

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINETEENTH DAY

DECEMBER 18, 2007

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

Minutes Taken & Transcribed by:

Alison Mahoney & Lucia Braaten - Court Stenographers

*(*THE MEETING WAS CALLED TO ORDER AT 9:32 A.M. *)*

*(*The Following was Taken & Transcribed by
Alison Mahoney - Court Stenographer*)*

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, you want to start calling the roll?

MR. LAUBE:

Yes, sir. Good morning.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:
(Not present).

LEG. COOPER:
(Not present).

LEG. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

LEG. ROMAINE:
Mr. Clerk.

LEG. SCHNEIDERMAN:
Mr. Clerk?

MR. LAUBE:
Thirteen total (Not Present: Legislators Schneiderman, Caracappa, Losquadro, D'Amaro & Cooper).

P.O. LINDSAY:
If everybody could rise for a salute to the flag led by Legislator Montano.

Salutation

Now it's my pleasure to have Legislator Montano introduce our guest Clergy.

LEG. MONTANO:
Thank you, Mr. Presiding Officer. Good morning to everyone. It's my pleasure this morning to introduce Reverend Monsignor James Kissane from St. John of God Parish.

For 103 years, St. John of God Parish has been an important part of life in Central Islip. Not only has it provided for the sacramental needs of the Catholic population, but it also has been a beacon of hope for countless number of immigrants, the poor and the mentally ill. Father -- Reverend Monsignor James Kissane, also known as Father Jim, like myself, born in the Bronx, he was raised here in North Babylon, he graduated from St. John the Baptist High School. From 1983 till 1987, Father Jim attended Cathedral College in Douglaston, Queens where he received his Bachelor's Degree. From 1987 to 1992, he attended Immaculate Conception Seminary in Huntington where he received his Master's Degree. He was ordained a priest in 1992.

From 1992 to 1997, he was an Associate Pastor of Our Lady of {Loyola} Parish in Hempstead Village. From 1997 to 2003, he was the Associate Pastor of St. Anthony Parish in East Northport. And from 2003 until the present, Father Jim has been the Pastor of St. John of Garden Parish in Central Islip, my Legislative District. In 2007, he was bestowed the title of Reverend Monsignor by Pope Benedict the XVI. He is also the Roman Catholic Chaplain to the Suffolk County Police Department. Father Jim, would you step forward? Thank you.

MONSIGNOR REVEREND KISSANE:
Thank you, Rick. And good morning to all. Let us pray.

All mighty and eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you, authority is rightly administered, laws are enacted and judgment decreed. We pray this day for the members of this Legislature, for our elected civil officials and for all others who are entrusted to guard our political and social welfare. May they be enabled by your powerful protection to discharge their duties with honesty and ability. We, likewise, commend to

your unbounded mercy all citizens of this great United States, especially those of this County and especially this season calling to mind those men and women serving in our military. May all of us seek peace, promote happiness and continue the blessings of liberty and equality. And we pray to you who are Lord and God forever and ever. Amen.

P.O. LINDSAY:

Thank you very much. While everybody is still standing, I'd like a moment of silence for Armando Montano who was a former Assemblyman and the father of Legislator Rick Montano who passed away last week. And also in this holiday season, I'd like us all to remember in our prayers the men and women that have their life on the line now in the Middle East in harm's way. Thank you.

Moment of Silence Observed

Thank you very much. You could be seated. Before we start our official business today, I'm going to introduce Legislator Nowick for the purpose of introducing this group of young people in front of me. Legislator Nowick, where are you?

LEG. NOWICK:

While they're lining up, just a few words. As many of you know, Ed Hogan was my Legislative Aide and Ed passed away over a year and a half ago. Ed was also the President of the Kings Park School Board, and he always arranged a special treat for the Legislators every holiday, sometimes Memorial Day, and this year I would like to continue Ed's tradition in bringing in the Kings Park High School Chamber Choir under the direction of Ryan Flatt. And it is truly, truly my pleasure to have all of you here. Thank you.

MR. FLATT:

We'll start with the Star Spangled Banner.

Performance by the Kings Park High School Chamber Choir

Applause

P.O. LINDSAY:

Let's hear it for the Kings Park Chamber Choir. Thank you very much for visiting us today. Thank you.

LEG. NOWICK:

That's great. You never ask me to sing with you; that's all I really want.

P.O. LINDSAY:

Now's your chance. Thank you, again, boys and girls. It was a great way to start our holiday meeting.

Applause

Now I'd like to call to the podium Legislator Jack Eddington and his wife, Assemblywoman Patricia Eddington for the purpose of a proclamation to three of Suffolk County's finest.

LEG. EDDINGTON:

Thank you. Good morning. It's my honor today to make some proclamations with Assemblywoman Eddington, my wife. You know, as Chair of Public Safety, I've had the opportunity to give proclamations to a lot of our finest firefighters and police officers of the County. This one is especially -- warm feelings go out with this and I would like to -- they came to the aid of a child on November 26th, a newborn baby, and was at the home in about less than a minute. And what I'd like to do is have the mother of the baby and Madison to come on up for a minute and just briefly tell us how these officers saved a life. By the way, this is my daughter-in-law, Annette Eddington and the grandchild they saved was my granddaughter Madison.

MS. EDDINGTON:

Good morning. It was a normal, I guess, it was a Monday night and everything was calm and wonderful and Madison just finished eating and she was resting on my shoulder comfortably and she started to choke on her own saliva and she started to cough really bad and choke really bad and she turned a very deep purple color, and obviously my husband and I were frightened and I said to him, "Please, just call 911," and I just kept hitting her and hitting her, and it felt like the officers were there before he hung up the phone, that's how quick they were there. And they just came in, they knew better to take the child away from me, and they just came right over, calmed me down, the baby was starting to calm down and they put oxygen right on her little face. And they were so calming to me and my daughter Madison was able to start to breathe again and she was stable before the ambulance got there, and it was because of their quick -- just getting to the house, quick response to our home and I will never be able to forget them for saving her life. Thank you.

Applause

LEG. EDDINGTON:

I have two of the officers present with me today, Steven Lucas and Martin Gil; if you could come forward, please.

Applause

Truly life savers. Officer Lucas and Ferrara, thank you so much.

ASSEMBLYWOMAN EDDINGTON:

Hi, officers. It's nice to see you again under different circumstances. I live, as you know, three blocks away from my son and my daughter-in-law and you guys got there before me, which was to me unbelievable, and I just wanted to say thank you very much. And we know that you do this and this is your job and you do this on a daily basis. You know, this is -- these proclamations and the citation from the New York State Assembly that I would like to present to you is for all of the lives that you save that we don't hear of, and today is a special day for us to be able to honor you for the work that you do as every heroes. Thank you very much.

Applause

LEG. EDDINGTON:

Thank you very much, everyone.

ASSEMBLYWOMAN EDDINGTON:

Happy holidays to everybody here. God bless you.

P.O. LINDSAY:

Thank you. Next I'd like to call on Legislator Romaine for the purpose of a proclamation.

LEG. ROMAINE:

Most people don't know it, but I start my day, every day for the last 15 years, with a cup of tea and in that tea I put honey and lemon to help my voice. The gentleman standing next to me is a bee keeper. He's a Fifth Generation Bee Keeper and, by the way, a retired Suffolk County Police Officer, and his family has been raising bees and he's been a 30 year member of the Empire State Honey Producers for New York State.

This year Peter Bizzoso was declared the Best Bee Keeper of the Year in New York State and he produces the best honey in New York State, honey that I use every day. And the honey is made at his farm, Southport Farms on Wading River Road in Manorville. He is a credit to his hobby which became a little bit of a profession and the Empire State Honey Producers Association are for people anywhere from hobbyists to large commercial producers. So on his home in Southport Farms in

Manorville, he has developed the best honey in New York State and he is the best bee keeper in New York State and I want to acknowledge that by presenting him this proclamation in honor of that achievement. Peter, congratulations,

MR. BIZZOSO:

Thank you, Ed.

Applause

LEG. ROMAINE:

His wife Eleanor is here as well.

P.O. LINDSAY:

Ed, could you take the picture in here, would you mind? Because I have another important one that I need you for.

LEG. ROMAINE:

Oh, okay.

P.O. LINDSAY:

Just come over here in front.

LEG. ROMAINE:

Okay, great.

P.O. LINDSAY:

And the last proclamation of the morning is to one of our own; if Joe Caracappa could come forward.

Applause

On January 2nd, at our next meeting, for the first time in 25 years there won't be a Caracappa at our horseshoe. Joe has served this Legislature for 12 years as a tremendous Legislator, as a tremendous Presiding Officer. He's going to be dearly missed. And on behalf of all my colleagues, after you've given out probably thousands of proclamations, we wanted to give you one.

LEG. CARACAPPA:

Great.

P.O. LINDSAY:

It's not quite the ordinary one. And like my normal -- I don't read all the WHEREAS' or RESOLVES, it just simply says that we appreciate all your work and we love you, Joe, and good luck to you.

LEG. CARACAPPA:

Thank you, Bill. You all signed it, too.

P.O. LINDSAY:

Yes, we did.

Applause

You want to get everyone behind us?

Group Photograph Taken

LEG. CARACAPPA:

Thank you, everyone.

P.O. LINDSAY:

Ben Zwirn would like to make a presentation, which I'm almost fearful of.

LEG. CARACAPPA:

Me, too.

LEG. MYSTAL:

Be careful, Joe.

LEG. LOSQUADRO:

Does it involve scuba gear?

LEG. ROMAINE:

Is this a turkey, Ben, or what?

LEG. CARACAPPA:

An inflatable sound wall?

MR. ZWIRN:

No; well, it's close. I've had the opportunity and the pleasure of working with the Legislature for the last four years, and the first two years Joe Caracappa was the Presiding Officer. And although we represent different sides of the aisle, we all work for the taxpayers of this County and work for the betterment of government for all the people here. And Joe has always been very civil and ran a great meeting, always a gentleman. We've had some spirited debates, we've disagreed on a lot of things and that's all very healthy for the people of this County, because I always say if we're not fighting with each other then everybody better watch their wallet because if we're getting along too well, that's not a good sign either.

So Joe, the guys at IR, because we work so closely with the Legislature, didn't want to -- you know, we know what you always have wanted for Christmas every year, and this year the County Executive wouldn't deliver it but the IR guys did, so let me open this up and present it to you. Here's the card.

LEG. CARACAPPA:

Oh, thank you.

MR. ZWIRN:

Sound Wall Legos. Build your own.

Applause

Let me read this to you; "The only sound wall system fully authorized by the Suffolk County Executive's Office of Intergovernmental Relations. Likely the only way to get a sound wall in Suffolk County until 2016. This kit includes SEQRA and CEQ approvals, Town of Brookhaven Building Permits, Federal and State matching funds and talking points to guarantee veto-proof legislative support.

LEG. CARACAPPA:

Thank you.

Applause

P.O. LINDSAY:

Thank you, Ben.

LEG. CARACAPPA:
Brian, you need this.

MR. BEEDENBENDER:
It's not from me, I wasn't involved in that.

P.O. LINDSAY:
We'll see about that.

LEG. CARACAPPA:
Thank you, everybody. Thank you very much.

P.O. LINDSAY:
You're welcome.

LEG. CARACAPPA:
Can I go home now?

P.O. LINDSAY:
Now that we've completed our proclamations, this is our Holiday meeting, there will be no break today, we are going to go right through to complete our business. First we'll go right into the public portion. The first speaker is Kevin McAllister.

MR. McALLISTER:
Good morning, everyone. I'm Kevin McAllister, I'm the Baykeeper, not to be confused with the beekeeper. I want to speak today in support of Executive Levy's fertilizer reduction bill; I think it's extremely important.

You've heard me talk in the past about the intrinsic connection with land use and our waters, water quality. We are blessed by three estuaries surrounding Long Island, and again, they are at threat with nitrogen pollution. The driving force behind the productivities -- the productivity in the system is the fresh water input and the lion's share comes from groundwater. It may take years to enter these systems, but inevitably, if that groundwater is tainted based on land use practices, it does have a negative effect. And we were following plumes that are entering our waterways, toxic plumes, and what we don't really grasp is, again, the nitrogen enrichment.

Obviously, as Long Island has developed, a child of the 70's, certainly our lawns back then were minimally cared for, they turned brown in the summer, in the spring back to green and very little nitrogen inputs to the lawns themselves. You've heard through this legislation, or have seen it rather, the concentrations that do effect our drinking water, we have a ten parts per million nitrogen for drinking water standards. Some of the recent studies by the County has indicated that we're reaching higher levels at about six parts. And I can tell you when we have our concentrations of about one part per million entering our waterways, this is a threshold level that triggers algal blooms. After the algae die off, they suppress the oxygen levels and subsequently have fish kills.

Again, this legislation is a combination of regulations and education which are extremely important. And I think we have to start raising the bar with respect to nitrogen reduction, both on the fertilizer front as well as a sanitary system front and that's for this Legislature to take up another day. This is not a panacea, we've got a long way to go, but again, I think by raising the spector on education and enlightening people how important this is, we've got to reverse these trends that we're seeing over the last 25 years toward the trophy lawn; this is becoming very problematic, we see it in every neighborhood. So I ask you, pass this legislation today, do the right thing. It certainly will be a step in the right direction for greater protection of our waterways. Thank you very much.

P.O. LINDSAY:

Thank you. Next speaker is Kevin Hyms. And right behind Kevin is Jennifer Skilbred, if Jennifer could --

LEG. CARACAPPA:

Kevin, the podium.

MR. HYMS:

The podium, okay. Okay, good morning, everybody. My name is Kevin Hyms. First I'd like to wish all the Legislators and guests here a very happy and healthy holiday and a Happy New Year. Basically, I'm here to address the Legislature on the acquisition of the property known as the Bavarian Inn property which is on Smithtown Boulevard on the Lake Ronkonkoma/Nesconset border.

Now, there's been a lot of history behind the land. From what I understand, the facility will not be allowed to reopen due to the very high water levels and there is a proposal currently under evaluation for the County to acquire the property as a parkland, and I think this is essential. There is some contamination on the property and I believe that the property needs to be properly assessed and remediated to clean-up the contaminants which are contributing to the pollution of Lake Ronkonkoma, we need to do this to improve the water quality, to enhance our recreational uses of the lake.

Also, this property would serve to be part of the greenbelt and parkland which is continuous surrounding Lake Ronkonkoma. I would like to see the land used for our communities. It's an excellent place for senior citizens and other community groups to utilize as well as the civic associations and Chamber of Commerce.

So I'm advocating support for the acquisition of this very important property, because once it goes into other hands, then we will lose this historic and beautiful piece of land forever. Thank you very much for your consideration.

P.O. LINDSAY:

Thank you, Kevin.

MR. HYMS:

You're welcome.

P.O. LINDSAY:

Jennifer?

MS. SKILBRED:

Good morning. My name is Jennifer Skilbred and I'm an environmental advocate with Group for the East End. Before I get into my comments, though, Kevin McDonald of The Nature Conservancy and the Peconic Estuary Program was actually here this morning but unexpectedly had to leave and he wanted me to reiterate their support for the fertilizer reduction bill and to share with you this piece of education on fertilizer use that was created by the Peconic Estuary Program; so I'll just pass these around. And I also have a letter in support of this bill written by the Accabonac Protection Committee that I'm just going to submit here.

All right. Just for the record, Group for the East End is a professionally-staffed, non-profit environmental advocacy and education organization, and as we stated at the last public hearing on the fertilizer reduction law, we strongly support the County's efforts at fertilizer reduction, including the introduction of this bill. And as you probably know, nitrogen pollution has been a problem for our ground and surface waters and excess fertilizer often contributes to this problem. In all three surrounding estuary programs -- the Peconic Estuary Program, the South Shore Estuary Reserve and the Long Island Sound Study -- nitrogen reduction has been stated as a major goal and the County has been working to achieve these nitrogen reduction goals for quite some time through a variety of programs aimed at particular nitrogen sources.

