a member of the Tick Management Task Force and I've asked him to come here to talk about other further details about those arthropods. Dominick?

LEG. ROMAINE:

Good afternoon, Dominick.

MR. NINIVAGGI:

Thank you very much.

LEG. ROMAINE:

I understand that Vector Control's sole purpose for many, many years now in its past history has been mosquitoes, but mosquitoes are not the only vectors that you are charged with; is that correct?

MR. NINIVAGGI:

Under the County Charter, yes, we would have that responsibility.

LEG. ROMAINE:

Right. Does this plan address other vectors besides mosquitoes?

MR. NINIVAGGI:

Not at this time, no.

LEG. ROMAINE:

I have grave concern about a plan that does not deal with the full scope of what it was empowered to do in the Charter to deal with other vectors, specifically ticks.

MR. NINIVAGGI:

Well, I can't explain why we haven't -- why we do not currently have a tick control program based on my experience as Superintendent which started in 1994. And I was looking back over some of the older records, at some -- apparently in the 80's we did some spraying for ticks, but that stopped basically because we didn't think that we were getting any results, you know, that were really beneficial in terms of over all public health protection. You have to remember that our program is designed for County-wide control, we're supposed to be doing things that have a County-wide benefit and basically we don't have --

LEG. ROMAINE:

Let me just ask one question, I understand that. Do you spray County-wide or do you just spray selective areas within the County?

MR. NINIVAGGI:

We're responsible County-wide with the exception of the Orient mosquito district. The one time that we did respond to a tick infestation was I believe in 1996 which we did on an emergency basis as a result of an outbreak of Rocky Mountain spotted fever. But basically, we lack appropriate technology for a wide scale tick control program. You can control ticks in a small area by spraying that yard or that park, for instance, but that's not really going to help you on a County-wide basis. As we mentioned, the Tick Management Task Force, one of the things that we're trying to look at in the Tick Management Task Force is what is the need for an overall tick control program? Are there technologies that exist that might be appropriate for a program and, if so, should the County proceed?

As you know, there's currently a study which just began under so-called Four Poster System for killing ticks that are on deer, this will be about a three million -- a three year study and I think we'll be anxiously awaiting the results to see if this is a viable technology. It's promising in other parts of the country, I've seen papers that suggested that this can be very helpful, whether it can work in our context is the subject of this study.

And I would just remind everybody that if and when the County were to decide to undertake and add tick control to the Vector Control mission and to our list of things that we're going to be doing, it would probably require environmental review under the State Environmental Quality Review Act. So tick control is theoretically part of our responsibilities, currently we just don't have the means to do

this on any large scale.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. Legislator Schneiderman, I'm sorry.

LEG. SCHNEIDERMAN:

Yeah, I guess my questions are really for Mr. Ninivaggi; sorry, Dominick, you just got comfortable sitting back down. Dominick, you talked about the mission of your department not including ticks. I wasn't aware that it was just specific to mosquitoes, I thought it was a broader public health, you know, stopping the potential spread of infectious diseases.

MR. NINIVAGGI:

Yes, it is. If you look at the exact language in the County Charter, it refers to arthropods of public health importance which includes mosquitoes and ticks.

LEG. SCHNEIDERMAN:

All right, so it is included then. We would not have to amend the Charter to get you to do work on the tick issue.

MR. NINIVAGGI:

No, what we would need is an appropriate technology and money to use that technology.

LEG. SCHNEIDERMAN:

All right, but we're -- is the County -- the County is contributing at least in the beginning of this Shelter Island study, and hopefully will continue to fund that study and see the results.

LEG. ROMAINE:

There's not enough money.

LEG. SCHNEIDERMAN:

There's not enough money, so hopefully we'll be coming back and asking for more. I mean, you talked about County-wide health threats, yet I know there's been many times when although it might be a County-wide health threat, we have an isolated incident, let's say a pond that has Triple E, Eastern Encephalitis -- Equine Encephalitis, and that will be treated; even though it's not a threat to the whole County, it might be a threat in just one area.

MR. NINIVAGGI:

Well, mosquito-borne disease in general is a threat throughout the entire County. However, the specific actions we take are always directed as specifically possible to the area where there's the greatest problem.

LEG. SCHNEIDERMAN:

Well, I guess I'm asking this question because understanding that Lyme's Disease is a threat throughout the County, it's particularly acute on Shelter Island and other areas of the East End, and it seems to me it would be important to try to get a handle on it as best we could. I know more people with West Nile -- I mean, more people with Lyme's Disease than I do with West Nile; in fact, I don't really know anybody with West Nile, I know many people who have Lyme's Disease.

MR. NINIVAGGI:

Myself included, I've contracted Lyme Disease twice, so we're certainly aware. But again, the issue is what would you actually do and where is the -- where do the resources come from to do it. And I think with the Tick Management Task Force, we're looking at the possible options for tick control and once we know what they are, if any, and hopefully the environmental ramifications, then this

Legislature and the other elected officials could decide whether we need to make a greater effort.

LEG. SCHNEIDERMAN:

Getting back to the vector plan, Vector Control Plan for next year, in terms of Methoprene -- and the County Executive has tried administratively to issue some new rules relating to the use of Methoprene, when it may be used. Does the Vector Control Plan for next year specifically address Methoprene and does it change from what was approved in the generic work plan?

[RETURN OF COURT STENOGRAPHER - LUCIA BRAATEN]

MR. NINIVAGGI:

The 2008 plan of work is fully consistent with the overall long-term plan. It does include the use of Methoprene with the appropriate controls to minimize any environmental risks.

LEG. SCHNEIDERMAN:

I think the County Executive had issued some internal rules dealing with infestations, I believe, and trying to use Methoprene as a last resort. Is that in this '08 work plan?

MR. NINIVAGGI:

Yes. We have guidelines for the use of the materials is already in the 2008 plan, and in addition we've been -- we've developed technical guidelines for use by the field crews. The County also has its best manage -- its pesticide reduction plan project that's going forward which as you know includes a Pesticide Management Committee to monitor the County's use of pesticides for mosquito control and to make, you know, further technical recommendations.

LEG. SCHNEIDERMAN:

Specifically does the '08 plan in terms of its use of Methoprene go beyond the generic work plan?

MR. NINIVAGGI:

It's consistent with the generic work plan, which it has to be.

LEG. SCHNEIDERMAN:

But does it go beyond it?

MR. NINIVAGGI:

What do you mean by go beyond it?

LEG. SCHNEIDERMAN:

In terms of placing additional restrictions on Methoprene use.

MR. NINIVAGGI:

Methoprene use was already restricted to those situations when it was needed. We've had more explicit guidelines to better define exactly when we will and will not use that material, so it was already stringently controlled and will only be more so under the current plan.

LEG. SCHNEIDERMAN:

Because, you know, I had put in a bill to do something quite similar and was told that putting more restrictions on Methoprene use would require supplemental EIS.

MR. NINIVAGGI:

Well, the restrictions that you proposed would have because they were very detailed, and I don't have that in front of me, but we did have concerns that the restrictions in your bill would have -- would have required additional environmental review. So what we have now --

LEG. SCHNEIDERMAN:

Those restrictions were consistent with the way the DEC is administering the County's use of

Methoprene on their own controlled wetlands.

MR. NINIVAGGI:

Well, we disagree with the way that the DEC is managing use of Methoprene on the DEC lands. We've taken our concerns to them and are continuing to have discussions with DEC to address that issue, because we are concerned that their restrictions may not be consistent with the long-term plan, and there could be issues associated that. But what I'm hoping to do is to have amicable and cooperative discussions with the State DEC and, you know, come up with something that we can all live with.

LEG. SCHNEIDERMAN:

So the current work plan for '08 does, though, include the use of Methoprene in salt marsh environments, estuary environments.

MR. NINIVAGGI:

Yes, it does.

P.O. LINDSAY:

Okay. You're done, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Legislator Alden has some questions about arthropods.

LEG. ALDEN:

Just a couple of quick things, really it's more like Methoprene and some of the other compounds and chemicals that we're using. Have we investigated any alternative chemicals and alternatives specifically to Methoprene?

MR. NINIVAGGI:

As part of the long-term plan process we looked at all of the materials that are registered for use in New York State, which are the only ones we'd legally be allowed to use, as well as some so-called alternatives products, such as garlic oil, rosemary oil. We actually did some field trials with those materials and found them not to be suitable for the program.

As far as the pesticide reduction plan, we will continue to evaluate whatever alternatives present themselves and make use of them if they turn out to be feasible.

LEG. ALDEN:

And you feel that the use of the Methoprene and the other compounds that are authorized in this plan don't present a health hazard to the people if used according to your plan.

MR. NINIVAGGI:

The long-term plan and EIS conducted a risk assessment that evaluated all the risks and determined them not to be significant.

LEG. ALDEN:

And that goes to this plan also, because this is specific to '08, right?

MR. NINIVAGGI:

Yeah, this is specific to '08, but it's consistent with the findings of the long-term plan.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Does anybody else have any questions? Did you want to say something, Mr. Anderson?

COMMISSIONER ANDERSON:

Nope.

P.O. LINDSAY:

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

LEG. MYSTAL:

I'm here.

LEG. ROMAINE:

Oh, wait, on the --

LEG. SCHNEIDERMAN:

I'm sorry.

LEG. ROMAINE:

We're voting no.

MS. ORTIZ:

17.

LEG. SCHNEIDERMAN:

No, I'm opposed.

MS. ORTIZ:

I'm sorry. I apologize. 15. (Legislators Romaine and Schneiderman - Opposed; Legislator Caracappa - Not Present)

P.O. LINDSAY:

I recognize Legislator Montano for the purpose of making a motion.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. I'm going to ask to take 1797 out of order and vote on it now. Ms. Dina {Cohen} from Mothers Against Mad -- Mothers Against Drunk Driving, they are mad, -- has been here all day. And in view of the lateness of the hour, I'm going to ask that we take this out. I believe that there may be some debate on this and there may be some questions posed to her. So with your concurrence I'd like to move that out of order and get it on so that we can discuss it.