While this legislation pertains to turf management fertilizer input, we feel that it compliments other water quality protection programs and helps to spread the burden of nitrogen reduction across many sectors of the economy. This bill includes an excellent focus on education and the combination of education and regulations the bill presents is a unique approach which we feel is more likely than either approach alone to achieve desired levels of nitrogen reduction. We feel that this law is an important step forward in the County's overall water quality protection plan, so we ask that you vote to pass this law today. Thanks for your time this morning and I wish everyone a happy holiday.

P.O. LINDSAY:

Thank you, Jennifer. Katie Magee? And behind Katie is Eugene Wishod.

MS. MAGEE:

Hi. My name is Katie Magee and I am reading a statement from Julie Penny, the Co-Chair of the South Fork Groundwater Task Force, because she couldn't be here today.

For the last ten years, the mission of the South Fork Groundwater Task Force has been to protect our aquifers in the south fork from contamination and mis-use and we are wholly in support of the fertilizer reduction law. The poorest soils of Long Island make it easy for contaminants, including fertilizers, to reach our groundwater aquifers and then be carious underflow to our bays. It is the purpose of the Peconic Estuary Management Program to reduce the sources of nitrates reaching our bay.

It should be noted that several years back, Cornell University formulated that a half-acre in turf is equal to one home septic. At two dwelling units per acre, the input of nitrogen to groundwater from turf fertilizer is equivalent to the septage input. We cannot sustain this cosmetic use of fertilizers without mounting damage, it's unwarranted.

It has taken millennia and three ice ages to create Long Island's aquifers and a mere 70 years, more or less, for us to do soil and truly degrade this finite and fragile resource. Across the United States, we are seeing droughts and states feuding over water resources. This problem of squabbling over potable water is not going to get better, only worse. Here, too, in our region, disputes between New York State, New York City, Queens, Nassau and Suffolk seems inevitable as well. Our health and our livelihoods are dependent upon high quality, potable water and at an affordable price; that's why we have to be good stewards and take the long view and protect the quality and the quantity of our groundwater. Our aquifers support a big population, yet are assaulted by toxic insults and contamination, plus we are surrounded by the ocean and the bays always pressing in on our fresh water lens. More pumpage leads to more salt water intrusions; more development means less quality recharge. Reducing the amounts of fertilizer entering our groundwater aquifers and, therefore, the bays is a no-brainer; any hydrogeologist will tell you that.

Here is a perfect paradigm; a case study in the effects of fertilizers. In 1996, the Town of Southampton allowed a discretionary change of zone in a New York State designated special groundwater protection area at the very top of the south fork's terminal moraine to allow a golf course to be built there. This is an area located at the pinnacle of a groundwater divide where groundwater flows either north to the bay or south to the Atlantic, and that had a pristine 800-foot thick freshwater lens. Base line testing of the site in 1998 showed the groundwater in that location to be pristine with either minuscule or no detections of nitrates and no pesticides. Today we see nitrates leaping far beyond what had been anticipated by the computer modeling figure given in the golf courses draft and final environmental impact statements on the average by as much as 12 times with one Lysimiter in September, 2005 testing at 9.7.

P.O. LINDSAY:

Katie, your time is up.

MS. MAGEE:

Okay.

P.O. LINDSAY:

Eugene Wishod followed by Sari Lynn.

MR. WISHOD:

Good morning. I represent Motor Parkway Associates and I'm here to speak in support of Tabled Resolution 1918 which authorizes the execution of an agreement to connect the Holiday's Mid-Tower Project to the Windwatch Sewerage Treatment Plant owned by Suffolk County Sewer District No. 13.

On March 21, 2001, the Suffolk County Sewer Agency authorized Motor Parkway to expand the Windwatch Sewage Treatment Plant by 100,000 gallons, from 400,000 gallons to 500,000 gallons. Thereafter, Motor Parkway entered in to a comprehensive agreement to effectuate that expansion that was signed by the County of Suffolk, the Sewer District, the Sewer Agency, the Suffolk County Department of Public Works and the Suffolk County Department of Health Services. The construction agreement authorized Motor Parkway, and I quote, "To enter into individual agreements substantially in the form annexed to the construction agreement, as Schedule F with those owners of proposed projects in the vicinity of the sewage treatment plant whose connection to the sewage treatment plant has been approved by the Sewer Agency."

The construction agreement itself was approved by this Legislature on May 8th, 2001, and by then County Executive Gaffney on May 17, 2001.

On May 4, 2004, to accommodate the needs of surrounding land owners, the Sewer Agency authorized the further expansion of the Windwatch STP by an additional 150,000 gallons, later expanded to 250,000. And that further expansion was approved by this Legislature on August 10, 2004, and by Chief Deputy County Executive Paul Sabatino on August 15, 2004.

Pursuant to the construction agreement and the approval by the Sewer Agency and the Legislature, Motor Parkway Associates entered in to five of the so-called Schedule F Connection Agreements to accommodate surrounding land owners. Two of those connectees were the two Townhouse Village Projects with hundreds and hundreds of homeowners contributing 65,000 gallons of the expansion. These two communities presently own sewage treatment plants that are deteriorating and held together by band-aids, and the Suffolk County Department of Health Services has delayed their implementation of Consent Orders because of the proposed connection of these two communities to the expanded Windwatch Sewage Treatment Plant. We can't build this expansion without the Holiday Organization; we have a contract with Holiday --

P.O. LINDSAY:

Mr. Wishod, please wrap up.

MR. WISHOD:

I'm sorry?

P.O. LINDSAY:

Please wrap up, your time is up.

MR. WISHOD:

Yeah. I'm saying we need the Holiday Organization, they're in to this expansion for two-and-a-half million dollars. This has been tabled once before Public Works, once before the Legislature, and I urge you to adopt it, because without the Holiday Organization and the implementation of this expansion, there will be severe chaos.

Thank you.

P.O. LINDSAY:

Sari Lynn and Nancy Schwank or Schwark (sic) is on deck.

MS. LYNN:

Hi. I took two cards, I own two day-cares, so.

P.O. LINDSAY:

You can only speak once.

MS. LYNN:

All right, I'll make this quick. First, I'd like to say, with no disrespect, I think people shouldn't be working on the computer or reading anything while people are talking. I'm a teacher as well and the best way to get people's attention and people to understand and retain it is to have eye contact and it's very disrespectful of people talking when we're trying to get our message through. And Legislators --

P.O. LINDSAY:

Our agenda is on the computer, Miss.

MS. LYNN:

I understand that, but there's less people out here than in the hallway.

P.O. LINDSAY:

Your clock's running, talk.

MS. LYNN:

Okay, thank you. And again, I mean no disrespect at that.

Basically, it's on the prompt payment. We get paid more than 30 days, I know this is about being paid on 30 days. There is not one person that could easily live when they get paid every 30 days. If it's after 30 days our creditors go after us, if it's after 15 days we have a late fee, we'll have to pay that late fee. You know, I had a lot of things to say, it's not easy getting up here.

I just want to say, without getting emotional, those were beautiful kids. About 17 years ago is when I started my day care; all those kids, there was about 37 of them I counted, maybe I'm off by one, at least half of them grew up in somebody's day-care. To be treated like this, to wonder if you're going to get paid one day or not is very -- is wrong and it's abuse. I don't know why it won't be passed. I've been doing this for 17 years, only about two years ago has the payments stopped being on time. If it was a {SWEP} payment it came whenever it came, but our regular roster payment came exactly on a monthly basis, habitual, maybe sometimes early. What happened during the last two years that it cannot come on time? It's not that simple, but it has to be figured out. It's not impossible to get paid in 30 day. No one -- it's hard for people to get paid once a week, let alone 30 days when you don't know when the check is coming. Okay? I'm a single parent, I have two kids and it's a disgrace.

What I want to say -- what I think might have happened is about in 2002 they made that act where whatever -- where parents have to take their -- their mothers have to take their fathers to court; there are less subsidized kids in day-care because of that. How come there's less kids and it's hard to get our checks on time? Maybe because people's jobs get laid off, if there's less kids, maybe less people need to be working, I don't know.

What also has happened, I've seen more day-cares popping up. Either these are desperate day-cares, they're putting signs outside their houses or these are brand new day-cares. Either way, if it's more day-cares, if you have five day-cares and two subsidized kids, it's harder to pay five day-cares than one day-care with ten kids. If that's a problem, so be it, maybe too many day-cares are happening. And I don't say this out of selfishness. I have a day-care -- she worked with me, you could check this out, she worked with me, she lived across the street and she opened her day-care right across the street from me, I said, "God bless her," because I'm not going to take my benefits and not let you have what you want. But if it is a problem, then that's a problem.

What else might be a problem? Also -- my name is up -- is the fact if it's not more day-cares opening up and there's just less kids being subsidized, maybe more staff need to be made. But the problem was not for the past 17 years, it's only been two years, so it's a problem that can be fixed. I understand that you don't want to guarantee 30 days for payment because it's hard to guarantee anything, but it's possible.

Something must be done, that's all I'm saying. It shouldn't be -- I don't understand all this politic stuff about being tabled or whatever, all I know is I need my paycheck, I need to support my family. It's ridiculous, because nobody here could live without getting paid for more than 30 days. Thank you. Have a nice holiday.

Applause

P.O. LINDSAY:

Nancy Schwartz followed by Patricia Duffield.

MS. SCHWARTZ:

Before I start, I'd like to submit more letters from the Half Hollow Hills School District regarding the DARE from our parents.

My name is Nancy Schwartz and I'm President of DREAM. I am not here today to refute studies or state findings as I've done in the past, I'm here to ask you to bring Resolution 2215 regarding the continuation of the DARE Program to the full Legislature for a vote. At the very least, keep DARE for the spring semester of this school year.

Many of you are not educators, but the concept is simple; the students receiving DARE this quarter will not complete the program and those scheduled to receive DARE in the Spring will be left with nothing. Mr. Eddington, you are an educator, you know that it's impossible to train, schedule and implement a new curriculum in a matter of weeks in the middle of a school calendar.

What makes it even more difficult is the fact that the enhanced aspect of the program by our Suffolk County Police Department is so disorganized and fragmented, as you heard on Thursday in committee, that it too will be impossible to implement as-is. It was an embarrassment to listen to Mr. Dormer fumbling for answers to your questions. It is also unsettling that some of you, as parents and lawmakers, are willing to entrust him with our children after his display of incompetence. He had at least six months to compile his information and develop a schedule from the time they decided -- behind everyone's back, I might add -- to discontinue DARE and offer Enhanced Health Smart. Give Mr. Dormer the time to organize his thoughts and plan for the ten officers he anticipates offering the County's school districts. Give Health Smart the opportunity to approach the school districts with a comprehensive overview of their program and in the meantime give those children being left behind the chance to receive their scheduled DARE classes. You already approved the funds for DARE in Mr. Dormer's budget for the school year, so the money has been allotted. Please take the time to reconsider the needs of these children and continue DARE at least through the end of the school year, not your fiscal year.

As a concerned, thorough parent and voice for many Suffolk County parents, I've done my research and I stand here today and continue to be a supporter of the best prevention program for our children, DARE. Do not rush this decision to remove DARE. Mr. Dormer and Dr. Chaudhry are appointed officials; I ask you as our elected officials to take more time to make an informed decision.

And Mr. Caracappa, we thank you for all of your support over the many years and we wish you continued success. And thanks to all of you for your consideration in this matter. I wish you a happy holiday and very healthy and safe new year.

LEG. CARACAPPA:

Thank you, Nancy.

P.O. LINDSAY:

Thank you, Nancy. Patricia Duffield followed by Lorraine Mones?

MS. DUFFIELD:

Good morning and a happy holiday to you all. I'm Pat Duffield and I'm with the Lake Ronkonkoma Civic Organization and I'm addressing the planning steps and the acquisition of the Bavarian Inn property.

I would like to see the County purchase this property. We have the area that continues around, and this is a beautiful piece of property. But besides acquiring the property, if it is at all possible, I would like to see the building saved, too. It does have historical reference to times when the lake was in its glory and it's been built up. When I ran the National Convention, I made sure I brought people down and they were just amazed at this beautiful asset, the lake here in Suffolk County. I would like to see people continue to enjoy this.

We need something. My husband, my late husband and I flew all over and we need something that we found all over, and that was you went to the national or you went to the County or you went to the local areas and you could go in and get a bite to eat while you enjoyed their lake, their forests, whatever they had. The property could be saved, I'm hoping, and turned into something where just something light is served during the day, maybe you could take rentals out for canoes. But more importantly, we need something in our community.

We have no place to go if we want to hold something that has more than 124 people, and I'm talking for the towns around us. We don't have grange halls or anything else like you have further out in Suffolk. We need places where we can, if we ever pull off, and I think we will, the Maude Adams Festival, where we can have big gatherings, where smaller groups -- we meet down in the AmVet for our meetings, I know the chamber meets in a side room at a restaurant, we need someplace where we can go and we can meet. Kevin mentioned before a place where the senior citizens can go. It's a beautiful, beautiful place, the facility is there and I'd like to see, besides the acquisition, if possible, saving the property, too.

It is part of our vision, part of our charette, and I'm hoping that you will vote in favor of looking into acquiring this property and hopefully saving the building. Thank you.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Thank you, Pat.

Applause

Lorraine Mones, and followed by Carol Hart.

MS. MONES:

Lorraine Mones.

P.O. LINDSAY:

Pull the mike down. There you go, great.

MS. MONES:

Down? Okay. I would just like to address you on the Bavarian Inn. My father started that restaurant as the Bavarian Inn -- actually, Ronkonkoma Shores -- in 1939, so I'm very well

acquainted with the facility and where we should have gone with Lake Ronkonkoma years ago. There were many efforts started but never finished, and I think now the time is right, the interest is here and something needs to be done with that lake.

Yesterday I met someone at Staples in Medford and she said to me, "Oh, Bavarian Inn, I remember going there when I was young. It was a treat to go there for dinner." And she now lives somewhere in the Brentwood area and she says, "We have a greenbelt area, but all it is is woods." She says, "This lake is so beautiful and it really should be developed," and I agree that this is very, very important and I hope that we can all ban together. I will help as much as I can, since I probably have more of the history than anyone else, and help to preserve this Lake Ronkonkoma which should have been preserved many, many years ago. Thank you very much and I appreciate your time.

Applause

P.O. LINDSAY:

Thank you, Lorraine. Carol is coming up, and behind Carol is Kathy Liguori.

MS. HART:

Good morning. I'm Carol Ghiorso-Hart, Acting Director at the Suffolk County Vanderbilt Museum. The Vanderbilt has two resolutions today, appropriating funds for Capital Projects 7441 and 7433. Both projects are not only important preservation projects, but strongly affect public safety at our museum. They are construction projects that are part of larger, multi-year projects.

I'm happy to answer any questions you have about these projects or show photographs, samples. We would really like to take down the netting that's now covering our tower, keep more netting from going up and open up some of our walkways. Thank you.

P.O. LINDSAY:

Carol, under our rules, we're not allowed to ask questions during the public portion, but if you stay in the audience, when we get to the agenda we might take you up on that offer.

MS. HART:

Yes, thank you.

P.O. LINDSAY:

Kathy, followed by George Schramm.

MS. LIGUORI:

Good morning. I'm here to support the passage of IR 1997, Prompt Payment Law for Child Care.

We have come to you unwavering, professional and patient. Delayed payments to child care in Suffolk County is now receiving national and State attention. We withstood the berating remarks from Paul Sabatino, you have all heard the testimonies and the losses incurred by the child care providers, the reappointment of the DSS Commissioner is at risk and Legislators appear to betray their constituents with the sustainment of the veto of 1510. The bottom line is we all feel that we've been misled.

I was invited to meet the County Executive in mid November. He acknowledged the veto statement of the Prompt Payment Law of the added cost of \$250,000. He also acknowledged the 69% State subsidy of staff reimbursement that's leaving a net cost of only \$73,000 as reported in the County Comptroller's audit. But he dodged an explanation when we informed him that we felt withholding the information about the \$73,000 was misleading.

I have also testified to the Legislature at the last General Meeting. As the first group of providers in the KinderAttend Software pilot -- that is optional, by the way -- I was paid in 13 days. This attention to me is not necessarily deliberate, but more importantly it is not permanent. My other school that was not part of the pilot was paid in 41 days. For this month billing, so far 17 days have passed and no payment. As articulated by the people at DSS, when more and more providers sign on, so will the number of days of processing time.

I wonder what will happen to the providers who opt out and don't care or can't use the system. Will the number of days increase further exacerbating their financial problem? Last billing cycle we could not log in, so what assurances will we have when the staff cuts and the only tech support person is not there or on vacation?

I still have some outstanding balances on 2059 forms that have not been processed since March and a CPS case that was not reapproved, and after building a \$7,000 balance, we terminated their care in May. We have been told by DSS workers that 2059's are not a priority to work on right now. We can get paid in 30 days, our current Commissioner reports that prior to January of '06, child care providers with paid in 30 days and staff shortages led to the severe delays. We deserve certitude of staffing and we deserve certitude of payment in 30 days.

The State subsidy alone that is received for the budgeted staff has been remarkable and should be a talking point of critical reason that sets us apart from other providers. The County Comptroller's report on the audit of DSS says it all; in fact, it states that proper staffing will eliminate the need for overtime and temps making it a wash. So please, rather than be misled, help child care lead the way -- I'm wrapping up. Please pass 1997, it makes so much ethical sense.

In closing, I have one question for all of you. What will happen to or what will the Legislature do about the County Comptroller's Report? Passing IR 1997 and overriding the veto I feel is the answer. Thank you.

P.O. LINDSAY:

George Schramm followed by Carol Grossman.

MR. SCHRAMM:

Good morning. My name is George Schramm, I'm the President of the Lake Ronkonkoma Civic Organization. The Lake Ronkonkoma Civic Organization supports Resolution 2027, to authorize planning steps for the possible acquisition of the Bavarian Inn property.

In 1986, Suffolk County prepared the Lake Ronkonkoma Clean Lake Study, a comprehensive management plan for the protection and enhancement of Lake Ronkonkoma and its watershed area. The goals of this management plan are as relevant today as they were then. Therefore, any opportunity that may advance protection of the lake's water quality and the lake's shoreline is worth pursuing. The purchase of the Bavarian Inn property may be one of those opportunities.

Every property adjacent to the lake within the watershed area can potentially impact the quality of the lake and the groundwater. As you are aware, the property is adjacent to the lake and the majority of the property is paved and is, therefore, a source of storm water. Considering that storm water runoff is one of the major sources of contaminants to the lake, the subject property is a possible source of pollutants and needs to be evaluated. Proceeding with this resolution will give us that opportunity.

Since 1970, the County has acquired approximately 200 acres of property, either adjacent to the lake or within the watershed. Two goals for these acquisitions as stated in the Clean Lake Study have been provided, open space systems surrounding the lake and to minimize or reduce development, thereby minimizing pollutant loads impacting the lake. Considering the location of the subject property, the County has an opportunity, if not an obligation, to further this goal. The County should continue to consider the acquisition of additional lands adjacent to the lake. As

stated in the study, "The County should obtain the right of first refusal on all remaining privately owned properties adjacent to the lake."

In conclusion, the opportunity to presented before us should not be underestimated or ignored. In the past, the County has displayed a strong and proud record of protecting Lake Ronkonkoma and the surrounding watershed. The Lake Ronkonkoma Civic Organization anticipates that this Legislature will continue that record by passing this resolution. Thank you.

P.O. LINDSAY:

Thank you, George. Carol, and then on deck is Pat Voges.

MS. GROSSMAN:

Good morning. My name is Carol Grossman and I am one of the Co-Presidents of the Thomas J. Laheigh Elementary School PTA in the Harbor Fields School District.

I was here last week asking you to keep the DARE Program alive. I am here again today to implore you to let the DARE Program exist until the end of school year and consider securing the program for future classes yet to come. So many of our children will miss out on this instrumental program if it is cut today, and we need to reach out to as many children as possible about the effects of drug and alcohol abuse. It is not about choosing a program like Health Smart, but about having the presence and the voice of a law enforcement Officer delivering an important message to our children. We hope you'll see your way clear to maintain this important program. Thank you for your time and happy holidays to you all.

P.O. LINDSAY:

Thank you, Carol. We have Pat followed by Laura Ahearn.

MR. VOGES:

Good morning. Thank you for your time. Let me address this meeting. Vivian, please say thank you, I only brought my officers as you asked.

LEG. VILORIA-FISHER:

Happy holidays to you, Pat. Thank you.

MR. VOGES:

Happy Holidays to you. I'm here to talk about the fertilizer reduction bill. First of all, everybody is interested in the protection of our groundwater. And I know everything has been said that has to be said about this bill, I only want to touch on a couple of things.

One, as everybody knows, I'm not for regulations. When the education -- the Task Force to Educate the Consumer was put together, I readily went and sat and went to the meetings on that and, quite frankly, what one of the things in that Task Force to Educate the Consumer was just that which this bill falls far short of, educating the consumer. One of things in that task force meeting was that garden center employees should be educated; however, that isn't touched on in the bill. The only people that now are being sent to school are the landscapers who already go to many, many schools for fertilizer, pesticides and whatever, so all that's really going to come down to is regulations for us. I would like you to take another look at this bill and go back and reconsider it.

And the last thing that I've got to say, taking my landscaper's hat off representing the 1,500 members of the Nassau-Suffolk Landscape Gardeners Association and putting on my Board of Directors of the Farm Bureau hat, Joe Gergela couldn't be here this morning, the Farm Bureau wants to know -- wants you to know that they are against this bill and have already started lobbying in Albany for State-wide legislation on fertilizer. Once again, thank you very much for the time.

P.O. LINDSAY:

Thank you, Pat.

MR. VOGES:

And everybody have a Merry Christmas.

P.O. LINDSAY:

Thank you very much, Pat.

D.P.O. VILORIA-FISHER:

Merry Christmas, Pat.

Applause

P.O. LINDSAY:

Laura followed by Caroline Fell.

MS. AHEARN:

Good morning. What makes sexual predators unique compared to other violent offenders is that they specifically use relationships to target the potential victim. And also they have the highest rate of recidivism, according to the U.S. Justice Department, compared to any other violent felon released into the community.

Natural and manmade disasters at times force families to seek alternative shelter; that type of an environment offers sexual predators unique opportunities to develop relationships in an environment that is chaotic; they can freely develop relationships under the guise of lending a helping hand. According to the National Sexual Violence Resource Center, there were 47 sexual assaults following Hurricanes Katrina and Rita; 95% of the victims reporting a sexual assault were disaster victims; 30% of the sexual assaults happened at evacuation sites or shelters; and 63% of the victims were targeted by acquaintances they had met at the shelter or by those who were strangers to them at the shelter.

During a disaster, families experience extraordinary hardships and seek the most basic needs such as shelter and food. Government has a right and a responsibility to protect its most vulnerable from a very unique population of individuals who've already used relationships to target victims. We fully support IR 1977 which is a Local Law to prevent sex offenders from being housed at general population shelters, but also to further ensure public safety, Parents for Megan's Law will be educating FRES and American Red Cross on sexual assault prevention at no cost.

Before I leave, Legislator Caracappa, although I've never had the pleasure of meeting your mother Rose Caracappa, I believe that all of us here feel her presence through your hard work, dedication and commitment to keeping our most vulnerable, our children, safe. Many years ago you were the first Legislator that I went to, you sat down with me and you asked me, "What can I do in government to protect our most vulnerable?" Many policies and laws later, you will be remembered by us and by many for your unwavering support for child protection. You are going to be sorely missed, but remember, your hard work prevented children from enduring a lifetime of suffering and that will be your legacy. You were the first Parents for Megan's Law recipient of our Champion For Children Award because you truly are a champion for children. Thank you.

LEG. CARACAPPA:

Thank you, Laura.

Applause

P.O. LINDSAY:

Thank you, Laura. Caroline J. Fell followed by Fred Gorman.

LEG. CARACAPPA:

(Inaudible).

MS. FELL:

Good morning. My name is Caroline Fell and I'm a gardener from the east end of Long Island as well as Conservation Chair for the North Suffolk Garden Club based in the St. James, Stony Brook area. I'm here in support of reducing the use of fertilizers in the winter months and the allocation of money for the education of the public on this subject.

Every day I wake up and I thank heavens that I'm a native Long Islander. I've grown up sailing the waters of the east end, fishing the Nissequogue and Connecticut Rivers for trout in the spring and then the Peconic and Shinnecock Bays for stripers and blues in the fall. I'm also fortunate to have fantastic clients, they love their gardens and their lawns thus allowing me financially to pursue my pastimes. However, this has put me in a bit of a moral and an ethical dilemma. I understand that they are paying to have the greenest lawns and the most floriferous gardens, but at what cost? Our drinking waters, streams and bays? They requested extra fertilizers be put down, but why? Do they know the tolls it has taken on our land that has given so much to us? Probably not, and neither did I until a friend of mine at the Group For the East End started to show me information on the effects of this added burden to our already over developed land, our drinking water and the bays and estuaries.

There are so many ways to keep our clients and gardens flourishing other than unnecessarily fertilizing in our winter months. You all know the basics, I don't need to go over them. This is the time when your lawns and gardens are taking a much needed break. They have stored the nutrients necessary and are in rest mode. My clients have grown to appreciate the more environmentally correct methods I have taken to using over the years. In the long run, it not only benefits you and our beloved Island, but also the generations to come.

Thank you.

P.O. LINDSAY:

Thank you, Caroline. We have Fred Gorman followed by George Starkie.

MR. GORMAN:

Good morning. My name is Fred Gorman, I live in Nesconset. Actually, I'm going to be here to support two pieces of legislation that are before you; obviously the Bavarian Inn, and I'm also going to be backing Mr. McAllister. As a matter of fact, I'm going to ask to join forces for him because I realize, some of you who don't know me aren't aware of the fact that I was a pro se intervenor on behalf of the County against the Baykeeper, we were on two opposite sides of an ecological issue; this is an issue we're both on the same side of.

If anyone takes the time to read the Lake Ronkonkoma Clean Lake Study done by Lee Koppelman, they understand what happens to groundwater when you put chemicals in it and they understand the effect of nitrogen. As a matter of fact, is Ben Zwirn here? Because if he goes swimming in Lake Ronkonkoma, I guarantee it, particularly if he goes to the north end by the Bavarian Inn, he's going to get Impetigo and that's going to come from the cesspools of Nesconset which are directly north of that lake. This area is very polluted. We have a rising groundwater situation and I absolutely understand the problems with nitrogen in the hands of the general public, just as I understand the problems of insecticides in the hands of the general public. Do you know that I can go out and buy something that is ten times stronger than what the County is allowed to use and I can double-triple spray to the point that I'm not only killing less insects, I'm probably killing everybody's pet, and I can do that without any kind of concern at all. So he's absolutely right and I strongly suggest you support that.

Now, getting to the Bavarian Inn. The Clean Lake Study, Lee Koppelman says buy that property; the recent survey that was done by the Town of Brookhaven said buy that property; Nelson {Apope} said buy that property; the people of Nesconset say buy that property; the people of Ronkonkoma say buy that property. And I want to tell you something else about the vision that Mr. Schramm didn't get a chance to finish for you. Directly north of that lake is a hundred acres of the most

magnificent parkland Suffolk County has; I challenge anyone to go to Nesconsetcivic.com, take a look at the pictures that have property and say it is not absolutely amazing; when you walk through it, it's even better.

Now, the County has gone over board. They've actually purchased a five acre plot, the Culmerdinger plot and they have put a tremendous amount of money into the Ronkonkoma park which, by the way, is flooded, which a good portion of it has been lost, the fishing pier and everything has gone away. So the idea of having a parking field that is above that, that can once again introduce the boating that used to be very famous on Lake Ronkonkoma --

(Beeper went off)

I'm sorry, I'm getting off.

Applause

P.O. LINDSAY:

That's all right. You could have finished your statement, Mr. Gorman. I didn't tell you to cease on the dime.

MR. GORMAN:

I didn't want you barking at me.

P.O. LINDSAY:

I didn't bark. I didn't say a word, it just beeped and you left.

MR. GORMAN:

Well, yeah, I'm scared.

P.O. LINDSAY:

Don't be scared of me. Finish your statement.

MR. GORMAN:

If I wasn't scared I would have said, "Merry Christmas, everybody," but I don't want to get in trouble.

P.O. LINDSAY:

Well say Merry Christmas.

MR. GORMAN:

Merry Christmas and happy holidays to all and may everybody enjoy it in their own special way and may everybody's families just have a wonderful time. Thank you.

Applause

LEG. NOWICK:

Merry Christmas to you.

MR. GORMAN:

Are you going to give me the Bavarian Inn for Christmas?

P.O. LINDSAY:

We have George followed by Steven Burgdoerfer. Go ahead, George.

MR. STARKIE:

Good morning, all. It's nice to have the opportunity to address you one more time. First, if I could

make a motion from the floor that you start every meeting with the choir; that was incredible, I really enjoyed that.

I'm actually here to support the passage of the current fertilizer legislation, mainly because of the educational portion of it, but I would be able to fully support it if we could change the date to November 30th. Being a retailer in the business, usually after November 1st our sales for fertilizer to the homeowners is actually the lowest amount at any time of the year. What my concern is is for commercial applicators. I see applicators compressing their applications into a shorter window time where I personally think there's going to be more chance of leaching into the yard. You're not -- unfortunately, with this legislation, the people that don't need a green lawn all the time and are willing to compromise on the quality of their turf are minimal and they're still going to have the people out there that are going to demand of us as professionals that they have this nice lawn, and a lot of people's livelihoods are going to be affected by this. So I think you've just shortened the window. And I personally could fully support this if that date was changed to November 30th. I think if we looked at weather over the last couple of decades and the fact that the leaves and when they come down, I think we're going to be doing more harm than good with the November 1st date.

The only other thing, I want to keep my name on the record that as this progresses, I would personally like to volunteer information. One of the things that has always disappointed me is when DEC collects information from us on pesticides that we've sold, a pound of fertilizer could be a lot of different formulations. So when the DEC reports come out and it says ten million pounds of chemicals were put down, the reality of it is it wasn't ten million pounds, it was one tenth of 1% of the active ingredient and a lot of times it's the same thing with fertilizer, if it's 10/6/4, 10% of the volume at that bag is going to be nitrogen which is what we're looking to get a handle on, but it's going to be reported that two million pounds of fertilizer was put down and I think it's going to be very misleading to the public. And again, try to capture the information, I think slow release would definitely be more beneficial and quick. But thank you. Happy holidays to all.

P.O. LINDSAY:

Thank you very much, George.

Applause

Steven? While Steven is coming to the podium, the next speaker after Steven is Edna Guarino.

MR. BURGDOERFER:

Hi. My name is Steve Burgdoerfer, I own two child care centers, Tutor Time Child Care Centers, one in Islandia and one in Ronkonkoma. I urge the passage of Resolution 1997 to be paid in 30 days; this is a bill that needs to be passed. I just recently got paid for invoices open for over 90 days, so we're not at the 30, 33 days that's being trumpeted around.

My question is that if it's truly going to be supported by the State and it's going to cost us \$63,000 to properly staff this area. Haven't we already wasted probably \$100,000 worth of time talking about it? It really doesn't seem like a lot of money; \$63,000 worth of time that we've already put into this. The \$250,000 that was quoted around was probably for publicity reasons, and obviously it worked very well. But once you start digging underneath, if it's really only \$63,000, this is all pretty silly; it sounds like it's more emotionally based than fact based.