P.O. LINDSAY:

All right. I have a motion to take 1797 out of order, a second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

18.

P.O. LINDSAY:

All right. 1797 is before us. ***1797 - A Local Law enacting a Social Host Law to deter the consumption of alcohol by minors.***

LEG. MONTANO:

I'm going to make a motion to approve.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. On the question?

LEG. MONTANO:

Are there any question on this?

P.O. LINDSAY:

Well, why don't we start off -- I have -- why don't you go through exactly what the bill does and what it doesn't do.

LEG. MONTANO:

All right. Actually, I'm going to ask Counsel, then, to give a brief explanation of the bill.

MR. NOLAN:

This law would make it unlawful for any -- basically any homeowner, a person who controls an apartment or a house or a residence who is older than 18 years old to allow the consumption of alcohol by a minor on the premises or fail to take corrective action upon learning of the consumption.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yeah. I'm concerned about the bill in terms of the enforcement aspect. Let's say I have a party at my home and I have 25 or 30 people and I make it very clear to them I don't want any drinking in the house or on the premises, maybe I even so far as to take their car keys. But, you know, how do I prevent a situation where as we progress in the party a couple of hours later some people show up, they don't come in the house, but they're outside. Others at the party get alcohol from these people; they drink it. They leave the party and are picked up for public intoxication or DWI or something along those lines and they turn around and say said, you know, I was over to Tom Barraga's house and I was drinking there.

Now, I know the bill talks about knowingly, but it seems to me when the police come to my home the burden of proof is on me that I was unaware that, you know, these people were doing the drinking. It almost puts me in a situation where I've got to pick up a phone and call an attorney because I'm going to need some sort of representation.

The one instance where I saw this in place in Nassau County, which was on News 12 and a number of other stations, the couple involved vehemently denied that they were aware of anybody drinking. But yet, you know, you could see the kind of coverage they were getting, they needed an attorney. They had to prove they were innocent or have to prove they are innocent.

You also have a situation in the bill where, you know, if I'm a resident, I'm 18 years of age, and other older people are not in the house and I choose to have a party and 19 year olds and 20 year olds show up, I mean, I can make the same statements, but, you know, how do I really control what's going on there? I just think it's a very difficult bill from an enforcement perspective.

And the other element, I think, Mr. Montano, I brought this up in the past, what about the parent of this underaged drinker? There's no provision of any accountability in this bill for them. So when my

son is picked up and charged with some sort of infraction because they were intoxicated, they became intoxicated at this other persons's house. What prevents me as a parent from turning around and bringing civil litigation against the homeowner?

There's no provision in the bill, for example, saying, "Hey, look, Tom Barrage, your kid was out there and you're the father and he was picked up." Besides the homeowner having some culpability, I want to fine you \$5,000. I think a big fine on the part of the parent would be a lot more effective in making sure their kid understood that hey, if you go out drinking and driving and get publicly intoxicated, you're going to have a real problem and I'm going to have to pay as your parent. There's no provision in this bill for that. I just think from a number of different aspects, enforcement, culpability, liability, there's some problems here.

P.O. LINDSAY:

Legislator -- oh, did you want to answer that?

LEG MONTANO:

Well, I just want to address the first premise, which was the burden of proof. It's very clear, and that actually is a misstatement. It is very clear that the burden of proof is not on the homeowner, it is on the -- it is on the part of those that are enforcing. So if there was a violation it would be incumbent upon the state, the prosecutor. And in this case, and you pointed out very clearly that there's already a bill that was passed in Nassau recently, so Suffolk County, if we pass this social host law, would be only the second county in New York State to pass such a bill. But it's very clear in the statute that it has to be knowing consumption. A mere allegation is not sufficient. And those are issues of proof.

The difference between this bill and the Nassau bill is that in Nassau the penalties start with misdemeanors. In this bill the penalty is a violation. The first offense would be a fine of \$250, up to \$250. The second offense would be a fine between 250 and five hundred. It would not be until the third offense that somebody could be charged with a misdemeanor and the fine there would be \$1,000 and/or time in prison.

So there are some differences between this bill and Nassau. But it's very clear that it has to be a knowing violation.

So, you know, with respect to that I hope that answers your question. Yes, no bill is perfect. This is the first of its kind here in Suffolk. As I said, it mirrors the Nassau bill almost word for word except for the penalty phase which here is more lenient. And with that I'll turn to Legislator Cooper. I think he has some concerns on the bill.

LEG. COOPER:

Well, my only concern is whether social host legislation will indeed reduce drunk driving. And over the past few weeks I've spoken to well over 100 of my constituents, fellow parents about this law, proposed law, and they were fairly evenly split. And they're all concerned, responsible parents, but they were approaching it from two different angles. I think these are the basic questions.

Those that supported the social host law felt, first of all, they would be upset if their kid went to a party at someone else's home and unbeknownst to them their child was served alcohol without their notification. I guess their feeling is that by enacting such a law we would, number one, send a stronger message to minors that they shouldn't be drinking underage, but also it might make it easier for a parent that finds it hard to crack down on their kids, they may have been hesitant to draw the line in the past, but if it's a law they can tell their children hey, there's nothing I can do about it. It's against the law in Suffolk County now. You can't have a party here.

The parents on the other side, though, that were equally concerned and I believe equally responsible parents, took a different point of view. Their only concern was the safety of their kids and their feeling was that look, an 18 year old kid, a 19, 20 year old kid, if they want to drink, they're going to drink. And most kids, like it or not, of that age do drink beer. So their feeling is that it's better to

have them drink beer at a home where you've got responsible parents at that home that are making sure that the kids don't leave the home inebriated. They take the car keys away, they make sure that the kids sleep over at night. They arrange for a taxi to take the kids home.

Their position is that if this law was in effect and you couldn't do that any longer, the kids are still going to drink but they'll drink at a local park or at a local beach or a local alley or at a local bar, and most of these kids have false I.D., they have false driver's licenses. In some cases they have got a half dozen of them, so it is not going to stop them from drinking. Their concern is that if it's unsupervised they're more likely to drive drunk afterwards, and that as responsible parents they would rather the kids be able to drink at someone's home and those parents make sure that the kids afterwards are not driving drunk.

So I'm honestly conflicted on this and I'd love to find out from the sponsor or anyone else who may be here whether any studies have been done of social host laws because they've been implemented in hundreds of municipalities around the country. Do they work, do they cut down on incidents of drunk driving or do they have the opposite effect actually.

P.O. LINDSAY:

Legislator Montano, do you want to answer that?

LEG. MONTANO:

If I may. I'm not going to answer that because I think that there are studies out there. I'm going actually ask Mr. Presiding Officer if you would allow Ms. Denna Cohen to come forward. I believe that she might have some figures based on her association with Mothers Against Drunk Driving to answer the question with respect to deterrents and whether or not this bill would, in fact, help in deterring the consumption of alcohol. Would that be okay with you, Mr. Presiding Officer?

P.O. LINDSAY:

So you're going to defer the question to Ms. Cohen.

LEG. MONTANO:

Yes, I'd like to if she's willing to come forward and address it.

MS. COHEN:

Good afternoon and thank you for taking this out of order.

LEG. MONTANO:

Sorry you've been here waiting all day on this.

MS. COHEN:

Thank you. It is my pleasure to be here. I am very adamant about having this bill passed. This -- I can understand concerns of parents. I'm a parent also. I have four children, I have three surviving children. They are all over the age of consent now, so -- but at one point, they were under 21. I don't want somebody else to decide if my child is going to consume alcohol. If they go to their friends house and they are served alcohol, that parent made the decision for my child. They don't have that right to make that decision for my child. Only I have that right. That's why if my child drinks in my home, that's my decision, but if your child drinks in my home, that shouldn't be my decision.

It is not only about young people under the age of 21 going out and getting into their car and driving. It is also about a young person stepping off the sidewalk into the street, into oncoming traffic and they are under the influence, they can't get out of their own way. There could be a sober driver and a drunk walker. That happens. I was at a party this summer that I needed to leave because there were two kegs there, two kegs at a high school graduation party.

LEG. MONTANO:

Ms. Cohen, if I may. You were at the press conference this morning and I think what we'd like to hear is your opinion with -- we're talking about deterrents and one of the comments that came up this morning by one of your associates from another organization was that studies indicate, and if you can just address this from a statistical standpoint or from, you know, any kind of empirical studies that you may be aware of.

The statement was made and as I understand it those that begin to drink earlier have a more likelihood of having alcohol problems and social, you know, alcohol related social issues. Is that something that you understand to be accurate?

MS. COHEN:

Absolutely accurate. The Surgeon General has come out with those statistics. The younger a person begins to drink, the more likely they will become dependent on alcohol.

LEG. MONTANO:

And I think the question posed by Legislator Cooper was whether or not this bill would -- could conceivably or does it act as a deterrent for young people to, you know, to have them refrain from drinking alcohol at a younger age thereby avoiding the problems that are associated with it at a later point in life. Is that -- could you address that?

MS. COHEN:

I think it deters the adult more than it does the underage child or the young adult, let me put it that way. If a parent says, you know what, I'm not going to break the law, I'm a law abiding person. I am not going to break the law, you are not consuming alcohol with your friends in my home. Does that put them into the park on the street corner? We have police in the park, we have police driving around our street, they're there. We're the police in our own home. My children had no rights when they were young in my home. Absolutely none. I went through their underwear draws when they were little, not because I liked folding their sock, because I was looking to see if they were hiding anything in between their socks. I did that. They had no rights.

Parents now are very liberal with their children. I think they need to be told that they're killing their own kids by allowing them to do this. It's as simple as that. They are killing their own children.

LEG. MONTANO:

Thank you very much. I think we're going to continue with the debate unless there are other questions of you.

P.O. LINDSAY:

No, I have a list. You asked the question, you wanted her, she you answered your question. Anybody want to ask a question?

LEG. COOPER:

It's not really a question.

P.O. LINDSAY:

I'd like a question.

LEG. COOPER:

I just want to say that I've worked with Dina in the past on anti-drunk driving initiatives and I have tremendous empathy, but the real question I think in my mind is, and in the minds of parents that I have spoken to that oppose this is if we enacted this legislation that's well meaning, but whether the unintentional consequence may be that kids that want to drink beer, an 18,19, 20 year old, that if they want to drink beer, if they can't drink at someone's home, is it going to stop them from drinking but are they just instead going to go to a local bar and drink. And if that happens, are they more likely to drive drunk afterwards. That's the question.

LEG. CARACAPPA:

It's illegal.

LEG. MONTANO:

How are you going to get drinks in a bar?

LEG. MYSTAL:

They have fake I.D., come on.

LEG. COOPER:

Oh, are you kidding me? Please. That is what fake I.D.'s are for, come on.

P.O. LINDSAY:

All right. Stop. Comes on, we have a list here. Legislator Kennedy. I should make an announcement there is a black Volvo in the east parking lot with their lights are on. If anybody has a black Volvo their lights are on. Legislator Kennedy.

LEG. KENNEDY:

Through the Chair to the sponsor, just a simple question about the situation where you mention in the bill, I guess if there's a tenant. Does that go to the knowingly situation? What do you perceive? I mean, would there be leases that would be altered or amended? How would we deal with that? You know, simple landlord tenant situation. Tenant occupies the property and landlord doesn't know.

LEG. MONTANO:

Well, the landlord -- are you saying is there any liability on the landlord?

LEG. KENNEDY:

Yeah.

LEG. MONTANO:

No. There is none whatsoever.

LEG. KENNEDY:

Nothing envisioned here where it is going -- it's just for the tenant and the residents and that's it.

LEG. MONTANO:

If the person who controls the unit, the condo, the apartment, that's the one that's responsible. We're not assuming nor imputing any liability to anybody and it has to be knowing. If, for instance, you have a situation where the adult is upstairs and, you know, two kids go outside and they drink and the parent doesn't know or the person in control of the apartment doesn't know, there is no liability. We are very clear on the knowing part of it. You have to either acquiesce by providing the alcohol or you have to acquiesce by actually, you know, witnessing it and, you know, being a part and parcel of the consumption of alcohol by minors. There is no imputed liability on this whatsoever.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

It's my understanding that we're liable anyway if we serve alcohol in our homes, so that's one of our -- my understandings. But I have to tell you something. Besides having these young people drink and drive, you ever see young people at a party, how fast when you turnaround how fast they can

drink and not just go out and drive, I've seen them fall on the floor, have heard of stories at fraternity houses, sorority houses where these young people get themselves so sick they die, suffocating on their own vomit. I mean, they're not so smart sometimes. They can drink -- and if we give them permission -- what is it?

LEG. ALDEN:

Especially not after they're dead, they're not too smart.

LEG. NOWICK:

If we give them permission, what kind of an example are we setting? So if this is a deterrent in any way, if in any way we can deter those parents that say oh, it's Superbowl Sunday, we don't want you guys going anyplace else, so come to our house, we'll have a little beer here, but you'll be safe because we'll take your car keys. That's not a very good message that we're sending and I think that this kind of bill is more to deter than the parent.

Most of us have had parties at our homes, most of us are out there -- I know I've been out at my house until two, three in the morning trying to monitor, trying, and I say trying because it's not easy. But this is for the parent that thinks we'll have everybody at our house, we'll control it. That's the concern and I think that that's what this bill is intended to alleviate. So I'm going to be voting in favor of this.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you Mr. Chair. This -- when I look at this bill I think the intention here is to put responsibility on those that are supposed to be the most responsible, and that is the parents, the parents that control or should be in control over what goes on in their own home. And for those that would say, well, doesn't this undermine our parental authority in how we raise our children, I think it's the exact opposite. I think that this is legislation that goes further in providing for parental responsibility and parental authority and says that if I am going to raise my child to be a particular way and we're going to have rules, that they are not undermined by what may be going on in someone else's home when there should be a parent home or at least should be able to exercise responsibility of what goes on in that home. If you go out to a bar and something happens, the bar is liable and so should be parents that have control over that home.

As to those that would say, well, I'd rather have it go on in my home where I can at least try and control the situation, yeah, I think that's exactly the wrong message that we should be sending, that we're going to condone that type of illegal responsibility. I have the last couple of months served as the Chairman of the Suffolk County Underage Drinking Task Force and we've held public hearings the last couple of months. Responsible parents want this legislation. Responsible parents want this as a tool, and as the parent of young children myself, I certainly want to have every tool available in the box, so I'll be supporting it.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

I want to just jump on what Legislator Stern said. It's obviously against the law to serve minors, and what we're talking about is undisciplined disciplinarians, and that's why we need this. And in drug prevention, with children for years it's been known that no message is a yes message, and I think we're now doing this with adults. We're saying we're giving you a strong message that you do not have the ability to make the decision for somebody else's child, and I will be supporting this.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

I'd like to go back to that responsible parenting statement. As I raised my children, there were parties that they were allowed to go to if there were parents at the parties and we would check to see if there were parents at the parties. And I think there's a betrayal of one parent, one neighbor to another, if you send your child to a party believing that the supervision is there, and then that person serves alcohol to the kids that you're kind of entrusting to them for that period of time.

I've also known neighbors who have said, well, let them drink at my house and I'll know they're safe. And one neighbor who lived on my street, things got out of hand and he wound up having to call the police himself because he had this lacrosse team that was drunk on his hands and they started brawling and another group of kids came from another house. He had to call the police to help him out because it gets out of hand.

And the point is that it is illegal and our message to our kids is we're not going to break the law, we're not going to condone your breaking the law in our home, and I think that's a very critical message and that's why I seconded the motion to approve.

LEG. MYSTAL:

Can we vote?

P.O. LINDSAY:

Does anybody else want to comment? And I'm probably going to weigh in at the end. Just that in my lifetime things have changed. You used to be able to drink at 18 and you couldn't vote until you were 21, and now that reversed.

LEG. BARRAGA:

That was before my time.

P.O. LINDSAY:

Thank you. And I think what's -- you know, before Legislator Montano asked me if I was going to vote for this and I didn't give him an answer because I said I really wanted to hear the debate to see if any compelling reasons to vote for it. I've been troubled by this legislation because I feel that, you know, somehow we're interjecting our will into a private home and I'm a little bit disturbed about that. This summer I had a party at my house that I would have been in violation of this, and I think you all know -- Joe, could you take it outside?

LEG. CARACAPPA:

I'm getting information about certain party aspects that I've never heard of before.

P.O. LINDSAY:

You can get it outside.

LEG. CARACAPPA:

Can I.

P.O. LINDSAY:

Yeah. We're just finishing this now and I can't hear over the talk, all right?

LEG. CARACAPPA:

I apologize, Mr. Chairman.

P.O. LINDSAY:

This summer, and a lot of you know, I have a nephew that's currently in Iraq. And he's 20 years old and he came home with a couple of his buddies. They had a couple of beers at my house so I would

have been in violation of this law and I don't think I did anything wrong. I mean, we're asking these young men to go out and risk their life, but I would have been violating the law to give them a beer. There's something that disturbs me about that. So I'm probably going to vote against this. Anybody else?

LEG. NOWICK:

Yeah.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

How would we feel -- would we allow these young people to come to our homes and smoke marijuana or would that be a separate --

P.O. LINDSAY:

That's illegal.

LEG. NOWICK:

Well, drinking under 21 is illegal as well.

P.O. LINDSAY:

It isn't in your own home right now.

LEG. NOWICK:

No, I thought you had to be 21 to drink.

P.O. LINDSAY:

To purchase liquor. If it's illegal, then why are we bothering debating this law?

LEG. NOWICK:

I don't know.

LEG. D'AMARO:

I think I could answer that. Very briefly, it's unlawful for a minor to possess alcohol with the intent to consume it no matter where you are.

LEG. NOWICK:

So if it's in his hand --

LEG. BARRAGA:

Absolutely.

P.O. LINDSAY:

So it's against the law now.

LEG. D'AMARO:

Yes, it is.

P.O. LINDSAY:

So why are we passing this bill?

LEG. STERN:

If I may. It's a violation of the law to consume alcohol if you're underage unless you have some type of parental consent. So in your own home, in your situation you may be able to do just that with a family member. What this legislation goes to is essentially giving some kind of consent to

allow someone else in your home to consume alcohol that's underage. That's the difference.

P.O. LINDSAY:

Okay. I'm not --

LEG. HORSLEY:

No more confessions.

P.O. LINDSAY:

What am I going to do, track down his buddy who's a Sergeant from Kentucky to find out if his parents can allow him to have a beer? You know, you set up all these restrictions and you know where these kids are going to be? They are going to be in a local bar someplace. I think we've aired this enough.

P.O. LINDSAY:

We have a motion and a second.

LEG. LOSQUADRO:

Roll call.

P.O. LINDSAY:

Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. MONTANO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

It's an effective awareness tool, yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. ROMAINE:

Pass.

P.O. LINDSAY:

No.

LEG. COOPER:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

Abstain.

MS. ORTIZ:

12. (Presiding Officer Lindsay and Legislator Barraga - Opposed; Legislators Romaine, Schneiderman, Mystal and Cooper - Abstentions)

LEG. MONTANO:

12.

LEG. MYSTAL:

Let's go have a drink now.