A business that is caring for the children of this County with the needs and the requirements that are required by the State of New York has to be paid within 30 days to survive; it's a unique situation, unlike other businesses. Once again, I support everything that Kathy Liguori and the other people have stated on this resolution and I do urge your support. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Steve.

P.O. LINDSAY:

Thank you, Steve. Edna followed by Tatyana Reyes.

MS. GUARINO:

Good morning. We are here today in an attempt to make sure the nightmare that providers have had to endure for nearly three years is stopped now and forever. Before we came to you we went to the County Ex's Office, but our pleas fell on deaf ears. We realize that even though we were facing heavy consequences for not paying our bills on time, the County did not face a consequence for their action of not paying us in a timely manner. If we have to pay interest and late payment fees as a consequence of our actions, then yes, yes and yes, the County should have to pay a consequence for its actions. None of the providers want to have the County have to pay interest on late payments. However, if this is what it takes to keep the department properly staffed in order to get payments out in 30 days, then yes, yes and yes, have consequences set in writing.

We're performing a service for this County. However, in order for us to continue, we need real written assurance from this County that we will be paid in 30 days and that this is what this prompt payment law is all -- this is what this prompt payment law is all about, assurance, written assurance. This is my contract.

*(*Ms. Guarino rips up contract*)*

This is what it is reduced to, the value of a contract is reduced to this to me if I do not receive payment in 30 days. Now, that was a copy of my contract, but more and more every day I feel like ripping the original in half and shipping it back to the County. I refuse, I do not want to work for a County that is shown such lack of appreciation for the services rendered. I don't want to work for a County that feels it should not be held accountable for not paying those that service it in a timely manner. I don't want to work for a County that does not love the most under privileged children in its County to ensure that they will have the quality day-care that they so well deserve and you, by the way, are receiving funds to provide; I don't want to do it anymore. Thank you. Have a merry Christmas.

Applause

P.O. LINDSAY:

Ms. Reyes followed by Tony Cuzzucoli.

MS. REYES:

Good morning. I'm Tatyana Reyes. First, I want to thank you all, especially those that have stand up for what is right, not yet for the pressure that has been outside given to those and standing for what is correct, it takes a lot of courage, yet pressure takes as many times to do things that we shouldn't be doing.

I thank you also for the pressure that was put on prior at the present time and getting paid within two to three weeks, so that makes me believe that it is possible for us to get paid on time. However, there is nothing out there that is assurance that it's not going to happen again. All we want is for a written contract, just like we get contracted to say, "You know what, we will pay you in 30 days." There are still other providers that are not here that are not getting paid on time. All we're asking -- it's there, if God forbid again we go back to getting paid 90 days, six months, up to a year, it's only going to be there, so the County's reminded that we need to be paid on time. All we're asking it's 30 days, I think it's a fair amount of time.

Thank you very much for standing up for what is right. Happy holidays to all of you.

Applause

P.O. LINDSAY:

Tony, followed by Vanessa Nstrup?

MR. CUZZUCOLI :

Good morning, Mr. Presiding Officer, Members of the Legislature. It was not my expectation to speak this morning because of assurances I had been given on November 27th that all stipulations made in this body on that date would eventually find traction in written form. On November 13th and on November 27th in Public Works, I raised a concern about the proposed Sewer District 13's impact on groundwater that might be flowing to the north. I also asked for supporting evidence regarding the current location of the groundwater divide; no one could answer any questions with authority. Needless to say, this didn't bolster my confidence in a review process that had apparently been examining the SD proposal for a number of years.

Subsequent to adjournment of the meeting on the 27th, I was informed by two department heads that groundwater is definitely flowing south rather than north towards the northeast branch. That finding came as a result of a hydraulic engineering firm testing wells in the vicinity of the Blydenburgh Landfill, coincidentally on Monday the 26th, or so I'm told. Subsequently, I raised a question as to why a third County department charged with oversight and having access to monitoring wells in the area had not joined it's fellow departments in this confirmation. I heard nothing from Suffolk County Health Services then and I've heard nothing from them since.

So, reluctantly I'm appearing here once again to ask the members of this body, if any of you has received written evidence to reinforce the assurance that was given to me on the morning of November 27th, that no harm would come to the northeast branch should you vote your second approval later today. If a private concern could review monitoring wells on the 26th of November and provide verification and sufficient time for two County departments to report its positive findings to this body by ten o'clock on the following morning, then surely written verification of this outcome could have reached this chamber some time prior to the 20 days that have lapped since I last addressed this body with my concerns. And what assurances has been given by the County to all the residents to the south of this proposed site that 750,000 gallons per day of recharge water, over two-and-a-half million gallons a year, will not further aggravate subdivisions plagued by a conflation of municipal storm water consuming them from the north and excess overflow from Lake Ronkonkoma itself. I stated on the 27th of November that I would trust this County, but I require verification.

P.O. LINDSAY:

If you could wrap up, Tony, you're out of time.

MR. CUZZUCOLI :

Yes, sir. As of this morning I have received no such confirmation. Has County government reached stasis, a coagulum of its body parts; or undetected by the regional media, has there been a moratorium on the need for executive departments to report to the people's representatives? John Locke once wrote in his second Treatus on the civil government, and I quote; "Government has no other end but the preservation of property." In the County of Suffolk, I would suggest that as reason, the ethra is really the preservation of property, good health and its word as its bond.

I await an answer to my inquiry; it will end this year quietly or it will set the stage for our relationship in the new year. Please be aware, Mr. Presiding Officer, that in the interest of time --

P.O. LINDSAY:

You have to wrap up.

MR. CUZZUCOLI :

I shall. That I plan to submit a litter to your office in support of the acquisition of the Bavarian Inn.

Mr. Eddington, you received an extraordinary gift in a special season, and as one grandfather to another, I think I can safely say we're all thankful for your good fortune. And Mr. Presiding Officer, to you, I appreciate your courtesy in the past as well as this morning. And to all the members of the Legislature and their staffs, to whomever it is appropriate, a belated Happy Hanukah, Merry Christmas and a Happy New Year to you all.

P.O. LINDSAY:

Thank you, Tony.

MR. CUZZUCOLI:

Thank you.

P.O. LINDSAY:

Vanessa followed by Zabby.

MS. ASTRUP:

Good morning. My name is Vanessa Astrup. I'm speaking this morning on a bill that was tabled in the Ways & Means Committee last Wednesday, it could possibly be brought through again in the new year. And while I was there, there were some questions that were asked -- the bill, by the way, was Resolution 2070 brought by Legislator Kennedy to implement transparency and full access to the proceedings of County Governance, and the consensus there was that the Legislators, as well as the public, is interested in seeing their Suffolk County Legislative meetings filmed on television. However, the devil is in the details on actually how that's going to get done and I know people had questions.

And so I was on the Citizens Cable Advisory Committee for Southampton for three years and I've been interested in these issues and have gone from town to town for the past seven years, so I know I seem very young but I'm quite well read on town franchise agreements as well as Cablevision's policies. And I have been working with Zabby with {Pegletim}, I am also the State Coordinator for the We The People Congress. So it seems that we can all agree that the Suffolk County Legislature welcomes open government and wants the Suffolk County Legislative proceedings televised, and I figured out that there's a way where this could be a win/win/win situation or a lose/lose/lose situation, and I want to make sure that for everybody it's a win/win/win, and that -- and this is how we're going to do that.

One -- well, actually there's reasons why it can be a win/win/win. The first reason is a win/win for Cablevision. I know they want us to have to give the tapes to each of the towns and have the towns air them on their channels; they would like it that way, however, State law says that the towns -- I'm sorry, that the County already is a third party beneficiary to the channel capacity space, so that all you have to do is give one tape, one tape to Cablevision and they will play it on the local town channels instead of giving 2,500 tapes per cable company per year. So that's really wasteful and here you guys are talking about reducing pollutions and everything like that, so that amount of tapes is no good.

So the win/win for Cablevision there is good will; they're going to have the good will of the public for doing this. And the second win/win is for the County. For the County to do it so that Cablevision takes the tapes and that it's good for your constituents. Your constituents will be able to see you, you'll look like the heroes for your people there. And also it's a win/win for the public because the public will not have to bear the burden at a town level. If you give the tapes to the towns, you're putting an extra burden, a cost burden and a staffing burden on the town that's not necessary. So the outcome we're coming for is a win/win for all.

And at the meeting there was -- there was some misinformation that was given and I'd like to clarify some of that, because I know we had questions about budget, I know Presiding Officer Lindsay had questions as well as Legislator Barraga about costs and I want to clarify some of those issues. So I made a myth and fact sheet, and the first myth is --

P.O. LINDSAY:

Vanessa, your time is up.

MS. ASTRUP:

Okay. So then just real quick then, to wrap up. I myself and Zabby, we are very well versed in this and we'd be happy to answer any of your questions in the coming year so that we can expedite this process and get the Suffolk County Legislature on television for effectively and as cost effective as possible. Thank you very much.

P.O. LINDSAY:

Zabby followed by Gerald Ludwig

MS. ZABBY:

Hi. I'd like to read the myth fact sheet for you. The myth, number one; televising all proceedings of the Suffolk County Legislature will cost \$250,350 annually, or a quarter of a million dollars as some people would like to phrase it. The fact, that's a myth; the fact is that televising all proceedings will have a one-time capital equipment cost of \$80,000 or less and an annual operating budget for one part-time employee in the Clerk to the Legislature's office.

Myth two; according to Lance Reinheimer quoting Gail Vizzini's cover letter on November 8th, 2007, Budget Review, the cost of equipment would be \$134,387. Fact; the 134,387 figure for equipment costs included optional equipment and Internet streaming equipment. There is \$41,000 of optional equipment plus 34,983 for Internet streaming added in to the total price. That important detail was not mentioned nor explicitly pointed out in the Budget Review cover letter like it should have been. The necessary equipment would have a one-time cost of \$80,000 or less.

Myth three; the County will need to hire two full-time 40 hour per week Suffolk County employees at a total of 320 hours a week for 115,763 per year of which 76 rounded is for salary, 39 is for fringe benefits to tape and proces 24 hours to 30 hours of footage that you do once per month on the average. Fact -- that was a myth. Fact; only one part-time employee with no fringe benefits will be needed to tape and process the 24 to 30 hours of footage which is filmed once a month, so it's far less than was quoted.

Myth four; quickly and effectively learning how to use video camera equipment is too hard for the Clerk to the Legislature's Office staff. Fact; once trained, operating a camera and audio equipment is easy. Andrew Brofman, an Officer of Public Safety in Smithtown who films Smithtown's meetings stated, "Once you know how to use the equipment, it's easy." Notice how Smithtown didn't have to hire any new staff members to complete this task, and they have two facilities like we do.

Myth number -- let's see, one, two three, four, five, we're up to the fifth myth; the County has to give a copy of each proceeding to every individual town in Suffolk; I think Vanessa took care of that.

The last myth is televising the proceedings on cable will not be reached by those with satellite dishes. Fact; Suffolk County, like the Village of Malverne in --

P.O. LINDSAY:

Could you please wrap up? You're out of time.

MS. ZABBY:

-- in Nassau county can request from Cablevision free universal service for cable and satellite customers and it will be good will. And I want to applaud Mr. Kennedy for having the courage to introduce the resolution to the Ways & Means Committee, because at the end of the Star Spangled Banner you heard at the beginning, this is the land of -- the home of the brave and land of the free. You need both, like Mr. {Cusinich} said, bravery, and he exhibited great bravery to do that. Thank you.

Applause

P.O. LINDSAY:

You're welcome. Gerald Ludwig and followed by Christine -- I'm having trouble; Mavid?

MS. MAGID:

Magid.

P.O. LINDSAY:

Okay.

MR. LUDWIG:

Hi. My name is Gerald Ludwig, I'm Vice-President of the Mastic Beach Property Owners Association and I am here to support on behalf of our association Introductory Resolution 1977 by Legislator Browning on housing -- preventing sex offenders from being housed at general population emergency centers.

I was concerned initially. I mean, I support Legislator Browning's efforts to control sex offenders in our community and to reduce the risk to citizens from sex offenders and I appreciate what the other lady who had spoken on this had said, we agree with that, that we want to protect the citizens. I was a little concerned because I realize that in an emergency situation that obviously the sex offenders themselves also have rights and they're also entitled to shelter and protection and the problem is in segregating them from a general population that might be vulnerable and I see that the legislation does address that. It doesn't expel sex offenders from these emergency shelters, but it allows for the sex offenders to be identified and if it can safely be done, for them to be housed in a separate shelter and otherwise to be monitored by law enforcement at the emergency shelter which would obviously have some type of enforcement capability anyway, it's part of the emergency plan.

So we do support this. And also, I would like to mention that we support the Resolution 2067 as well, the Local Law to offset the cost of maintaining surplus County property. Thank you.

P.O. LINDSAY:

Thank you, Mr. Ludwig. Before Caroline comes to the podium -- Christine, I'm sorry, Christine -- I have to make a motion to extend the public portion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen, or that was seventeen (Not Present: Legislator Losquadro).

P.O. LINDSAY:

Okay. Christine?

MS. MAGID:

Good morning.

P.O. LINDSAY:

Wait a minute; followed by Andrea Spilka.

MS. MAGID:

Good morning. My name is Christine Magid. I live in Greenlawn, I have two children who are twins in the fifth grade at TJL Lahey which is located in the Harborfields School District. I also serve as the

Recording Secretary on the Executive Board at the TJLPTA.

I'm here to support the DARE Program. I was here last week while you were engaged in the discussion and I feel that I wanted to give my personal notes on what had happened. I am so happy and privileged that my children have completed the DARE Program. They had Officer Wendy this year and she was so instrumental in the education of my children in the areas of drug, alcohol and tobacco use. She enhanced what my husband and I do on a daily basis, by providing stories that she knows first-hand as to harmful substances that are being given to young children every day. In fact, Officer Wendy's stories have come home and have become part of our dinner discussion, something that I find rewarding as such seeing the positive outcome that the DARE Program indeed does have.

The impact has been absolutely amazing. The children are actually enjoying learning and forming a connection with a community member, a leader in our community every day -- in our case, Officer Wendy -- someone who brings a depth of knowledge to my children's education and to the children in Harborfields School District. My children have been so instrumental in providing the signatures which you received last Thursday from all of their peers and their classes. These are children who have already completed the program and want this to continue for the children that are younger; I applaud their efforts.

I believe that keeping the DARE Program is fiscally sound. Children will benefit from this program. Prevention is always an action worth taking and that is what DARE is all about. Please make a financially sound judgment to keep this program, our children are indeed worth it. Thank you for your time and happy holidays.

Applause

P.O. LINDSAY:

Thank you, Christine. We have Andrea Spilka followed by Nancy DiMonte.

MS. SPILKA:

Good morning. My name is Andrea Spilka, I'm the President of the Southampton Town Civic Coalition. I appreciate the time this morning. Thank you very much.

I'm here asking you to approve the Fertilizer Reduction Bill. You've already heard the scientists speak. I'm really speaking now as part of -- as one of the community representatives. The coalition in my area covers the entire population from Eastport all the way through Westhampton to Hampton Bays and north to Flanders Riverside in North Hampton, but I would think most community associations would, if they could, be here to speak on this.

We're all being asked in every facet of our life to do more, to offset mistakes of the past. Now that you've heard the science, now that we know that we're poisoning our streams with the excess nitrogen, I'm asking you to please approve this bill so that we don't keep seeing articles in the newspaper that talk about this river dying or that area being polluted. We need to start doing the work and we need to start doing it now.

A gentleman earlier who I believe was a landscaper and who I'm grateful was speaking, for the most part in affirmation of this bill, asked that you wait to do it so that there can be more educational pieces put in; I'm asking just the opposite, I'm asking that you do it now. My feeling is that we can add some of these educational components later, if necessary. Certainly the consumers need to know more, but the truth is our rivers are dying, our people are getting sick, we need to start making a stand and we need to do it now.