P.O. LINDSAY:

Going back to the order of business. ***2182, 2182A - Appropriating funds in connection with the purchase of equipment for Health Centers (CP 4055).***

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

17. (Legislator Montano - Not Present)

P.O. LINDSAY:

The accompanying bond resolution 2182A, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. EDDINGTON:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

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.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

MS. ORTIZ:

16. (Legislator Alden - Opposed; Legislator Montano - Not Present)

P.O. LINDSAY:

Okay. *IR 2194, 2194A, Appropriating funds in connection with the purchase of equipment for Medical, Legal Investigations & Forensic Sciences (CP 1132) and approving the purchase of a vehicle in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County vehicle standard.* Do I have a motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

17. (Legislator Montano - Not Present)

P.O. LINDSAY:

The accompanying bond, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

16. (Legislator Alden - Opposed; Legislator Montano - Not Present)

Parks & Recreation

P.O. LINDSAY:

2013, 2013A - Appropriating funds in connection with fencing and surveying for County parks (CP 7007). Do I have a motion?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second from Legislator Eddington. What is the value of this bond, Budget Review?

MR. REINHEIMER:

Twenty-five thousand dollars.

LEG. ALDEN:

Roll call on the bond.

D.P.O. VILORIA-FISHER:

May I? Lance, in the Parks Committee, I asked about that because it was only \$25,000, and I thought the response was that it's part of a larger bond that was bundled, that the expenditure for this particular project was 25,000 but the bond itself was larger?

MR. REINHEIMER:

You're authorizing to bond this project for 25,000. When we go out and bond we bundle the capital projects, do it once or twice a year, so it's one bonding issue but it has many projects in it, one of which would be this one for \$25,000.

D.P.O. VILORIA-FISHER:

So it's not \$25,000 bond.

MR. REINHEIMER:

We're not going out in separate bond for 25,000. We bond usually twice a year depending on the cash needs of the Capital Program.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

You know, maybe to the Executive's people, we can't find \$25,000 to pay for some fence that we have to bond it. I mean, again, there was money put aside in pay-as-you-go. I know we haven't used any of it, but to use -- what do we have, two point four million put aside?

MR. REINHEIMER:

Yeah, a little over two million.

P.O. LINDSAY:

Carmine, do want to answer this?

MR. CHIUSANO:

What I would say is right now, I mean, they have, you know, looked through the budget and stuff, and they are in the process of adopting the housekeeping resolution. But what I'm saying is that this project is really planning and it will become a more substantial project going forward.

P.O. LINDSAY:

How do you plan -- you're planning for a fence?

MR. CHIUSANO:

Well, they're issuing 20,000 to see where they need security fencing and stuff, so it will become eventually a larger project. Based on that, it makes sense to do the whole project as a bond project.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a statement. I truly believe that fencing for the County should be an operating or pay-as-you-go expense. We should not be going to bond. How long is the bond, Carmine?

MR. CHIUSANO:

For the planning?

LEG. ROMAINE:

For everything, for the whole project.

MR. CHIUSANO:

I'm guessing it would be somewhere probably ten years. That's a guess.

LEG. ROMAINE:

Right, I understand it's a guesstimate that it would be ten years. What do you think that would do to the cost of the project, the total cost? Would that double the total cost of the project with interest payments?

MR. CHIUSANO:

No. It would probably be like about 45% to 50%, probably like 45% over the ten years, so it would be like --

LEG. ROMAINE:

So you are adding about 45, 50% to the cost of the project by bonding it.

MR. CHIUSANO:

Over the ten years would be an approximation.

LEG. ROMAINE:

Thank you very much. Mr. Presiding Officer, I can't support this. This should be a pay-as-you-go or operating expense. This should not be a capital expense.

LEG. ALDEN:

Everything we voted on should be pay-as-you-go.

P.O. LINDSAY:

Anyone else want to comment on this resolution? Seeing none, 2113 we have a motion and a second?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

I tell you what. I'm going to make a motion to table this and see if we can find \$25,000 in pay-as-you-go money.

LEG. CARACAPPA:

Second.

LEG. LOSQUADRO:

Second.

LEG. ALDEN:

To table 2013?

P.O. LINDSAY:

Yes, 2013. The tabling motion takes precedent.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

We have a second, right? You got the second? Nobody wants to comment? All in favor? Opposed? Abstentions?

MS. ORTIZ:

18.

P.O. LINDSAY:

So everybody went along with the tabling. Come one guys, pay attention. We're getting near the end of the day.

P.O. LINDSAY:

2149 - Extending the authorization to remit \$1.2 million from the Endowment Trust Fund to the Vanderbilt Museum.

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher and seconded by Legislator Cooper. On the question, Legislator Alden.

LEG. ALDEN:

And I'm not on Parks this year, but did we explore the possibility of them becoming self sufficient without having to tap in this heavy on the endowment or the trust fund? Or are they any closer to becoming self sufficient?

LEG. COOPER:

You mean vis-a-vis whether they do enough fund-raising on their own?

LEG. ALDEN:

Yeah, whatever, you know, new programs, whatever kind of plans they have to put in place. We tried to do that three or four years ago when I was on Parks, we tried to get them to embark on that path to become self sufficient. Otherwise, you do the math and we run out of money in the endowment fund.

LEG. COOPER:

Right. They've always had ongoing fund-raising efforts, but one piece of legislation that I am actually going to be filing early next year is to amend the qualifications to serve on the Vanderbilt Board, because right now you need expertise in either cultural affairs or educational background and there's nothing there for fund-raising. So I would like to amend the qualifications to permit someone who has extensive background in fund-raising for nonprofit organizations to be able to serve on the Vanderbilt. I think that is one of the key reasons to appoint someone to that board. So anyway, they have done as much as they can. It's ongoing efforts, but I'd like to see them do even more and they'd like to do more.

LEG. ALDEN:

Through the Chair, because I'll support this but every year as we support it they eat further and further into the endowment or trust fund, whatever you want to label it, and if you do the math, if you take it out, pretty soon the endowment won't even throw off this million dollars, or in this case it's 1.2 million dollars that they need. So we're on a dangerous path.

LEG. COOPER:

Absolutely. I share your concern and they're trying to address that.

LEG. ALDEN:

All right, John.

P.O. LINDSAY:

Maybe -- Legislator Cooper, do you know of how far this is eating into the principle?

LEG. COOPER:

I don't have -- I don't have the exact numbers.

P.O. LINDSAY:

Budget Review, do you know?

MR. REINHEIMER:

Generally it's about 700,000 would be principle, \$500,000 would be interest and dividends. That's kind of a general, what it's been over the past several years. It's held the line at about 12.2 million. It has been up, it's been to 12.8, it's been down to 12.4. We're concerned about long-term also.

P.O. LINDSAY:

But if -- by taking \$700,000 out of this, how can it hold the line?

MR. REINHEIMER:

Well, it's -- the return on the 12 million has been somewhere long-term about eight, nine percent, so they've equaled using total return about what they've been remitting. So the problem is the fund isn't growing, but it hasn't gone below 12.2 million.

P.O. LINDSAY:

But it's taking the interest, it isn't dropping. Okay. Legislator Alden.

LEG. ALDEN:

What happens is if they buy say stocks and the stocks go up, they're selling them, so that -- basically that's part of the corpus of the trust account. So instead of growing over time, you're eliminating any growth.

P.O. LINDSAY:

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

MS. ORTIZ:

18.

P.O. LINDSAY:

2190, 2190A - Amending 2007 Capital Program and Budget and appropriating funds in connection with improvements and lighting at County parks (CP 7079). And Counsel tells me we need 14 votes. Why is that?

MR. NOLAN:

It's changing from cash to bonds.

P.O. LINDSAY:

Okay. Changing -- how much is this amount?

MR. NOLAN:

Two-hundred and thirty-five thousand.

P.O. LINDSAY:

Two-hundred and thirty-five thousand, okay. Any questions? I'll make a motion. Do we have a second? Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Are you the second?

LEG. SCHNEIDERMAN:

I'll second but I do have a question.

P.O. LINDSAY:

Well, second it. Come alive.

LEG. MYSTAL:

I said second.

P.O. LINDSAY:

Second by Legislator Mystal. On the motion, Legislator Romaine;

LEG. ROMAINE:

Question. I assume that we need 14 votes for this resolution, because it was originally supposed to be a pay-as-you-go from operating funds?

P.O. LINDSAY:

Correct.

LEG. ROMAINE:

And now we're switching it to capital funds?

P.O. LINDSAY:

To bonds.

LEG. ROMAINE:

To bonds okay. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I don't know if anybody can answer this question. I just want to make sure, since we're spending all this money on lighting in County parks, that we are in compliance with the law we passed to require dark sky compliant lighting.

LEG. MYSTAL:

Oh, Schneiderman.

LEG. SCHNEIDERMAN:

Sorry. Does anybody know?

P.O. LINDSAY:

As far as I know, we have been in compliance with all our lighting projects to appease the Dark Sky people.

LEG. MYSTAL:

Darth Vader, we're in compliance.

LEG. SCHNEIDERMAN:

I'll take that as a yes.

P.O. LINDSAY:

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

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. LINDSAY:

Raise your hand, opposed. One, two, three.

LEG. MONTANO:

Four.

P.O. LINDSAY:

Four. You got it, Madam Clerk?

MS. ORTIZ:

I'm missing one. I got three.

P.O. LINDSAY:

Okay.

MS. ORTIZ:

You said four?

P.O. LINDSAY:

We've got Kennedy, Montano.

LEG. SCHNEIDERMAN:

Roll call. Roll call.

MS. ORTIZ:

Oh, Montano. I got it.

P.O. LINDSAY:

No.

MS. ORTIZ:

I have it.

P.O. LINDSAY:

Romaine.

MS. ORTIZ:

I have it. Thank you.

P.O. LINDSAY:
And Alden.

MS. ORTIZ:
I have it.

P.O. LINDSAY:
It passed.

MS. ORTIZ:
Fourteen.

P.O. LINDSAY:
What's the vote?

MS. ORTIZ:
Fourteen.

P.O. LINDSAY:
Fourteen. Okay. On the accompanying bonding resolution, 2190A, same motion, same second.
Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:
Yes.

LEG. MYSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

MS. ORTIZ:

Fourteen -- I'm sorry. Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

I have you. Fourteen.

P.O. LINDSAY:

2192 -- you called the vote?

MS. ORTIZ:

I did.

P.O. LINDSAY:

You did, okay. *(2192) Appropriating funds in connection with improvements to County campgrounds.* I'll make a motion for the purpose of --

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

-- questions. Seconded by Legislator Viloría-Fisher. And this is a million dollars?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Okay. Any questions? Seeing none, all in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Accompanying bond resolution, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
2193 - Amending 2007 Capital Budget and Program and appropriating funds in connection with restoration of Smith Point County Park.

LEG. BROWNING:
I make a motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. On the question? All in favor? Opposed? Oh, wait, we have a request for an explanation.

MR. REINHEIMER:
This just reschedules funding, \$150,000, from construction to planning, so it appropriates 150,000 for planning, 850,000 for construction.

LEG. ALDEN:
That's the only amendment? And when's the project -- this is for the restoration project of sand, or this is for the restoration of what?

MR. REINHEIMER:
This is for erosion.

LEG. ALDEN:
So how much for planning on the erosion?

MR. REINHEIMER:
A hundred and fifty thousand.

LEG. ALDEN:
Oh, just one quick question more. Isn't there beach replenishment projects? So that would be a dredging project. Isn't that scheduled to go sometime this winter, or is that this project?

MR. REINHEIMER:
No, this is not -- from my understanding, I don't think it's dredging, it's for erosion control. I'm not sure the method that they're using.

LEG. ALDEN:
We block the storm? Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

The accompanying bond resolution, 2193A, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. BROWNING:

I guess, yes. I'm sorry.

LEG. EDDINGTON:

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:

Abstain.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay. 1977 -- we already passed 1797. ***1997 - A Local Law to prevent sex offenders from being housed at general population emergency shelters.***

LEG. BROWNING:

I'm going to make a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Browning.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2082 - Amend Resolution No. 656-2007, extending the deadline for the Underage Drinking Task Force.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

2122 - Accepting and appropriating -- is that seven million or seven thousand?

MR. NOLAN:

Seven thousand.

P.O. LINDSAY:

7,647.50 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by the U.S. Department of Justice with 85% support.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley.

LEG. ALDEN:

One quick question.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

Eighty-five percent support means Suffolk County is paying the 85%?

LEG. MYSTAL:

No, we're getting 85%.

LEG. ALDEN:

And how much -- we're paying how much, then, on this?

LEG. MYSTAL:

Eighty-five percent of seven thousand six hundred --

LEG. ALDEN:

So a couple of --

P.O. LINDSAY:

Fifteen.

LEG. MYSTAL:

Fifteen percent.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2132 - Accepting and appropriating a grant in the amount of \$27,623 from the United States Department of Homeland Security, Office of Grants and Training, for Port Security Program with 75% support.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. ROMAINE:

I was raising my hand for a question.

P.O. LINDSAY:

Oh, you wanted to have a question. I'm sorry. Legislator Romaine.

LEG. ROMAINE:

Yeah, quick question. What is this for? Perhaps someone from the Administration can come forward and explain it, and how we intend to use it, and what our share is.

MR. DAHROUG:

Hi, there. We don't have the answer right now. We're going to have someone get back to you, if that's all right.

LEG. ROMAINE:

Okay. It's hard to vote on this without an answer, you understand.

MR. DAHROUG:

If you don't mind skipping over it just for a little bit.

LEG. ROMAINE:

I would recommend that to the Presiding Officer, but he's presiding and I'm not.

P.O. LINDSAY:

Okay. I'd be happy to skip over it until we get the answer. I mean, Legislator Barraga said it was for additional security at the lien sales, you know, but . . .

LEG. MYSTAL:

Good one, Tom.

P.O. LINDSAY:

2133 - Accepting and appropriating \$33,226 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by U.S. Department of Justice with 84.5% support.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal.

LEG. MONTANO:

Second.

P.O. LINDSAY:

I'll second it. All in favor? Opposed? Abstention?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2222 - Accepting and appropriating a grant in the amount of \$84,000 from the State of New York Governor's Traffic Safety Committee to enforce motor vehicle passenger restraint regulations with 84.5% support. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Eddington)

P.O. LINDSAY:

Page 10. *1879 - Creating a Suffolk County Sewer District Assessment Request For Proposal Committee.* I'll make the motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Eddington)

P.O. LINDSAY:

2028 - Amending the 2007 Capital Budget and Program and appropriating funds through the issuance of serial bonds for the expansion and improvements to Suffolk County Sewer District No. 18. And there was a problem with this one? Brian, is this resolved yet?

MR. BEEDENBENDER:

This one is related to the two CN's you have before you.

P.O. LINDSAY:

Okay.

MR. BEEDENBENDER:

So the two CN's are the findings and determinations resolutions. So we would ask that you either skip over this and do the CN's first, or move the CN's forward now, because you can't approve this until you approve the findings and determinations.

P.O. LINDSAY:

Well, being that we have a bond, why don't we address the CN now, so we can do it holistically. Okay.

MR. BEEDENBENDER:

I have the answer to the previous question, too, for the last resolution.

P.O. LINDSAY:

All right. Well, let's finish this first. 2296 in the CN file, is that the one you're talking about? Does that match up with this?

MR. BEEDENBENDER:

I don't know what number it gave, but they should both have "Findings and Determinations" in the title.

P.O. LINDSAY:

All right. *2296 is a resolution making certain additional findings and determinations in relation to a proposal to extend Sewer District No. 18 in the Hauppauge Industrial Park.* I'll make a motion.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Now we can vote on --

LEG. LOSQUADRO:

97, also.

P.O. LINDSAY:

What about the bond, does the bond apply to both of them?

MR. NOLAN:

Do the two CN's.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Bonding some additional funds.

P.O. LINDSAY:

Okay. The other CN, *2297, a resolution making certain additional findings and determinations in relation to a proposal to increase and improve Sewer District No. 18.* Sounds the same.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Kennedy.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

In the first one that we approved, there's some dollar signs in here and they're pretty big. We're resolved in the first Resolved Clause? And can I just get an explanation, maybe from Budget Review?

P.O. LINDSAY:

Well, you want to hear from -- the Commissioner of Public Works is here. I think that's what he would --

LEG. ALDEN:

Oh, sure.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

I didn't realize Gil was still here.

P.O. LINDSAY:

Commissioner Anderson, why don't you come forward. Maybe can you can --

COMMISSIONER ANDERSON:

Is this 2296?

LEG. ROMAINE:

97.

P.O. LINDSAY:

Yeah, 2296 is the -- actually, 2297, but they're both 34 million.

LEG. ALDEN:

Yeah 22 -- both of them have the same --

COMMISSIONER ANDERSON:

Yeah.

LEG. ALDEN:

-- dollars in them.

COMMISSIONER ANDERSON:

Well, okay. 2296 is to increase the size of the district. That was \$32,147,547, and that was for sewers, pumping station, basically to extend the district -- boundaries of the district.

P.O. LINDSAY:

Good. That's good.

COMMISSIONER ANDERSON:

2297 is to increase the size of the recharge -- sorry, the treatment plant itself, and that was for \$37,852,453.

LEG. ALDEN:

Gil, where are we -- through the Chair.

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

Where are we getting the money for this?

P.O. LINDSAY:

From the district.

LEG. ALDEN:

No. You can borrow money from the -- and I forget the fund number.

P.O. LINDSAY:

Yeah, but wouldn't you think, if you're expanding the boundaries, you get new people into the district and they've got to pay their share.

MR. CHIUSANO:

The funding for it is in Capital Budget, and, basically, it would be bonded, it would be sewer bonds, and the debt service would be charged to the Sewer District.

LEG. ALDEN:

Well, that was my point. This went through the Sewer District. This isn't in our regular DPW Capital Program; correct?

MR. CHIUSANO:

Yes, the funding for it is in the Capital Program.

P.O. LINDSAY:

But it's paid for by the District.

LEG. KENNEDY:

And it's all commercial.

LEG. ALDEN:

No. If it's in the Capital Program, it's paid out of the -- it's paid out of the General Fund.

MR. CHIUSANO:

No, no.

LEG. ALDEN:

If it's in the Sewer District Program --

P.O. LINDSAY:

No.

LEG. ALDEN:

-- then it's paid out of Sewer District.

MR. CHIUSANO:

It's a sewer project. It's in the 2007-2009 Capital Budget, Capital Program. There's approximately 34 million this year, and next year, I believe there's 26 million dollars scheduled.

P.O. LINDSAY:

Legislator Alden, if you recall, in our Capital Program, we always have sewer projects, it just doesn't go on the tab.

LEG. ALDEN:

But he's saying it's not in that sewer category that we put it in, he's saying it's in the regular --

MR. CHIUSANO:

No, I'm not saying that at all.

P.O. LINDSAY:

No, no. It's part of the Capital Program, but it's paid for by the taxpayers in the Sewer District.

LEG. ALDEN:

This is in the sewer component, right?

MR. CHIUSANO:

Yes, it's in the sanitation component of the Capital Program.

LEG. ALDEN:

Okay. Then the next question is, we're going out on the -- to market to borrow this money, or are we going to borrow it from the Sewer -- I guess it's Sewer Stabilization Fund.

MR. CHIUSANO:

No. It would be serial bonds issued in the marketplace.

LEG. ALDEN:

Paid for --

MR. CHIUSANO:

And there would be debt service associated with that, and that debt service would be charged directly to the sewer district.

LEG. ALDEN:

Okay. Have they raised their -- have they raised their rates 3. -- what is it, 3.5% in the last year to access the funds?

MR. CHIUSANO:

I would have to check that for you. But you're not accessing Assessment Stabilization Funds here, you're actually authorizing sewer bonds.