So I'm asking if you would to please pass this bill, to start making a difference as quickly as possible in the health and the quality of life for all of our people. Thank you very much. Oh, and again, happy holiday.

Applause

P.O. LINDSAY:

Thank you very much, Andrea. Nancy DiMonte followed by Gloria Smith.

MS. DiMONTE:

Happy holidays to all of you. My name is Nancy DiMonte, I'm a Parent Educator and Vice-President of DREAM.

During the season of giving, I give you this; as I once again face the horseshoe for a cause I staunchly uphold, I use these analogies to make my point. All sports teams have coaches; you supposedly the professional athletes, seem to have an absent manager. Where is Mr. Levy during this playing season? I am confident that this arena has turned out to be a venue for his agenda and he conveniently appointed his players as fall guys. But try to become pinch hitters for the moment. Unfortunately, the students are spectators rooting for a disconnected team. It is a shame that Suffolk schools will suffer as victims of the slaughtering of a renowned two remarkable decades of drug education in this County. What exactly is the rush to shut out DARE and its participants? How quickly will constituents of Suffolk County reap the advantages of this? In fact, what exactly are the advantages? I am positive that the rewards will not be sometime soon.

Let it be on the record that DREAM is in no way endorsing Health Smart in place of DARE and resents the distribution of invalid information and misuse of our coalition throughout the County. I reiterate this question; since when is it lawful to knowingly misrepresent and print false information to further a personal agenda? We at DREAM find this practice highly unethical and unacceptable.

As advocates of DARE, we also find it irresponsible to leave one-half of Suffolk County children slated for DARE in the spring without it, especially in the hands of an untested curriculum. We do not dispute Health Smart as a viable health program, but rather dispute it as a preventative drug educational curriculum in place of DARE. As Legislators, parents, role models and paid elected officials, we the taxpayers, voters and parents implore you to make the correct choice. Keep our students' welfare as your number one priority, they are our future. Keep DARE in place. Happy holidays.

Applause

P.O. LINDSAY:

Thank you, Ms. Magid. Gloria Smith.

MS. SMITH:

Good morning. My name is Gloria Smith, I'm the Assistant Superintendent for Elementary Education in the Half Hollow Hills School District and I'd like to read a letter to you this morning on behalf of our Board President, Fran Greenspan, who writes to the County Executive.

"Dear County Executive Levy:

This letter is in support of the DARE Program currently being offered to our 5th and 7th graders in the Half Hollow Hills School District. The talented and caring Police Officers who teach this program make a difference in the lives of our children.

As a member of the Half Hollow Hills Board of Education, I have attended more than 60 DARE graduations and have seen and heard valuable lessons that have been taught and learned. I cried as an 11 year old boy shared his family's grief at the death of his cousin from drug use, and through my tears I saw how visibly moved his classmates were. I spoke to children who have phoned or e-mailed an Officer for help at a difficult time. I watched the excitement on their faces when it was

DARE Day for their classes. DARE is a valuable and worthwhile program that makes a difference.

The physical, mental and emotional well-being of our children is vital. The DARE Program is one very important part of our district's comprehensive K-12 program that includes many other lessons, health courses, special programs, parent workshops, etcetera, but DARE is a cornerstone in our ongoing attempt to help children make good decisions. Our children cannot afford to lose this program.

As the Trustees of the Half Hollow Hills Board of Education, we oversee an annual budget in excess of \$188 million. We are, therefore, well aware of the complexities of formulating and implementing a budget. However, as parents and as elected officials whose primary concern is the education and welfare of the children entrusted to us, we recognize that the DARE Program and the beneficial impact it has on our children's future cannot be measured in dollars and cents. Indeed, preventive dollars allegedly saved today may actually cost more in the future.

The DARE Program must be maintained. It is unique in that it transcends educating children solely about drug resistance, it fosters positive self-image, favorable relationships with law enforcement officials and the importance of sound decision making. We would like to commend the DARE officers Jennifer Blaskowitz and Wendy Verlot who have done a superb job of teaching our students and have been exceptional role models. While learning how to maintain a healthy and safety lifestyle and make wise choices at difficult times, our children also establish wonderful relationships with the Police Officers.

We should not have to choose between Health Smart and DARE. DARE should continue as a special supplement to whatever health curriculum a school district follows. We're also encouraged that classroom teachers, with a single day's training, could not have the same expertise as your highly trained DARE officials."

I won't continue with the rest of the letter, I understand that my time is up. I hope that you will consider to continue the DARE Program for the students in the Half Hollow Hills School District. I thank you for your time and I wish you all a wonderful holiday.

Applause

P.O. LINDSAY:

Thank you, Ms. Smith. That concludes our cards. Is there anyone else in the audience that would like to address the body? Seeing none, I'll take a motion to close the public portion.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Losquadro).

LEG. ALDEN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, sir.

LEG. ALDEN:

If it would be appropriate at this time, I would like to make a motion to discharge and allow to age

for one hour Resolution 2215 --

MR. LAUBE:

Make that 18.

LEG. CARACAPPA:

Second.

LEG. ALDEN:

-- that would extend the DARE Program throughout the school year; not our year but throughout the school year, at a minimum.

LEG. CARACAPPA:

Second, Mr. Chairman.

P.O. LINDSAY:

We have a motion by Legislator Alden to discharge 2215 which was presented before you and allow to age, and a second by Legislator Caracappa. Okay.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

No, no, no; I didn't call the vote yet.

MR. LAUBE:

Oh, I thought you were looking for the vote.

P.O. LINDSAY:

Roll call.

LEG. LOSQUADRO:

That was fine with me.

LEG. ALDEN:

Thank you.

MR. LAUBE:

My apologies.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ALDEN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

Abstain.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Motion fails; we'll go to the agenda.

LEG. CARACAPPA:

Motion to approve the Consent Calendar.

LEG. ALDEN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes?

LEG. ALDEN:

Just for those that are in the audience, there's really no sense in staying around. The DARE Program was killed by the County Executive, that was the last attempt to get it extended to the end of the school year, you saw what the vote, the result was. So if you were waiting around for any other action, there will be none. So thank you for coming down and expressing your opinions.

P.O. LINDSAY:

I go to the *Consent Calendar* on page two. I'll accept a motion.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Go to page, I think it's five. Four? Four, *Resolutions Tabled to December 18, 2007:*

1894-07 - 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 (County Executive). I'll make a motion to table.

LEG. MONTANO:

Second.

LEG. ALDEN:

Point of order.

P.O. LINDSAY:

Second by Legislator Montano. Point of order.

LEG. ALDEN:

If we table these, do they die at the end of the year?

P.O. LINDSAY:

Yes, they do. They have to be reintroduced in the new year.

LEG. ALDEN:

Okay. If we tabled something to a date specific in '08, is that permissible? I just want to know what our options are as we go through the agenda.

MR. NOLAN:

According to our rules, the resolutions have to die at the end of the session. We cannot table them to a date certain in the next year.

LEG. ALDEN:

Oh, okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1952-07 - Adopting Local Law No. 2007, a Local Law to require proper supervision at hotel and motel swimming pools (Cooper). Legislator Cooper? Cooper?

LEG. COOPER:

Motion to table, please.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Mr. Clerk, list me as recusing myself.

MR. LAUBE:

Yes, sir; seventeen (Recusal: Legislator Schneiderman).

P.O. LINDSAY:

2290-07 - Adopting Local Law No. 2007, a Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders (Browning).

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1120-07 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-free vaccines (County Executive).

LEG. STERN:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1166-07 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Zoumas Property), Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000)(Romaine).

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1359-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with storm water system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters north from CR 76, Townline Road to Miller's Pond, Smithtown, Lake Ronkonkoma, Old Nichols Road Corridor and surrounding areas (CP 8710) (Kennedy).

LEG. KENNEDY:

Motion to table, Mr. Chair.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed to table.

P.O. LINDSAY:

We've got one opposition.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1359, the accompanying Bond Resolution is moot because the resolution didn't pass.

1700-07 - Amending Resolution No. 2-2007, to bar the introduction of Memorializing Resolutions (Cooper).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1748-07 - Establishing an Affordable Housing Task Force for Land Trusts (Losquadro).

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

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

LEG. ALDEN:
Opposed to table.

P.O. LINDSAY:
One opposition.

MR. LAUBE:
Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:
IR 1799-07 - Adopting Local Law No. 2007, a Local Law to establish a notification requirements for consultant contracts (Montano).

LEG. MONTANO:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Montano, I'll second it. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Romaine).

P.O. LINDSAY:
1918-07 - 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) (County Executive).

LEG. KENNEDY:
I'll make a motion to table, Mr. Chair.

P.O. LINDSAY:
Motion to table by Legislator Kennedy.

LEG. ALDEN:
Second.

LEG. LOSQUADRO:
Second.

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Second by Legislator Losquadro. I have a motion to approve by Legislator Cooper.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro.

LEG. LOSQUADRO:
No.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion; the tabling motion goes first, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair.

LEG. LOSQUADRO:

I made the --

LEG. KENNEDY:

I distributed to my colleagues correspondence that's been received as recently as December 12th in order to go ahead and to ferret out and give some specificity to the impact of the groundwater flow from the additional effluent that's been -- that will be realized by this connection. Mr. Minei is here and he was gracious enough to provide me with correspondence indicating that it will take the department a couple of weeks to furnish that reply. Therefore, based on the fact that we have no specific information in front of us, I think it's only prudent.

I'd also point out that although I appreciate its complex question posed, departments are supposed to provide a response within five days under our Administrative Code. And so based on that, I think it's just prudent and incumbent to go ahead and table this so that we have accurate information before us.

P.O. LINDSAY:

Legislator Losquadro, did I bypass you or something? He made the motion.

LEG. LOSQUADRO:

I just wanted to let the record show, I wanted to make sure I heard you right; I made the second on the motion to table, but I think you also listed me on the second as the motion to approve?

P.O. LINDSAY:

No.

LEG. LOSQUADRO:

No? All right, I just wanted to make sure.

P.O. LINDSAY:

No, Legislator Horsley.

LEG. LOSQUADRO:

That's fine. Thank you.

P.O. LINDSAY:

Legislator Horsley. Okay, is there anyone else that hasn't -- yeah, Legislator Alden.

LEG. ALDEN:

The question began as, one, whether it affected the district to the north of this proposed project, and it's evolved into something that could affect I think a lot of districts to the south of the project, and also it's a bigger question. When we approve these sewer districts and we approve these discharges, and sometimes as much as -- and this one is 750,000 gallons a day into the ground, and we've also heard testimony as we went along that there is a high water table and now to the south of this project there's a high water table that affects people's lives, it affects their ability to afford to stay in their houses. I think it's worth two weeks of tabling to get all the facts on it, and I think that

that's a pretty simple request to get a little bit of information before we act on something that could really affect the ability of somebody to actually live in their house not live in their house. And now that we found out that it does effect the ability of people south of that project to stay in their house and actually enjoy their house without having flooding in their basements and their yards, I think it just -- asking for two weeks to get a little bit more flushed out information -- number one, this project can't go forward in two weeks anyway, and it had no intensions of going forward in two weeks. So a two week delay really does not impinge on anybody's rights, it doesn't delay, it doesn't cancel the project. So I would ask my colleagues to join --

P.O. LINDSAY:

The only correction is that it isn't two weeks, the bill would die at the end of the year and it would have to be refiled.

LEG. ALDEN:

Right. But what I'm referring to is the beginning of our session next -- and actually, this bill can actually be resubmitted, on Wednesday is the deadline to be laid on the table at our first session.

P.O. LINDSAY:

That's correct.

LEG. ALDEN:

So it would put it off approximately two weeks of this year and maybe a few weeks of next year. So that's not an overwhelming amount of time to ask for a little bit of information that's going to effect many, many lives in regards to the people and their ability to not live in a flooded area.

P.O. LINDSAY:

All right. If everybody is complete, I wanted to ask -- I have a correspondence from Mr. Minei and maybe you could explain some 101 Hydrology to us.

MR. MINEI:

Sure. Good morning. Vito Minei, Director of Environmental Quality. That usually doesn't elicit a laugh, but we'll go on.

LEG. ALDEN:

No, no, no, it's a separate issue, Vito.

MR. MINEI:

So much for a 37 year career; thanks, I appreciate it.

*(*Laughter From Audience*)*

P.O. LINDSAY:

I could make another joke and say you're all wet but, you know.

MR. MINEI:

I know, we've had discussions, but it's okay, I'm usually not thin-skinned like that.

I did author that correspondence. To put it in context, we had prepared what I considered a very thorough report evaluating historic data as well as employing our state-of-the-art computer model to show direction of groundwater flow in that area is to the southeast, to the Connecticut River Corridor, not to the north and northwest; that's the concern for Legislator Kennedy, in and around the Nissequoque River.

Also, you have to keep in mind, the elevation of the STP is pretty high. But I would like you also to keep in mind what we consider the threshold question. There are a number of establishments, as Legislator Alden correctly identified, that want to connect to this STP. Now, in accordance with our

regulations in the Health Department, the sewage has to go somewhere to be treated. We've had a policy, not only in the Health Department but in the Sewer Agency, to try to minimize the proliferations of new sewage treatment plants. We have an existing treatment plant that's operated by DPW and history has shown us that they are the best operated ones; go figure; government operates something better than private industry, and this is true and we can show you that fact. So we're supportive of these new establishments going into that treatment plant. We've provided what I believe is a very thorough report of historic data review as well as computer modeling to show the direction of groundwater flow is to the southeast. That memo you have before you is in response to a question, Legislator Kennedy wants more recent data, it will take us a while to get that data. I don't think it will change our response, though.

P.O. LINDSAY:

Maybe you could just stay there for a minute. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, good morning, Vito. I wanted to ask you about a related question. Part of the concern -- besides the fact of whether the groundwater flows to the north or south, is that somehow the amount of water being recharged is going to effect flooding in the area. And now originally, the concerns of Mr. Cuzzucoli were in the area to the north, but I've heard from members in Legislator Alden's district about concerns there, too.

Now, my limited understanding of hydrology is basically you have an underground aquifer. At some point, because you're connected to public water, you're pumping water out and you're recharging it in. Now, in this case I think the sum total may be 750,000 gallons, something in that range; can that have any significant impact on flooding in that area, or is it basically you're taking out and you're putting water back in so it's staying even, or is that like a bucket in a lake where you're not going to see any increase in the elevation of the water table?

MR. MINEI:

There are --

LEG. SCHNEIDERMAN:

You follow my question, right?

MR. MINEI:

Sure, I'll try to give you a summarized answer. When you're talking about hydrogeology in Suffolk, you have to consider a number of factors, one is the location in Suffolk County. Legislator Alden and Legislator Kennedy have a number of legitimate concerns for flooding. In some instances, in Smithtown there are clay layers that effect it, there's shallow depth to ground water. In Legislator Alden's district and other districts, it's shallow depth to groundwater because you're near stream corridors on the south shore.

In this instance, you're almost at the groundwater divide in the Hauppauge area. It's a reasonably deep distance you have to go to reach groundwater, so the answer, because of the context at place, where you are relative to the groundwater divide, where you are relative to depth to groundwater, we do not believe, which sounds like a very substantial amount of sewage flow, would be a concern with regard to flooding in that area.

LEG. SCHNEIDERMAN:

So the water table would not rise in any perceptible -- is that fair to say, a measurable way?

MR. MINEI:

That is a considerable amount. There will be -- there's always mounding around storm water recharge basins or sewage recharge areas, but it would be rather inconsequential relative to flooding in that area.

LEG. SCHNEIDERMAN:

Okay. So the main thing raising the water table would be flooding, not the increase in 700,000 gallons of water.