LEG. ALDEN:

Okay. So that they're not going into the --

MR. CHIUSANO:

This 34 million that you're going to be voting on next would be sewer bonds, it's not coming from the Assessment Stabilization Fund.

LEG. ALDEN:

Okay. Thanks for the answer.

P.O. LINDSAY:

Okay. 2297, we have a motion and a second, am I right, Madam Clerk.

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

All right. And now I'm going to do the bond. 2028A I guess is the bond for both of them, is that --

MR. NOLAN:

Hold on. Just do 2028 and then 2028A, the underlying resolution.

P.O. LINDSAY:

No, no, no. We skipped -- didn't we skip --

D.P.O. VILORIA-FISHER:

We had to go back to it.

P.O. LINDSAY:

We skipped --

MS. ORTIZ:

The resolution, 2028, we haven't.

D.P.O. VILORIA-FISHER:

We're on 2028.

MR. NOLAN:

We haven't done 2028.

P.O. LINDSAY:

Yeah, but I thought the CN's would replace 2028.

MR. BEEDENBENDER:

No, they had to be done before. You have to vote on 2028 and then the bond.

P.O. LINDSAY:

Oh, okay. I misunderstood you. All right. Then let's finish this whole process and then we'll go back to where we left off.

2028 - Amending the 2007 Capital Budget and Program and appropriating funds through the issuance of serial bonds for the expansion and improvement to Suffolk County Sewer District No. 18 - Hauppauge Industrial Park. I'll make a motion. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. On the accompanying bonding resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. I want to go back to 2132 on the previous page, 9. Mr. Beedenbender says he has the answer for Legislator Romaine.

MR. BEEDENBENDER:

Yeah. It's \$27,000 for the Police Department to purchase what I imagine is the first part of the fleet, of the underwater fleet for Suffolk County. It's a submersible robot that is used by the Bomb Squad for prevention, deterrents and response.

LEG. MYSTAL:

Submarine.

MR. BEEDENBENDER:

Yes, it's our first submarine.

LEG. MONTANO:

Is it yellow?

MR. BEEDENBENDER:

I don't know if it's yellow, Legislator Montano. We could try.

LEG. LOSQUADRO:

Mr. Chairman.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

It's called an ROV, a Remotely Operated Vehicle.

P.O. LINDSAY:

And what, does it check the bottom of ships for boats for bombs or something?

LEG. LOSQUADRO:

Yes. They can use it to detect -- if you read the legislation, they're concerned about any sort of IED or other explosive devices.

P.O. LINDSAY:

Okay. Thank you, Mr. Beedenbender. Does that answer your questions, Legislator Romaine?

LEG. ALDEN:

That's where they put all the DARE Officers. Now it makes sense.

P.O. LINDSAY:

Madam Clerk, we have a motion and a second, right?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Back to Page 10. *I.R. 2128 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for intersection improvements on County Road 80, Montauk Highway, at County Road 31, Old Riverhead Road, Town of Southampton.* Do I get -- motion by Legislator Schneiderman. I'll second the motion.
All in --

LEG. MYSTAL:

On the question.

P.O. LINDSAY:

On the question, Legislator Mystal.

LEG. MYSTAL:

Could you dispense with reading them.

P.O. LINDSAY:

No. No, I'm not going to dispense with Public Works readings. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I.R. 2134 - Amending the adopted 2007 Operating Budget to accept Federal Highway Administration Funds in connection with the purchase of hybrid vehicles for the purpose of fleet replacement. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. LOSQUADRO:

I just wanted to make sure that the language in this, it says accepting this grant of \$600,000, but when I look at the resolution, the third Whereas Clause says that the County will seek Federal reimbursement up to a total of 600,000. What are we actually accepting here? Have we actually filed for something? What are we doing with this piece of legislation?

D.P.O. VILORIA-FISHER:

The Commissioner is coming up.

P.O. LINDSAY:

Commissioner Anderson.

LEG. LOSQUADRO:

Are we just empowering you to seek the reimbursement?

COMMISSIONER ANDERSON:

No. This is actually --

LEG. LOSQUADRO:

The mike's not on.

COMMISSIONER ANDERSON:

Oh, sorry. This legislation allows us to appropriate money that's already been granted. We've already received the grant, this just enables us to get the money.

LEG. LOSQUADRO:

Okay, because the language actually in the resolution sounds like it's going to be done after we pass this piece of legislation, so I just wanted to see exactly what we were doing with this.

LEG. CARACAPPA:

But, I believe, through the Chair, that it's part of the --

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

It's part of the Operating Budget currently that we were going to, and I think the amendment, as the Counsel explained it to us in Public Works, is, seeing that we've now accepted and received the grant money at this point in time, that's where the amendment comes in, and that's why the resolution reads the way it does. Would that be correct; Counsel?

MR. NOLAN:

That's my reading of the resolution, yes.

LEG. CARACAPPA:

Okay.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

And, Mr. Anderson, since you're here, if you could just -- how many hybrid vehicles are we planning to purchase? And they would -- would they be sedans, or are we talking about hybrid SUV's?

COMMISSIONER ANDERSON:

They were vehicles that were approved under Resolutions 1027 and 1047. I don't have the information on the --

LEG. LOSQUADRO:

I just don't recall from the previous --

COMMISSIONER ANDERSON:

Yeah. I don't have that information with me, unfortunately.

LEG. LOSQUADRO:

-- piece of legislation.

COMMISSIONER ANDERSON:

No, I don't have that information with me.

LEG. LOSQUADRO:

What were the number of -- the resolution numbers again, just so I can take a look?

COMMISSIONER ANDERSON:

It was 1027 and 1047.

LEG. LOSQUADRO:

Thank you very much, sir.

P.O. LINDSAY:

Okay. Everybody okay? We have a motion and a second on 2150. 50, no?

MS. ORTIZ:

Thirty-four.

LEG. MYSTAL:

Thirty-four.

P.O. LINDSAY:

Oh, 2134, excuse me. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

J.R. 2150 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the reconstruction of the bridge over CR 4, Commack Road, Town of Huntington and Babylon.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution, 2150A, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

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.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I.R. 2178 - Appropriating funds in connection with installation of fire, security and emergency systems at County facilities. I'll make the motion for purpose of discussion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. How much money are we talking about?

MR. REINHEIMER:

A hundred and thirty thousand dollars.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the bonding resolution, 2178A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *I.R. 2179 - Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of properties for the reconstruction of County Road, Wicks Road, from County Road 13 Crooked Hill Road, to Blue Jay Drive, Town of Islip, Suffolk County.* Do I have a motion?

LEG. BARRAGA:

Motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Montano?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2180 - Accepting and appropriating Federal Aid, 80%; State Aid, 10%; and Serial Bonds, 10%, for the purchase and installation of bus shelters.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution for, I guess, the 10%, 2180A, same motion, same second.
Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2181 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for drainage improvements on County Road 39, North Road, Town of Southampton.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Jay made a motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I.R. 2183 - Appropriating funds in connection with the bulkheading at various locations.
I'll make the motion, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second, on the accompanying bonding resolution, 2183A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

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. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

All right. *2185 - Appropriating funds in connection with the intersection improvements on County Road 51, East Moriches-Riverhead Road at County Road 94, Nugent Drive, and County Road 63, Old East Moriches-Riverhead Road at County Road 104,*

Quogue-Riverhead Road, Town of Southampton. Motion by Legislator Schneiderman. Do I have a second?

LEG. LOSQUADRO:
Second.

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
Same motion, same second, on the accompanying bond resolution, 2185A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. SCHNEIDERMAN:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2186 - Appropriating funds in connection with the reconstruction of County Road 11, Pulaski Road, from Larkfield Road to New York State 25A, Towns of Huntington and Smithtown. Do I have a motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick. Do I have another motion? Second by someone from Huntington here? Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bonding resolution, 2186A, same motion, same second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

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.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

J.R. 2187 - Appropriating funds in connection with the reconstruction of County Road 46, William Floyd Parkway, between the Long Island Expressway and Moriches-Middle Island Road, Town of Brookhaven.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, 2187A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

J.R. 2188 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the Pedestrian Enhancement Traffic Signal Improvement Program. I'll make the motion, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, 2188A, roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

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. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2189 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the Pedestrian Mobility Improvements on County Road 97, Nicolls Road, at Purick Street, Town of Brookhaven. I'll make the motion. Do I have a second?

D.P.O. VILORIA-FISHER:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second, on the accompanying bonding resolution, 2189A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Next resolution, ***2198 (Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for design of improvements in the Suffolk County Sewer District no. 5 - Strathmore Huntington)***, Counsel tells me that it has to be tabled, because there were some changes made to it, or anticipated changes made to it. So I'll make a motion to table.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2199 - Amending adopted Resolution No. 568-2007, to appropriate construction funds.
I'm going to make a motion for the purpose of information.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Can someone who has -- give us -- enlighten us a little bit about this? Mr. Anderson, you're going to tell us what this one is?

COMMISSIONER ANDERSON:

I'll certainly try.

P.O. LINDSAY:

All right.

COMMISSIONER ANDERSON:

The adopted 2007 Capital Budget included construction funds through serial bonds. When it was being prepared, the document mistakenly put into planning that there were stabilization funds being used, rather than bonding. This corrects that, providing for a construction -- I'm sorry. This corrects it, providing for construction via the Stabilization Relief Fund.

P.O. LINDSAY:

So this is a sewer project?

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

Okay. Budget Review, what are you saying?

MS. VIZZINI:

Close.

COMMISSIONER ANDERSON:

Okay.

MS. VIZZINI:

Mr. Chiusano will explain.

P.O. LINDSAY:

Okay. Carmine.