MR. MINEI:

We do not believe that will be a consequence of this.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I appreciate the expertise that Mr. Minei brings to us, and certainly he is correct in that he did assemble a fairly comprehensive report which went beyond what my original request to USGS was. But nevertheless, we did agree that the most recent modeling was of the groundwater composition in that general area in 2002. And my letter, which all of you have in front of you, was relatively, I thought, simple questions. And I don't purport to be a hydrologist, engineer or anything else, but at the end of the day, I want to be able to give my constituents some hard and fast and simple answers. Will an action we take help them, hurt them or will they be neutral? And I don't think it's unreasonable to ask the experts to give that to me in writing.

You know, this matter was before the Suffolk County sewer agency some nine months ago, so I find it somewhat ironic that here we are attempting to get specifics or definitives now when it went through some of our internal processes. I don't think the tabling request is unwarranted, it's not based on a whim. If we have something that says, you know, definitively, in writing from the department, there will be no impact, God bless them, let them run it, but we don't have that in front of us now.

P.O. LINDSAY:

Do you want to comment; is there a problem in putting that in writing, Mr. Minei?

MR. MINEI:

No. Again, I believe Legislator Kennedy has asked, you know, a legitimate question; can we have more recent data? It will take us some time to get that, though, namely because the monitoring wells immediately approximate to the sewage treatment plant haven't been pumped or developed in years, so we really don't trust that information, so we're looking more in the general vicinity. So we will get you that data, it will take us some time.

Again, I do not believe at all that it will change our conclusion or recommendation. And the reason why the Sewer Agency didn't take this up for a thorough evaluation is because it's understood that groundwater travels in a southeasterly direction towards the major stream channel, the Connetquot in this instance.

LEG. KENNEDY:

But through the Chair, Vito, we are both in agreement, though, that as we sit here right now, we cannot definitively say at this point where that groundwater divide is. And certainly, with what we've heard from Legislator Alden and myself, whether it moves north or south, the quantum and the magnitude of where it may go may have impacts in those areas. So I think if nothing else, if we have contemporaneous information in front of us, all of us are going to have a better ability to go ahead and relate to our constituents.

MR. MINEI:

Right. And I think I disagree on the technicality that, yes, the groundwater divide moves dry weather, wet weather. But even as this site sort of meanders closer to the divide in wet years, all that means, because of its location, is that groundwater recharge will go vertically downward, it won't go horizontally because that's what the divide does. Right at the divide, groundwater goes deeper and deeper, straight down as you go to the north towards the Long Island Sound or to the

south to the south shore bays, it starts to have a horizontal component. So even in very wet years, and we hope to show that definitively to you, it will be, yes, admittedly closer to that divide, but that does not compromise any homes to the north or northwest; that's our belief.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Vito, how deep does the discharge go?

MR. MINEI:

Well, in terms of --

LEG. ALDEN:

I'll tell you why I'm asking. Because at a meeting that was held at the Town of Islip, we had Brookhaven there, we had Smithtown there, Islip, Suffolk County came, we had a lot of engineers, we also had the USGS, and they testified that over most of Long Island, they had some charts to show it -- again, I'm not a scientist in that regard, but they had some charts to show it, that because of our unique clay and the makeup, that a lot of times it takes, you know, maybe a thousand years to percolate through a clay barrier. So they likened it to there was a picture with land coming up here, it mounded, it came back down and then it flattened out. As you pour more water in there, it's going to fill up and the last place it will fill up is where it's mounded at the highest point. But the lower points, even though there's streams and other, you know, drainage type of situations there, they can fill up to the point where they're actually at ground level, if not slightly above ground level.

So if we're discharging and we're not discharging below that clay aquifer, we are contributing to the fill-up of that area between the clay and the groundwater which sometimes, according to USGS, could be as little as a foot or less. So that's kind of what they said was happening down there by the Connecticut River, that even some silt or build-up in the streams that feed into it can contribute to flooding in areas as far away as hundreds and thousands of yards, so it backs it up.

They also stated that I guess when the Long Island Expressway was put through there, they put some drainage to replace the natural drainage and some of that was found to be clogged up and not working and draining the area just to the north of the LIE. And then also other problems to the south of the LIE where the discharge from the road hadn't been thought out as well as they admitted it should have been and it was discharged into an area that was contributing to some flooding south of the LIE. So if we don't have that information right now as far as the effect on the southern part of it and it's only going to take a couple of weeks, and you said that you could deliver that within a couple of weeks?

MR. MINEI:

That's not going to address your specific issue. You just touched on probably half a dozen factors; I would give you three credits for hydrogeology, by the way, for today.

LEG. ALDEN:

An A; an A or an A+, I hope.

MR. MINEI:

Again, in the spirit of the season.

LEG. ALDEN:

Thank you. I appreciate that.

MR. MINEI:

But, I mean --

LEG. ALDEN:

So my D-, in the spirit of the season, just turned into a passing grade; thank you.

MR. MINEI:

Credits from me will get you very limited in the field. But the point -- and I've done -- I've personally studied the groundwater situation around Lake Ronkonkoma, the Clean Lakes Program on the Connecticut River and you're absolutely right, the LIE cut right through what probably was years and years ago a hydrologic connection between Lake Ronkonkoma and the Connecticut River. But that does not change the situation at the Windwatch STP; it's elevated, depth-to-groundwater is considerable, the lateral distance from the Connecticut River. The stream subsystems, and I've studied all the obligatory US Geological Survey Reports, they are local experts; why we went further for Legislator Kennedy is the USGS only uses their documentation, we used other reports and other studies, so we think it's considerable and comprehensive. But the idea is what you described is absolutely true as you get closer and closer to the stream subsystem of the Connecticut. You can get very minor inputs that can change considerably the elevation right along the stream banks, but as you move away, the hydrogeology changes dramatically. There are no clay layers immediately approximate to the site as there are throughout Smithtown, as there are throughout much of your district, the gardener's clay on the south shore considerably changes the hydrogeology direction of groundwater flow and considerations for flooding; we do not believe that's the situation here. The data we will be gathering we will -- we firmly believe will just further reinforce our opinion. And the USGS, we've contacted them, they're colleagues of ours and they've agreed with our interpretation of groundwater flow in that area.

But I'm glad to get the data. And you're correct, it doesn't change the project in a couple of weeks. Although there are some whose financing heavily relies on the determination of the Sewer Agency and the actions you folks take here today, so that is a consideration. So a lot of them are waiting for this information.

LEG. ALDEN:

But whether it's tabled today, whether it's passed today, I really would appreciate in writing that that's a deep discharge and it doesn't effect any of the pooling that's occurring --

MR. MINEI:

And that's what our report says, Cameron.

LEG. ALDEN:

-- on the north side and on the south side of the LIE into that area.

MR. MINEI:

That's what our report indicates, but I will gather the additional information.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Vito, I just want to recap for my own edification. I'm not a hydrogeologist and I haven't spent the kind of time on this specific project that Legislators Kennedy and Alden have, but it sounds to me as if you are ready to give those assurances. I mean, it seems with your response to Legislator Schneiderman regarding the impact on the water table and the responses that you've given regarding the hydrogeology vis-a-vis the clay in different areas that what you're simply saying is that you're complying with a request for more detailed information. But based on the information that you have, not only from your department but from the USGS and other sources, you can give the people, these two Legislative Districts, the assurance that this will have no negative impact on the quality of their water.

MR. MINEI:

Yes.

D.P.O. VILORIA-FISHER:

Okay, thank you.

P.O. LINDSAY:

Legislator Horsley.

MR. MINEI:

I'm sorry I didn't bring the report, I didn't know I'd be on the agenda for this issue, but I can provide the report to all of you.

P.O. LINDSAY:

That would probably be helpful if you would get us that report for everybody. Legislator Horsley.

MR. MINEI:

Okay.

LEG. HORSLEY:

Yeah, Vito, this is just a quick question. In the more rainy years, as we've been witnessing over the last couple of years, since 2002, whatever it may be.

MR. MINEI:

2005 is --

LEG. HORSLEY:

2005? Oh.

MR. MINEI:

We refer to it as Legislator Kennedy, as a biblical rainfall.

LEG. HORSLEY:

Biblical rainfall.

LEG. KENNEDY:

Biblical.

MR. MINEI:

I'm a former alter boy, I didn't last long in that association either. But the idea was typically you get rainfalls on the order of two, maybe four inches a month; in October of '05 we had 20 inches of rainfall and it didn't subside for nearly two years, as Legislator Lindsay will attest in much of his Holbrook area.

LEG. HORSLEY:

Praise the Lord. Let me just ask you a quick question. The more rain, does that accentuate the matter in any way, does it change the formulas? It just means that more water is flowing to the south.

MR. MINEI:

It doesn't change the formulas, it changes the situation as this early spring will attest to, certainly around Lake Ronkonkoma and in areas of Holbrook.

LEG. HORSLEY:

Well, I understand you have more flooding and things like that but, I mean, as far as going back to the sewage issue, the 750,000 gallons, it shouldn't --

MR. MINEI:

No. No, we do not believe it will dramatically change the dynamics of that system, regardless of what is a considerable amount of rainfall from '05 through the Spring of this year. You remember that we had kind of a dry summer and all those phone calls we were getting either from the homes near the east branch or the Nissequoque or along stream shores in Patchogue or Sayville or others subsided, but the formula doesn't change, the science doesn't change.

LEG. HORSLEY:

That's what I was going for, the formula doesn't change, the science doesn't change, the 750,000 gallons will not change or alter and that's your testimony.

MR. MINEI:

We do not believe that case.

LEG. HORSLEY:

Okay, I think that's good enough for me.

MR. MINEI:

You get the extra insurance policy of being closer to the groundwater divide and the considerable depth to groundwater in that area and the lack of clays in the immediate vicinity that can dramatically alter it, and that's what -- you get a situation like that throughout much of Smithtown, throughout much of the south shore.

LEG. HORSLEY:

Are you privy to the financing of this project? You kind of alluded to it, that it may be in jeopardy if it's been delayed?

MR. MINEI:

I'm not familiar with this one, but I'm hearing things through my association with the Sewer Agency, that some -- I believe the one that's immediately trying to connect isn't part of an expansion. There are other establishments that will lead to that considerable expansion, but I believe the one that's immediate was the one I've been hearing about financing, things like that. For us in the Health Department, financing alone is --

LEG. HORSLEY:

Yeah, it is your understanding that this could --

MR. MINEI:

I don't have specific --

LEG. HORSLEY:

Any delay would hurt the eventual project. Okay, thank you.

P.O. LINDSAY:

I know Legislator Kennedy wants to speak again, but I -- Legislator Horsley's questioning just raised a couple of points. So in the study that you just did, you used 2002 as a model year.

MR. MINEI:

It was the latest data we had. We used data going back to the early 90's; there were many monitoring wells installed around the Blydenburgh Landfill which is immediately to the west of this site.

So there's considerable data in the report.

P.O. LINDSAY:

So if we used 200/205 modeling numbers, would that change this report dramatically because of the

high water table?

MR. MINEI:

I think what it will do will create reducing the distance between this site and the groundwater divide, but it doesn't change the overall conclusion that the groundwater goes mostly to the southeast. In the worst case scenario, it will be vertically downward and not towards the Nissequoque River.

P.O. LINDSAY:

And this sewer plant that we're talking about, it's anticipated -- this is being built privately, right?

MR. MINEI:

This is a County facility; Windwatch is now a --

P.O. LINDSAY:

It will be a County --

MR. MINEI:

It's Sewer District 13, I believe.

P.O. LINDSAY:

Okay, so it will be a County facility.

MR. MINEI:

Right.

P.O. LINDSAY:

The 750,000 gallons is new development or is it partially new and partially the connection of existing --

MR. MINEI:

I believe it's all new. There's some of it south of the Expressway, there's some of it very close to the current site location, but I think it's all --

P.O. LINDSAY:

But it's anticipated that some other --

MR. MINEI:

Oh, I'm sorry, that's not true. There's facilities that I regrettably approved in the 70's, Townhouses North and Townhouse Village South, so there are a couple of establishments --

P.O. LINDSAY:

So it's a mix between new development and existing.

MR. MINEI:

So it's a consolidation of new and existing, I'm sorry.

P.O. LINDSAY:

Okay.

MR. MINEI:

I tried to put that out of my mind, but go ahead.

P.O. LINDSAY:

And the existing ones are discharging affluent into the ground now.

MR. MINEI:

Right, and they're -- with regard to Townhouse Villages North, and they might have different names

now, you're talking about 35 year old technology as opposed to current technology when we consolidate.

So there's a couple of things we believe are beneficial to the area.

P.O. LINDSAY:

Okay. And, you know, something that I have been appealing to the Sewer Agency, and I know Legislator Kennedy, is the consolidation of a lot of this small privately run sewer treatment plants into a County system.

MR. MINEI:

Right, and we wholeheartedly agree. It's our understanding that the Sewer Agency and the Health Department has limited regulatory authority to force that to happen. Our legal guidance has been as long as timing complies, financing complies, but we're with you. We have close to 200 sewage treatment plants in Suffolk County now.

P.O. LINDSAY:

Yeah, and probably most of them aren't being run well; that's an assumption, I shouldn't say that.

MR. MINEI:

I'm still on the record. We have close to 200 that are operating, and another factoid keep in mind, those 200 probably still serve less than 30% of the population. We believe the County run STP's are excellently operated. Some of the older privately operated ones have difficulty, mainly because they don't have significant funds for maintenance and operation, we're tightening up the enforcement. The new technology works, it's a matter of ensuring compliance with the maintenance and upkeep of those facilities.

P.O. LINDSAY:

And the question doesn't -- whether we -- I think we have to find methods to encourage the consolidation --

MR. MINEI:

I would wholeheartedly agree.

P.O. LINDSAY:

-- because a lot of times we found that it's just financially not feasible for the private groups.

MR. MINEI:

Absolutely, we agree.

P.O. LINDSAY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, you hit on some of the points that I wanted to make.

I actually have an e-mail from Chairman Scully, and I don't want to bore all my colleagues with all the myriad of details. But yes, you're correct, hooking up those two private systems would reduce about 64,000 gallons, or would subsume it; so ultimately, I suppose you could subtract that out from the 750,000.

Again, you know, I've spoken about water issues and sewer issues before this body many, many times and I continue to disclaim and indicate. I'm not a scientist, I'm not a hydrologist, I'm just, you know, a simple dirty lawyer. But I feel compelled, you know, if -- Mr. Minei, I defer to your 37 years as an expert in this area, but I'd simply ask you to go ahead then and give that to me in writing. In essence, I'll say to you, I'm looking for someone to be on the proverbial hook, because I can't say that this is not going to impact my residents or constituents. If you can, that's the support that I need; that's why I queried, that's why I pose the questions, that's why I appreciate the

response, that's why I asked my colleague for a short period of time. And I don't for a moment think that two weeks is going to bring the Holiday Organization to its knees, as Mr. Wishod would imply to us, but nevertheless, if it's the will of my colleagues it will go through.

I think any time any one of us can go ahead and do the due diligence we need in our districts, it's incumbent on us. And that's really what I'm asking my colleagues.

MR. MINEI:

Well, I agree, and I can get you the data. And I also agree with your management protocol, I use it a lot; not only to try to find a solution but find a scapegoat, I do it a lot in my office. It's so therapeutic so I do it a lot, John, so I don't mind in this case, but I will do it.

Again, it's a legitimate question he's asked. We did not provide data subsequent to 2005, we're trying to get it; it's not as easy as you might think. In fact, we're going to

LEG. KENNEDY:

I don't think any of this is easy for you.

MR. MINEI:

We're going to get data further from the site which sort of concerns me, but we will get you that data. And again, I don't believe it changes the conclusion or the recommendation we have for the STP.

P.O. LINDSAY:

Okay, I just need a little clarification. Legislator Kennedy, you said that you would -- you're just looking for a letter from Mr. Minei saying that in his opinion, as an expert in his field, that it wouldn't affect the people to the north of this site; is that what you're looking for?