MR. CHIUSANO:

Yeah. Capital Project 2199 actually seeks to correct Resolution 568. 568 evidently appropriated funds for planning, but the intent of the project was to do a replacement of a main line for 50,000, so it was actually a construction project that they needed the funds for. And the way the adopted Capital Budget was set up, the construction funds were bonded funds. So this resolution attempt to amend 568, and correctly allows the money to be appropriated as serial bonds under the construction account, so that the repairs can be made.

P.O. LINDSAY:

But it's still a sewer project.

MR. CHIUSANO:

It is a sewer project.

P.O. LINDSAY:

Okay. Did you have a question, Legislator Alden?

LEG. ALDEN:

Using Sewer Stabilization money?

MR. CHIUSANO:

Not for this. The intent is to do serial bonds.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen. (Not Present: Legs. Barraga and Nowick)

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, 2199A. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:

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:

(Not Present)

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

(Not Present)

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. NOWICK:

Get me in there.

MS. ORTIZ:

Seventeen. (Not Present: Leg. Barraga)

P.O. LINDSAY:

Okay. *I.R. 2202 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with dredging of County waters.* Do I have a motion?

LEG. BROWNING:

Motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Browning. On the question, Legislator Alden.

LEG. ALDEN:

To Budget Review, through the Chair, how much is this for? And then the other part of the question is, didn't we in the past put away cash to do these things with, because, if some of this gets done and five minutes later you get hit with a storm and washes all that sand either out or back in.

MS. VIZZINI:

This adds an additional \$700,000, which comes from several -- three projects that are used as offsets.

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

LEG. ALDEN:

And which projects are those?

MS. VIZZINI:

5060 is the assessment information, a Public Works computer project, they're taking 50,000; 5533, the construction of shoulders at CR 67, Motor Parkway, they're taking 200,000; and the painting of County bridges, they're taking the remaining 350,000.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Any other questions? No? Okay, thank you, Mr. Anderson. All right, we have a motion and a second on 2202. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstained.

LEG. MONTANO:

Abstain.

MS. ORTIZ:

You also? Fifteen (Abstentions: Legislators Alden & Montano - Not Present: Legislator Mystal).

P.O. LINDSAY::

Okay, same motion, same second on the accompanying Bonding Resolution 2202A; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

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:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

My computer is jammed; abstain.

MS. ORTIZ:

Fifteen.

LEG. MYSTAL:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

IR 2204-07 - Appropriating funds in connection with the improvements to Suffolk County Farm (CP 1796) (County Executive). Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution 2204A; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. EDDINGTON:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yeah.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2216-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the construction of sidewalks, roads resurfacing and drainage improvements on various County roads (CP 5497) (County Executive). I'll make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

What's the amendment?

P.O. LINDSAY:

Do you want an explanation?

LEG. ALDEN:

Yes.

P.O. LINDSAY:

Explanation.

MR. REINHEIMER:

It's -- oh, okay.

P.O. LINDSAY:

Go ahead.

COMMISSIONER ANDERSON:

This is simply taking construction money and moving it into planning for this work. Improvements at four intersections, one on County Road 35, one on 79, one on County Road 85 and lastly on 92.

LEG. ALDEN:

Just one quick follow-up?

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Gil, do we have a contract with some consulting company or design company to do these road projects?

COMMISSIONER ANDERSON:

This is to basically begin retaining the services of a consultant.
We don't have one yet.

LEG. ALDEN:

Okay. And then you do an RFP --

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

-- for each project?

COMMISSIONER ANDERSON:

Or altogether, at this point it's wide open.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen? Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Okay, same motion, same second on the accompanying Bonding Resolution 2216A; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

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. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

(Not present).

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Okay, *IR 2219-07 - Authorizing the purchase of replacement support vehicles including radios and related equipment for Suffolk Transit and accepting and appropriating Federal Aid (80%) State Aid (10%) County Funds (10%) in connection with this purchase (CP 5658.539)*

(County Executive). I'll make the motion. Do I have second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, the accompanying Bond Resolution, same motion, same second on IR 2219A, the accompanying Bond Resolution; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2220-07 - Amending the 2007 Capital Budget & Program and appropriating funds in

connection with the rehabilitation of parking lots, drives and curbs at various County facilities (CP 1678).

I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by -- who made the second? Legislator Schneiderman. It's a 14 voter. What is the amount on this?

MS. VIZZINI:

A hundred and seventy-five thousand.

P.O. LINDSAY:

One hundred seventy-five thousand? Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MS. ORTIZ:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

On the accompanying Bonding Resolution, 2220A, same motion, same second; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

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:

Abstain.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

Veterans & Seniors:

Okay, *2097-07 - Adopting Local Law No. 2007, A Local Law to establish a Cold War Veterans Property Tax Exemption (Romaine).*

LEG. ROMAINE:

Motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Barraga.

Just some explanation. Why -- I thought we had a veterans exemption; why do we need it specifically for Cold War?

LEG. ROMAINE:

Because there is no specific exemption for veterans who served during the Cold War. Albany enacted legislation to allow localities to do this, towns as well as this County is now considering this issue and I decided to put it forward in the form of a resolution so that --

P.O. LINDSAY:

What is the veterans exemption that's already in existence?

LEG. ROMAINE:

There is a veterans exemption for some veterans already in exemption, this would give those who served in the Cold War an opportunity to have an additional exemption.

P.O. LINDSAY:

And what -- Ms. Vizzini, what's the economic effect of this bill?

LEG. ROMAINE:

It's relatively minor,

MS. VIZZINI:

Well, basically I'm going to read from the fiscal impact statement. You know, the average homeowner tax bill is about \$920, we estimate a 2.3% exemption, so perhaps in the area of \$25 for the eligible veteran.

P.O. LINDSAY:

Okay, but you don't know a total economic impact.

LEG. ALDEN:

We have over a million veterans in Suffolk County.

MS. VIZZINI:

Well --

P.O. LINDSAY:

I don't think we have a million taxpayers, real estate taxpayers. We have about a half of million.

LEG. MONTANO:

We only have 1.4 million people.

P.O. LINDSAY:

I know, but there's only about a half of million properties. Let Legislator Barraga. Come on, let's have a little order so we can get through this, come on.

LEG. BARRAGA:

Ms. Vizzini, I recall receiving some sort of a memo on this from Budget Review breaking down the number of veterans who would be eligible. What you did, you basically excluded quite a few who were already getting the exemption. There were other exclusions in terms of, you know, people who would not be eligible, maybe moved away or died, but you had it broken down; is that -- I don't know if that's on your screen.

LEG. HORSLEY:

Yeah, I think I saw that, too.

LEG. BARRAGA:

It didn't look to me like it would be that much of a shift in dollars in terms of --

LEG. STERN:

It's what Robert had prepared in preparation for the committee meeting.

LEG. HORSLEY:

Yeah, I read it.

MS. VIZZINI:

Yeah, I'll locate it for you.

LEG. HORSLEY:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

LEG. BARRAGA:

I think it came down to a rough approximate figure in terms of the number of individuals who would be eligible for the exemption. It didn't look like -- it didn't look to me like it was going to be that expensive in terms of the shift, from regular County taxpayers, what they would have to additionally absorb if these veterans received this exemption. So if you could dig out that memo?

MS. VIZZINI:

Yes, Robert did prepare a memo for the committee, but it's based on the fiscal impact statement and I'm reading from the fiscal impact statement. Again, the -- you know, again, it's for fiscal impact purposes, so it basically says that the savings would be less than \$25 per qualified veteran.

P.O. LINDSAY:

But times what number? That's the number.

LEG. BARRAGA:

Wasn't there a number in that memo, some sort of approximate number of veterans that might be eligible based on other exclusions?

MS. VIZZINI:

I will try to find the memo for you.

P.O. LINDSAY:

Legislator Romaine, if it's all right with you, maybe we can get Robert to get it just so we know what the impact is and we can skip over it and come back to this, all right? Can -- Gail, Robert is still here, right?

MS. VIZZINI:

No, Mr. Lipp had another commitment.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

Let's vote on this thing, come on.

P.O. LINDSAY:

All right, you want to vote on it?

LEG. BARRAGA:

Yes.

LEG. MYSTAL:

Yeah, we'll finance it anyway.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. MYSTAL:
Co.

LEG. D'AMARO:
Cosponsor.

P.O. LINDSAY:
If it comes back \$25 million, we're all going to be embarrassed.

Ways & Means:

IR 1799-07 - Adopting Local Law No. 2007, a Local Law to establish a notification requirement for consultant contracts (Montano).

LEG. MONTANO:
I'm going to make a motion to table.

LEG. ALDEN:
Second.

LEG. MONTANO:
On the motion? I passed out earlier a letter that indicates that the information requested in the bill is actually available on the Z drive, whatever that is, and that we'll have that -- we'll have access to that in ten days. So I'm going to make the motion. I just want to note, the bill was laid on the table in August, if I would have known that four months ago we would have resolved this back then. I'll table it for one cycle.

P.O. LINDSAY:
We have a motion to table and a second. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Question, after the fact. I assume that in the next ten days, two weeks, all Legislators will get a memo on how they or their staff can access the Z drive?

LEG. MYSTAL:
The same way you access the T drive.

LEG. ROMAINE:
Okay.

P.O. LINDSAY:
I'm -- I believe I signed a letter saying that everybody will have access to the Z drive that I didn't even know existed --

LEG. VILORIA-FISHER:
None of us knew.

P.O. LINDSAY:
-- within the next week or so.

LEG. MONTANO:
Thank you. But we'll have time because we're going to have this within ten days and if there's any problems then we can come back in two weeks and vote on this.

P.O. LINDSAY:

Okay.

MS. ORTIZ:

That was eighteen.

P.O. LINDSAY:

IR 1979-07 - Adopting Local Law No. 2007, a Local Law to authorize conveyance of real property to St. Joseph's College (Eddington). Legislator Eddington, would you like to make a motion on this?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Anybody want to second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. ALDEN:

Just an explanation.

P.O. LINDSAY:

Yeah, what is this all about; Legislator Eddington, could you explain?

LEG. EDDINGTON:

To the best of my knowledge, there was a mix-up in taxing with the village and so that we got it and what we want to do is just give it back to them. It's a part that's part of the college and somehow it was left off.

P.O. LINDSAY:

Okay. Counsel has a further explanation.

MR. NOLAN:

Yeah, St. Joseph's College was entitled as a college to a tax exemption. They failed to file for the tax exemption with the village and the town I believe, and the end result of that was that the County ended up taking a tax deed to the property, one or two parcels at the St. Joseph's College, one of which the administration building stands on. For reasons that I won't go into, maybe I'm not even sure of, the college was able to redeem one of the parcels timely under 215, but the second one they did not timely redeem.

Legislator Eddington has been trying to find a way to convey this property back to the college. We wrote to the Office of Real Property Services up in Albany and they gave me a three page opinion, which I'll be glad to share with the members of the Legislature, stating that because of the public policy considerations and imperatives, that the County could sell the property directly back to the college for the back taxes, penalties, interest and so forth and that's what we're doing with this Local Law.

P.O. LINDSAY:

Okay, thank you very much. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 1997-07 - Adopting Local Law No. 2007, a Local Law to establish a prompt payment policy (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

I'm going to make a motion to table. I want to see what's going to happen when more people -- well, I want to give the KinderTrack and KinderAttend --

LEG. ALDEN:

Second the motion.

D.P.O. VILORIA-FISHER:

-- more time to get everybody on board before we implement this.

P.O. LINDSAY:

Motion to table by Legislator Viloria-Fisher, second by Legislator Alden.

LEG. LOSQUADRO:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. CARACAPPA:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Opposed, we have one, two, three, four, five, six, seven.

LEG. ROMAINE:

Roll call.

MS. ORTIZ:

We got it. Eleven (Opposed: Legislators Romaine, Schneiderman, Caracappa, Losquadro, Barraga, Kennedy & Nowick).

LEG. HORSLEY:

The usual suspects.

P.O. LINDSAY:

IR 2084-07 - Sale of County-owned real estate pursuant to Local Law 13-1976 Blanca Guevara and Santos Acosta as joint tenants with rights of survivorship (SCTM No. 0200-973.70-03.00-013.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2087-07 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Islip (SCTM No. 0500-005.00-01.00-003.013 et al) (County Executive).

I'll make the motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2089-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the integration of filed maps (CP 1697) (County Executive).

MR. ZWIRN:

Can we table that just until the last meeting?

P.O. LINDSAY:

Sure. I'll make a motion to table.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2103-07 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-527.00-06.00-021.000) (County Executive). Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2105-07 - Sale of County-owned real estate pursuant to Local Law 13-1976 Don Felice, LLG (SCTM No. 0204-013.00-06.00-033.000) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2109-07 - Authorizing the lease of premises at Fishers Island from the Fishers Island School District for use by Suffolk County Vector Control (County Executive).

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Vioria-Fisher.

D.P.O. VILORIA-FISHER:

No relation.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2154-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, The Way Back, Inc. (SCTM No. 0206-021.00-03.00-025.002) (County Executive).

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vioria-Fisher.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2228-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, Michael Bello (SCTM No. 0100-107.00-01.00-018.000) (County Executive).

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator D'Amaro.

LEG. D'AMARO:

No, not second. Just note my recusal on the record as per my statement filed with the Clerk's Office. Thank you.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

Second by Legislator Nowick, one recusal. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Recusal: Legislator D'Amaro).

P.O. LINDSAY:

Okay, that finishes the -- we've got to go back; which one, Counsel?

MR. NOLAN:

Page eight, 2168A.

MR. ZWIRN:

Yeah, you have the bond now.

MR. NOLAN:

There's a Bond. There had not been a Bond Resolution earlier, there now is and we can vote on it.

P.O. LINDSAY:

Okay. As I recall, Madam Clerk, we approved 2168, right?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

But we didn't approve the Bond.

MS. ORTIZ:

Correct.

P.O. LINDSAY:

You have the same person -- can we make same motion, same second, roll call on the Bond?

MS. ORTIZ:

Romaine and Losquadro, yes.

P.O. LINDSAY:

Okay, roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Pass.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

MS. ORTIZ:

Fourteen (Opposed: Legislators Mystal, Barraga, Alden & Montano).

P.O. LINDSAY:

Okay, we also on that same page, *2240A, Bond Resolution of the County of Suffolk, New York, authorizing issuance of \$703,500 in bonds to finance the cost of acquisition and farmland development rights of the {Hudinun} Property in the Town of Riverhead*. There were some questions, we skipped over it; are we ready to answer the questions?

MS. ORTIZ:

That was 2240A, right?

MR. NOLAN:

Right.

P.O. LINDSAY:

2240A. Anybody got the answers to this now? Brian, what are they getting their money's worth the last couple of weeks out of you? Why do they keep sending you up to the mike?

MR. ZWIRN:

It's too late for that.

D.P.O. VILORIA-FISHER:

Get used to the mike.

LEG. ROMAINE:

Because we're only going to have to deal with him in January.

LEG. CARACAPPA:

He's the only one up there, everyone else quit.

LEG. LOSQUADRO:

He's nodding.

MR. BEEDENBENDER:

For the record, I did not just nod. No, the answer to the question is we don't -- we didn't take title to the property. This would -- the bond that was -- the resolution that was done in 2002, there was never a bond for it and Bond Counsel wouldn't appropriate it without a specific property. So we're using that now as part of a resolution that you approved earlier today and we're using it towards the total acquisition price. And the fact -- we had to have a specific property before Bond Counsel would release a bond.

P.O. LINDSAY:

Why wouldn't you just issue a separate bond for that specific property rather than go back six years

or five years? It sounds bizarre.

MR. BEEDENBENDER:

Because it was money available to the County and, you know, it was available and we wanted to use it.

P.O. LINDSAY:

Okay, but it isn't -- I mean, we're bonding it regardless, whether it's a new bond or this five year old resolution. Whatever.

LEG. MYSTAL:

Whatever.

P.O. LINDSAY:

Okay. I'll make a motion, even if it's because I want to go home.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

And second by Legislator D'Amaro. Anybody on the question? No?
Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yep.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Fifteen (Opposed: Legislators Barraga, Alden & Montano).

P.O. LINDSAY:

Okay, if you go back to the red file of CN's, there's one CN in there that we didn't vote on yet.

D.P.O. VILORIA-FISHER:

Motion.

LEG. MONTANO:

Which one is that?

P.O. LINDSAY:

All right, as soon as you've got the file, it's 2288-07 - Accepting and appropriating \$136,000 and 100% grant funding from New York State Office of Children & Family Services to implement the Enhanced Comprehensive Care Management Program in the Department of Social Services and authorize the County Executive and the Commissioner of Social Services to execute a contract.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. If you go to the manilla envelope of the Levies; how many are there?

MR. NOLAN:

There's four, I believe.

P.O. LINDSAY:

Okay, we've got four that we have to vote on in order to allow the towns to put out their tax bills for the Levy. The first one is **2260, Levying unpaid water rents**. I make a motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2261-07 - Implementing budget staff and taxes for the Fiscal Year 2008. Do I have a motion?

LEG. NOWICK:

Motion.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2262-07 - Implementing budget staff and taxes for the Fiscal Year 2008. Do I have a motion? Motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And **2263-07 - Authorizing that the tax warrants be signed by the Presiding Officer and the Clerk of the County Legislature and they be annexed to the tax roles for the collection of taxes**. Okay, I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Abstention.

P.O. LINDSAY:

Who abstained?

MS. ORTIZ:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, because of the way it impacts my district.

MS. ORTIZ:

Seventeen (Abstention: Legislator Schneiderman).

P.O. LINDSAY:

Okay. I think the only thing we have left is Late Starters, and I've got a ton of them so with your indulgence --

LEG. CARACAPPA:

I'll make the motion.

P.O. LINDSAY:

-- I'm going to just read the number.

LEG. CARACAPPA:

I'll make a motion, waive the rules and lay on the table.

P.O. LINDSAY:

Thank you, and that I just read the number.

LEG. CARACAPPA:

Now I can leave.

P.O. LINDSAY:

Yeah, okay. All right, Legislator Caracappa has made a motion to waive the rules and lay on the table the following Late Starters, and I will second that motion; 2264 to Economic Development, Education & Energy; 2265 to Public Safety; 2266 to Public Works; 2267 to Ways & Means; 2268 to EPA; 2269 to EPA; 2270 to Ways & Means; 2271 to Ways & Means; 2272 to Economic Development, Education & Energy; 2273 to Public Safety; 2274 to Public Works; 2275 to Public Works; 2276 to Public Works; 2277 to Public Works; 2278 to Health & Human Services; 2279 to Ways & Means; 2280 to EPA; 2282 -- did I miss 81?

MR. NOLAN:

81 is EPA.

P.O. LINDSAY:

Oh, I'm sorry, I missed 81, to EPA; 2282 to EPA; 2283 to EPA; 2284 to EPA; 2285 to EPA; 2286 to EPA; 2287 to Ways & Means; 22 --

MS. PASTORE:

88 was a CN.

P.O. LINDSAY:

88 was a CN? All right, we don't have an 88; 2289 to Public Works; 2290 to Ways & Means; 2291 to Public Safety; 2292 to Ways & Means; 2293 to Public Works; 2294 to Public Works; 2295 to Ways & Means; 2298 to Parks; 2299 to Parks, and that's it. So we have a motion and a second to lay those Late Starters on. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator CHECK VOTE SLIP)

P.O. LINDSAY:

And I'll accept a motion to adjourn.

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Eddington.

All in favor? Opposed? Abstentions? We stand adjourned.

*(*The meeting was adjourned at 6:46 P.M. *)*

{ } Indicates Spelled Phonetically