LEG. KENNEDY:

Well, Mr. Chair, I think what I'll do is just modify that a little bit. As Legislator Alden indicated, any of us that are in the immediate vicinity to this STP want to make certain that our residents aren't impacted by this enhanced flow, primarily to facilitate commercial development. You know, look, we wear many hats, as you know. We want to promote construction, we want to promote commercial development, but we don't want to do it at the expense of our residents. So if the correspondence comes now or if it comes later, if it comes when the reso passes, if it comes when it's not, I'm not going to acquiesce from my request, I'll continue with the request, but I would think were I considering a decision for one of my colleague's districts, I would want that in front of me. I'm just one of 18.

MR. MINEI:

And again, agreed. The only point, John, I would say is I'm hopefully at this point not going to give you just my opinion, but also the consultant that was looking at it for the STP as well as the United States Geological Survey. They're difficult to get opinions from, they do a lot of intramural peer review, but I'm hoping to give you more than just an opinion from the Health Department. But we will get you the data, we will get you an opinion and a conclusion. We answered a more narrowly defined question; what's the direction of groundwater flow.

LEG. KENNEDY:

Correct.

MR. MINEI:

We did not answer the ancillary layer questions and the threshold question for Legislator Kennedy.

LEG. ALDEN:

And for the south.

MR. MINEI:

All legitimate, all legitimate concerns. I'm sorry?

LEG. ALDEN:

And south to Montauk.

MR. MINEI:

And south to your district, too; we will look at all of those. You know, this is going to take a little while now, we're talking about expanding the evaluation.

P.O. LINDSAY:

Well, that's where I'm going. What's holding this up is a letter from you to Legislator Kennedy or additional data that Legislator Kennedy is looking for that you're going to need to --

MR. MINEI:

The data gathering is holding up the letter; I would be willing, based on our report, to give you that letter today. But he's asked, please provide data subsequent to 2002, that's what's holding up the definitive response from us.

P.O. LINDSAY:

Okay.

MR. MINEI:

You know, if you want to forego that, we could give you a letter, because we feel very comfortable that it will change the exact location relative to the groundwater divide, it will not change the consequences, either to Legislator Alden's District or to Legislator Kennedy's. But data gathering and expanding it now towards the Connetquot, I'm going to have to ask you for a little bit of time. I will ask the staff. They love it when I commit them to a deadline, but I will try my level best to get it as soon as possible.

***[THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY
LUCIA BRAATEN - COURT STENOGRAPHER]***

P.O. LINDSAY:

What is a little bit of time?

MR. MINEI:

I ask for a few weeks and I'll abide by that.

P.O. LINDSAY:

Would it be ready by the February meeting?

MR. MINEI:

Oh, yeah, I would say so, sure. Yes, the answer is yes.

P.O. LINDSAY:

Does anybody else want to weigh in on this? Is that agreeable to everybody?

LEG. HORSLEY:

Is this going to affect the body?

P.O. LINDSAY:

I don't know. Is Mr. Wishod in the audience yet? No he isn't. Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Although -- because we have the assurances from Mr. Minei, based on not just his opinion, but other

entities, and he's -- he has indicated that this will have a great impact on those that are signing into or becoming part of that sewer district, hooking up to it, that would be a negative impact, if it's not done this year, you're saying?

MR. MINEI:

I was eluding to what I was hearing financially.

D.P.O. VILORIA-FISHER:

I'm talking about the finances.

MR. MINEI:

But I was hoping to underscore my agreement with Legislator Lindsay. If you don't do it, if, for whatever reason, you say, gee, you're still not convinced on the direction of groundwater flow, someone has to be convinced that these new establishments, number one, have to go to a sewage treatment plant, that's by our regulation, so you may get two or three, four new sewage treatment plants in the area.

The other consequence is it will be far more costly for those existing establishments. And, again, I know, because I reviewed the engineering report in the '70's to upgrade a 35-year-old technology on their own for an apartment complex rather than hooking into a sewer district. Those are the economic consequences --

D.P.O. VILORIA-FISHER:

This is what concerns me.

MR. MINEI:

-- as well as the environmental impacts.

D.P.O. VILORIA-FISHER:

About -- voting in the negative concerns me regarding these financial issues and those financial -- the consequences of those financial issues resulting in non-Suffolk County sewers.

MR. MINEI:

Yes, yes.

D.P.O. VILORIA-FISHER:

You know, smaller --

MR. MINEI:

That's what I believe is the alternative.

D.P.O. VILORIA-FISHER:

-- sewer treatment plants, and I think that that's a bigger problem. And I think that we have to accept -- and I respect Legislator Kennedy's earnestness in wanting that data for his constituents. However, based on USGS information, based on the other data -- not data, but supportive opinions that you've provided, I really have a difficult time voting in the negative to this, because of, I believe, some unintended consequences that might impact your district, Legislator Kennedy, as well as, you know, other districts in the area, if our sewer -- our sewer plants are more effective and efficient than smaller sewer plants that would be built by these establishments, and that concerns me. I think --

LEG. ALDEN:

I can address that.

LEG. VILORIA-FISHER:

If we look at the broad picture, I think this is the better route to take.

MR. MINEI:

And plus, you dramatically change the plans for those establishments. Now they're in the sewage treatment plant business, where all they thought they were making a connection to an existing facility, whether through a pump station or by gravity. So you dramatically change those situations for them. But, again, we've lived with it in the past, having sewage treatment plants where the operators can toss a ball back and forth. It's silly, as far as I'm concerned, and it's certainly counterproductive when you take all those factors we discussed.

D.P.O. VILORIA-FISHER:

Do you know, would any of them revert -- would any of them revert to having a cesspool instead of --

MR. MINEI:

I don't think --

D.P.O. VILORIA-FISHER:

Are any of them small enough to do that?

MR. MINEI:

I believe that the proposals I've seen are significant enough that they've exceeded our Article 6 of the Sanitary Code density and require sewage treatment.

D.P.O. VILORIA-FISHER:

Okay. Okay. Well, at least we have that. At least we have that.

MR. MINEI:

I believe that's the case --

D.P.O. VILORIA-FISHER:

Okay.

MR. MINEI:

In all of them.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just to address a couple of things that Legislator Viloría-Fisher said, the Health Department holds all the cards on this, so they can't go out and put sewers -- I'm sorry, a sewer that would be less efficient than the ones that they're asking to hook into right now. That's on a practical level. Actually, on a legal level, they would still have to go through our Health Department no matter what type of discharge they're going to go and make an assumption that they would change at this point. I don't think that they could, because we have the ultimate last word on what's going to be most efficient and what's going to protect the people of Suffolk County in the end run.

The other thing is the folks that were here today, they all have the -- a conceptual approval for these sewer districts, which means that their hookup fee is probably about ten times less what it would cost them per gallon per day to build their own sewage treatment facility. So, instead of paying upwards of \$75 per gallon per day, they're hooking up for \$15, because these were all with the preconcept; is that correct?

MR. MINEI:

Right, that's correct.

LEG. ALDEN:

They're not even in the new --

MR. MINEI:

But I'd like to clarify one point when you're finished, but that's correct.

LEG. ALDEN:

They're not even in the new regulations that would require them to pay more in line with what the current market would be to build that type of facility, which is closer to the \$30, but that's even less than what the true market value would be. It would cost them upwards of \$75 per gallon, so they're not going to opt into that type of option.

The other thing is, you are talking about a cumulative effect. If we add some capacity here, and then that's basically one of the things we're going to do, and I'm not looking to reverse that. We have to look at consequences, and if pumping 750,000 gallons per day into the ground causes flooding to the south of it or to the north of it, we have to look at that and we have to know about that. I think at the minimum, that the people that live around there should have -- is a complete assurance by Vito or even the USGS that their not -- their flooding is not predicated on the pumping that were going on there. If they can come back with definitive answers and say that it's a deep discharge, it's not pooling, it's not going south and end up puddling and causing these people problems, why wouldn't we want to wait and get that information? Because, in the future, we've also included some capacity to consolidate some of the other ones and bring them into this district. So it's not just the 750, it might even be more than that in the future.

And I'm glad that we're actually discussing sewer, because it's going to take a huge sacrifice on this body within the next -- and I'm saying within the next month or two, because we've eliminated the major financial inflow of capital to the sewer district by this new program that we have that's going to go and buy property all over the County. So we don't have that -- we don't have the luxury of having that type of money coming in to improve the capacity and then actually expand the capacity where we need it to protect people's lives. So we're going to have to make a sacrifice somewhere else to get that money, and it's a huge amount of capital, to get the money to do what we're supposed to do and protect the people's lives in Suffolk County. And that's all I'm asking for, along with Legislator Kennedy. Let's have the information. We can go back to our district and say, "It's a deep discharge, you're not being flooded by this, and you won't be flooded by the future hookups up to it." It doesn't derail these projects. I'm not asking to derail them, I'm just asking for a full explanation and a little bit of light and transparency.

MR. MINEI:

I fully understand the assignment, and I'll gladly abide by the direction. I just would like to quickly correct one point. When I said they would have to change dramatically, it wasn't in the level of treatment that would be necessary, I fully agree with you. What I'm saying is they go from a simple sewer connection at the \$15 a gallon to now having to design and install a sewage treatment plant.

LEG. ALDEN:

But they're not going to do it.

MR. MINEI:

And I'm not sure some of these establishments have even the space to do that. So you might be considerably changing their overall application, and the result will be, at some point, you will have more sewage treatment plants in that immediate vicinity.

LEG. ALDEN:

If we kill these --

MR. MINEI:

I don't agree that's good policy.

LEG. ALDEN:

No, I agree with you.

MR. MINEI:

But I fully understand the assignment.

P.O. LINDSAY:

Legislator Kennedy, maybe the last word.

LEG. KENNEDY:

Mr. Chair, you know, obviously, it's our holiday session, we want to move along, we don't want to be caught up with this. I just distributed to everybody my query and response from DEC. Again, I'll reiterate most of what Legislator Alden said. We're looking at a plant that's currently now in technical violation. We have the 64,000 gallons for the two existing plants, pending with applications before the DEC for the SPEDES permits. There's no ap. that's been filed or everyone contemplated yet for this Holiday organization connection. I find it somewhat incredulous that we are -- we would be deemed to be somehow jeopardizing, you know, some type of a multi-million dollar project by getting some additional assurance. Perhaps I'm asking for something that, you know, was not fair to hold up the resolution, but I don't think so. I really don't think that based on what's been a major issue in my district for the better part of three years, some quantification and some assurance that what we do on what one hand doesn't impact us on the other is unwarranted.

So I'm going to renew my request to table. I know we've got a motion and the support. Let's just vote it up or down.

P.O. LINDSAY:

All right. We have a motion to table as well as a motion to approve. The tabling motion takes precedent.

LEG. HORSLEY:

We have a motion to approve?

P.O. LINDSAY:

Yeah, we have a motion to approve. Jon, you made the motion to approve.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Right, and a second. Okay. On the tabling motion, roll call.

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

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Nine.

LEG. ALDEN:

No to information.

P.O. LINDSAY:

Okay. We have a motion to approve?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. COOPER:

Yes.

LEG. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Abstain.

LEG. CARACAPPA:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

IR 1977 - A Local Law to prevent sex offenders from being housed at general population emergency shelters.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

There were some concerns about the constitutionality about doing this and the protections that might be stripped from those that -- and I'm not a defender of sex offenders, but how is that addressing this bill?

LEG. BROWNING:

Would you like me to respond?

LEG. ALDEN:

And, also, the second question I would have was there was a piece of legislation proposed by Legislator Romaine that restricted sex offenders and the way that they could live and conduct their lives, and we heard testimony that said that we risk having all of our restrictions on sex offenders thrown out, because we've got too restrictive. Now, is this going to pile on and put us in that same position where we've restricted them further and now we risk all of our restrictions on sex offenders being thrown out, or does that not apply to this legislation, only to Legislator Romaine's legislation?

P.O. LINDSAY:

Legislator Browning, you want to answer that, or you want Counsel to?

LEG. BROWNING:

A bit of both. I can let you know that when I worked on this bill -- and, first of all, I'd like to say thank you to Laura Ahearn, who worked on this bill with me also to make sure that it was a good bill. This bill, I worked with FRES. The concern is I represent a lot of the South Shore, and, in the event of a hurricane and the residents of the Third Legislative District in Suffolk County on the South Shore, if they have to evacuate, one of the concerns, we have a Hurricane Evacuation Task Force, and one of the concerns is, is because of the number of sex offenders in my district, where do we put them? Do we want to put them in shelters with our families?

The ones that we have to be most concerned about, not the ones on probation and parole who are being monitored, it's the ones who are no longer being monitored. We have to be concerned about

them. And we're putting them in a position where now they can prey on our children. And I'm a mom with three kids. I am not going to put our children in jeopardy in a shelter, God forbid we ever have to do that. So --

LEG. ALDEN:

Well, it leads to a further question, then --

P.O. LINDSAY:

Legislator Alden.

LEG. BROWNING:

The other thing is --

P.O. LINDSAY:

Could I have Counsel answer the one about constitutionality that you raised? I think that's a legitimate question that should be all --

LEG. BROWNING:

Bill, I do want to say, we did work with FRES to make sure that -- we're not saying they can't go to a shelter, we're making sure that we have somewhere for them to go. It's not that they can't go anywhere.

LEG. ALDEN:

Just on point. On point, it raises a very disturbing question to me, that our people, and I don't know if you've lived through an evacuation, but I actually have, and my family has lived through a number of evacuations, because, when my mother emigrated to this country, she lived over in Ocean Beach, so they lived through the big storm of '38 and subsequent hurricanes. Now, from my recollection, even in a minor hurricane, which I lived through, where we were evacuated, you -- at that point in time, there's panic. There's a storm approaching, there's flooding, there's people actually getting hurt being evacuated. Are they -- and maybe you heard testimony that would satisfy this, but are they going to ask each and every one of the people that they evacuate for identification, "I want to see if you're a sex offender," or do the sex offenders have it tattooed on their head? How do we identify the people to make sure that the sex offenders don't get put in with the other people that are being evacuated?

LEG. BROWNING:

Would you like to respond?

MR. NOLAN:

The law imposes the obligation on the sex offender to identify their status as a sex offender at the shelter.

LEG. ALDEN:

Oh, okay. Yeah, that makes sense then. Okay, then that's going to happen. "Hi, I'm a sex offender. Evacuate me separately from the other people, or leave me behind, so I can get killed by the storm."

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I actually think it's a good idea, this bill. I think --

LEG. BROWNING:

Thank you.

LEG. SCHNEIDERMAN:

-- it is a vulnerable situation, and I appreciate you bringing it to our attention. I have a little bit of a concern, though, in terms of executing it.

Your district may have a high concentration of sex offenders. Portions of my district do and other portions don't. And if there's an emergency and let's say there's one sex offender heading toward a shelter, I have to provide a shelter now, a separate shelter for this one individual. And it might be easier to have that person either go to a shelter in another area, or maybe have some person assigned to that individual, because to have to open another shelter means I need another building, I need several staff people, food supplies. It may not be workable. Though I think the intent is terrific, I've got to figure out how to solve that in an area where you might not have very many sex offenders in a shelter.

LEG. BROWNING:

And, in reading the bill, you'll see that in the event a sex offender cannot go to another shelter and that's the only place for them to go, to stay in a general population shelter, accommodations will be made. There is law enforcement at shelters, and they will be notified, so they will monitor. So, in the event they can't go anywhere, there will be a monitoring system going on, so it's covered.

LEG. SCHNEIDERMAN:

Okay. And I think it is under the law of New York State, the sex offender, even if they're homeless, or whether they're in an emergency shelter, has to notify law enforcement of their whereabouts whenever the place that they sleep basically changes, so that would be covered. But this would provide them to be housed separately in most cases.

LEG. BROWNING:

And, Bill, I do have to let you know, I mean, I've worked for quite sometime on this bill. We have also talked to the Special Victims Unit that works on sex crimes, and they do notify all registered sex offenders as to what the laws are in New York State and also what the local laws are. So they say that it will not be a problem to make sure that they know ahead of time that there will be shelters provided for them in the event of an emergency evacuation.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

As pointed out by Legislator Alden, I, too, have some concerns with reference to the constitutionality of this bill from the standpoint of having a court interceding, indicating that because of so many bills and so many laws in effect in Suffolk, as happened in an Upstate area, they throw them all out and we have absolutely no coverage whatsoever and have to start all over again.

And the other aspect is that I've looked at this bill, I mean, there's no love for sexual predators, but I don't know how this thing is workable. I just don't know how it works. I mean, I would agree, when you have a hurricane or some sort of traumatic event, people often panic. They want to get into shelters. I don't expect anybody to identify themselves as a sexual predator, they just want to get in there. And then, you know, when you set up these emergency shelters, is it one shelter, two shelters, four shelters for sexual predators? Suffolk County is a big place. And what is the cost factor associated with manning the shelters? I imagine they have to have officers there, you have to have food there.

I understand the intent, but I just think, from a legal perspective, a constitutional perspective, we have a problem. And from the standpoint of the workability, the execution of this bill doesn't make a lot of sense. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just to finish up with a question I had asked earlier, if Legislative Counsel could respond to the two parts of the legality of it.

MR. NOLAN:

The questions that arose with Legislator Romaine's bill I don't think really apply here, because Legislator Romaine's bill had to do with restrictions on people's permanent residence. This law only applies, obviously, to temporary housing during a declared emergency.

As to the constitutionality, I believe it is constitutional. I believe there's -- because there's a rational basis for the bill, a court is likely to uphold it, just as the courts have upheld the residency restrictions. They found there's a rational basis underlying treating them differently in this particular case. I think that the law would be upheld for the same reasons.

LEG. ALDEN:

I just want to make sure, too, that my position isn't misinterpreted. And I realize where you're coming from, and it seemed like down in Louisiana and the -- whatever you call it, the Superdome, I believe it was, and there was a major problem down there. People felt secure, because they had been evacuated by a government entity to an area and then they ended up being the victim of sex crimes. Unfortunately, those weren't all convicted sex offenders that participated in those sex crimes. The basis -- basic human and the worst of human nature came out in a lot of those people, so there was looting, there was beatings, there was all kinds of criminal activity, including some sex offenders.

I don't believe the sex offenders, once convicted, should actually ever be returned to society, because I really don't feel that they can be rehabbed, and I don't think that punishment is a deterrent. I think that they have to be taken out and segregated for the rest of their lives. But I feel that on this, I think you're going to create a situation where people are already in a panic, people are being evacuated from their homes, they're going into a situation that they're not sure of, and if they think that there's going to be a protection from sexual predators, because the sexual predator is required to identify himself going in there, there's going to be a false sense of security.

So, while it might be a good step and a first -- or a first step in a real good direction, maybe the proper way is to ensure that there's enough police presence in any situation or any type of facility that we're going to require people to be removed to, so that they can actually have a sense of security and then that security will not be a false sense of security.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Yes, just quickly, Mr. Chairman. Legislator Alden just spoke about why I think the bill is necessary. And when I first -- at first glance of the bill a few weeks ago, a few months ago, I thought about the logistics as well, as well as the constitutionality, and then I realized that the residency restrictions don't really come into play, and we're not creating any sort of exclusionary zones. And after hearing the scary testimony and reading the research given to me by Parents for Megan's Law about what happened in the Superdome and other areas where people have evacuated to during a major storm, in that case, Katrina, and the massive amounts of sexual predators and the preying on people that took place during those storms made me think twice. And though the logistics in just about anything, any bill that we pass, are never perfect, we try to at least move forward with it in hopes of providing public safety, and I firmly believe this bill does that. We're on an island. That's always talked about, getting the "Big One", whether it's a hurricane, a flood, water surge, blizzard. And the time will come, even though it hasn't happened in decades, the time will come, and it may come early and often in the years to come when it comes to emergency situations and putting people into temporary or permanent housing after a storm, and we should be prepared, and I believe this takes

some very important first steps in preparing us for that possibility.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. I have a couple of questions about, I guess, just the practical impact of this bill and how it actually would be implemented, not having been on this committee. I believe the Red Cross actually is a contract agency that operates emergency shelters for us, and so my questions go to what the Red Cross may have to say. And I also see Department of Probation is directed to provide such a shelter as well. So I'm hoping somebody from the Administration might be able to weigh in for us as well as to whether or not there's the means and the ways available there to actually furnish these units, fund these units, and provide the finance necessary in order to actually have it implemented.

LEG. BROWNING:

I would like --

LEG. KENNEDY:

I'll take an answer from anybody.

LEG. BROWNING:

Yeah. Well, I would like to respond. This bill, I have met with Probation. Probation is prepared to provide the people to monitor the shelters that sex offenders will be sent to. As far as whether they have the capability of doing it, yes, yes, they do. They have identified some locations. At this time, they're choosing not to --

LEG. KENNEDY:

Disclose.

LEG. BROWNING:

-- say where they are.

LEG. KENNEDY:

Okay.

LEG. BROWNING:

And, you know, for good reason. You know, we don't want to be telling everybody where the sex offenders are going. And, again, any kind of emergency shelter, it depends on the evacuation situation, whether it's a hurricane, or, you know, man-made, or, you know, that we have to make sure that for anybody going to a shelter. Not all shelters are identified at every time. Some shelters are used for certain situations, some are not.

But we have worked with Probation, we've worked with FRES. We have Megan's Law, also. As far as the Red Cross is concerned, we've worked with the Red Cross on this. And the Red Cross, we -- they will have a notice that will be posted notifying what the law is pertaining to sex offenders, that they have to identify themselves. There is law enforcement there. And if someone is identified as being a sex offender and they didn't identify themselves when they come in, you know, there's a penalty to pay. So, there is no bill and there is no law that any of us make that is a hundred percent foolproof, but we have to work towards making sure that we protect the Suffolk County residents, and I think that's what we're trying to do here.

LEG. KENNEDY:

I agree. I'll yield.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. I agree with our Counsel. I don't see a constitutional issue, I see this legislation as being very distinguishable from some of the other efforts when it came to residency restrictions. So I think that this legislation would be fine on constitutional grounds.

Now, I lived for many years in New Orleans. I still have a lot of good friends that live there, I'm in contact with them often, and I heard many of the stories of devastation, how it affected them and their families personally. And I try to think, what can we -- what must we do here in Suffolk County to learn those lessons? Legislator Browning has identified a very serious and legitimate issue, something that we can and must do here in Suffolk County. And here, of course, execution is always going to be an issue. I'm sure that she and all of us will do what we can to work with FRES, and Probation, and our law enforcement to ensure that this is a policy that's implemented, but here we make policy, and it has to be our policy to do whatever we can to protect our children.

P.O. LINDSAY:

Okay. Ready to vote?

D.P.O. VILORIA-FISHER:

Romaine.

P.O. LINDSAY:

Oh, I'm sorry. Did you want to speak, Legislator Romaine?

LEG. ROMAINE:

While I don't question the constitutionality of this, my concern is with its implementation. How many emergency shelters do we have in Suffolk? Who staffs these emergency shelters in times of emergency? Will there be someone to make sure that everyone entering the emergency shelter makes sure that they're not sex offenders? Will sex offenders identify themselves as sex offenders if they attempt to go to a shelter closer to them than the shelter designated for sex offenders? I don't know. It is a problem. I understand what Legislator Browning is trying to do. There are clusters of sex offenders in this County. They're not spread over this County evenly, but they are clustered in certain communities, one of which Legislator -- three of which, actually, Legislator Browning represents. I have one in Riverhead, and there are others throughout this county.

Hopefully, hopefully -- the thing that I see lacking in the bill, which doesn't mean it isn't going to get my support, but how is this going to be implemented? It's one thing to pass a law, it's another thing to enforce a law, or to make it workable, or have guidelines in effect. And what I would like to see, if this law does pass, is I'd like to see whatever departments are charged, I would assume FRES, Fire, Rescue and Emergency Services would be in charge in case of a disaster, how this law is going to be implemented. What procedures are FRES going to put into effect to implement this law? Thank you.

P.O. LINDSAY:

Okay? Okay. We have a -- it's been awhile. We have a motion to approve. Do we have a motion to table as well? No, just a motion to approve.

MR. LAUBE:

Just a motion to approve.

P.O. LINDSAY:

Okay. I'll try and do it with a voice vote. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. SCHNEIDERMAN:

Cosponsor, please.

LEG. COOPER:

Cosponsor, Tim, please.

LEG. ALDEN:

Abstain.

LEG. EDDINGTON:

Me, too.

LEG. ALDEN:

Not cosponsor.

P.O. LINDSAY:

Okay. We've got one abstention, you've got that. And the cosponsors were three; is that correct? Oh, there's more.

MR. LAUBE:

Yes, I do. Seventeen.

P.O. LINDSAY:

Okay. You've got all the cosponsors? Okay.

LEG. EDDINGTON:

I was a cosponsor.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

J.R. 1997 - A Local Law to establish a Prompt Payment Policy.

LEG. BROWNING:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second to the tabling? I'll second it. Okay. On the subject? Anybody want to talk about it?

D.P.O. VILORIA-FISHER:

Well, Mr. Chair, I'm just going to quickly restate some of the testimony that we heard this morning. I'd like to refer all of my colleagues back to the Comptroller's report, which certainly casts some doubt on testimony that had been presented here by the former Chief Deputy County Executive, that the cost of implementing a 30-day payment would be in the hundreds of thousands of dollars.

According to the Comptroller, it would be around 63 to \$73,000 to have a full compliment of staff in order to implement prompt payment.

Again, this is about our children. You know, during this holiday season, there are toy drives, there are clothing drives. Everyone wants to support the most vulnerable amongst us, and, yet, here we have a situation where we may be losing child care providers who are generally small business people who are extending their credit way beyond their capabilities in order to keep their businesses afloat. If we lose these providers, or if we have providers who say that they will no longer do business with the County, there will be no place for these most vulnerable among us.

And, if we also look at the broad picture, when we are trying to move people from welfare to work, we need to provide them the transitional services that they need, and child care is certainly an important transitional service that we provide for people moving from welfare to work.

Thirdly, we had, and I tabled this -- I made a motion to table last month, so that we could give the County more time to have a more effective system of payment, and there has been testimony that the County is doing better, and I agree. However, my constituent who was here this morning, who prompted me to introduce my original bill, Steve Burgdoerfer, is still saying that there are some of his payments that are 90 days late. And Ms. Reyes, whom everyone has come to know, because she has come before this body so many times, has said, "All we are asking for is assurance." This is what this bill is trying to provide for, the people who work so hard to provide a place for our most vulnerable. We are trying to provide an assurance that they will be paid within 30 days. And it's not even 30 days of first providing a service, it's 30 days after invoices have been done. And so they have been providing meals for these children and care. And, as we all know, State certification does not allow them to cut back on their staff the way the County cuts back on staff. They must maintain the staff in order to keep their licenses and in order to provide a safe place for these children. And so often they have children in their care 60 or 90 days, giving them food and providing them care, before they receive the first penny.

Please support this resolution. It's for the children of Suffolk County.

Applause

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I have to agree with my colleague. You know, when we get an American Express bill, we have to pay it in 30 days; you get a Visa or Master Charge, you got to pay it in 30 days. You offer a service, you deserve to get paid, and you deserve to get paid to continue running your business. Christmas is coming. How would you all -- how would everybody else feel if you weren't paid on time and you couldn't pay your own bills, you couldn't pay food for these child care institutions? We need to pay on time, that's our responsibility, and that's what we should be doing.

Applause

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
I think the point has been adequately made, that the County should pay its providers on time. These are providers that are providing services to people who are eligible for DSS. These are providers that are helping provide child care for the least fortunate among us.

Legislator Nowick made an excellent point: We all get credit card bills, we have to pay them in 30 days. If we do not pay them, we do not pay our credit card bills, we are deadbeats, we get bad

credit reports. This County needs to live up to its financial obligations in a timely fashion. This is all this bill is about.

I want to thank Legislator Viloría-Fisher for taking the lead on this. I fully intend to support it. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I don't want to belabor the point, but I feel compelled to point out that, and we do it all the time, we talk about how difficult it is to live here on Long Island and how difficult it is with the taxes, and everything else, yet we've allowed a situation to take place where Suffolk County has become part of the problem, and we have created an environment where it's more difficult to do business, instead of less difficult. And the roll of government should be able -- is to create an environment in which people can succeed, and we haven't done that here. We have allowed Suffolk County to become part of the problem, and this will be a step towards correcting that.

P.O. LINDSAY:

I just want to weigh in on this. Legislator Viloría-Fisher eluded to the County Comptroller's report on the problem with the late payments, and he -- the core of his report was that the cause of this is that we didn't have enough people processing the claims in DSS. And in this completed budget cycle for the 2008 budget, the Legislature added more positions in DSS. And I know, before those come on line in '08, I believe that more SCINs were signed. And I'm looking for some kind of verification from Mr. Zwirn on where we are in terms of the staffing in that department.

MR. ZWIRN:

If I might, Mr. Presiding Officer, it is fully staffed, and we are adding an Assistant County Attorney in '08 to help expedite contracts as well. Internally, we are also looking at ways to improve the contract system by bar-coding contracts, so we can track them and find out which departments they're languishing in.

But, the bottom line is, is when this legislation was proposed, it was to get the day-care providers paid in a prompt manner and that's happening. We made a commitment to fill the slots. Once the sales tax issue was resolved, the positions were filled. My information is that it's 29 days in DSS, one to two days in audit, and then it goes in the mail. We cannot do direct deposit. It's something that we would have liked to have done, but because of the computer systems not being in sync between the State and local, we can't do that at the present time, and we're trying to work with the State to see if that can happen.

The County Executive vetoed this bill sometime ago, and it was sustained with the proviso that we would do better, and that we would fund this -- fund the program, make sure everybody is on board and it's working. I mean, you heard people testify today saying they're getting paid. We have two computer systems working we didn't have before. We ask for a chance -- we ask you for a chance to see it in January. We're not saying don't hold the feet to the fire of the County Executive's Office and our DSS staff, but I think we have made a good-faith effort to get this done, and I think we have succeeded. And we've asked for the patience of the Legislature and the patience of the providers, and I think it's happened and I think it's working. The idea is to get them paid, and I think we're doing that.

If we are late for any reason, the interest payments that are penalties come from the taxpayers, come from your constituents' pockets. It's not as if we're paying it -- you know, the County Executive is going to write a check out of his own bank, it's going to come out of the taxpayers, so that's who we're penalizing.

We are making every good-faith effort to get this done and I think -- and I think we have succeeded.

And I just ask for a little more time come January to see if -- how we're doing into the new year, and I think that's all we can ask. That's what we've asked in the past and we have kept our end of the bargain.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I won't belabor this issue. As a matter of fact, I first started to send correspondence on this in January of 2007, and we had in February the proprietor of Rainbow Chimes who came to us with a Federal tax lien. We have heard representations from the Administration, from the DSS Commissioner, we've heard them from everybody under the sun, and here we are 12 months later and we're being asked to, "Give us a chance to do better."

MR. ZWIRN:

It's working.

LEG. KENNEDY:

No. As a matter of fact, it's not working, Ben. It's not working, because back in March, we made the request to have staff added --

MR. ZWIRN:

We didn't have the sales tax.

LEG. KENNEDY:

-- and to have a hierarchy done, and there was none done. We were told it was going to run a quarter million dollars, and, in fact, when the Comptroller, at several of our requests, went and investigated it, we saw that the true cost was only 60,000.

You know, there comes a point where you have to go beyond, ask, "Give us a chance to do more, do more, do more." If the County Executive fills the positions that we've put in the budget, there'll be no interest issues. There'll be the bodies to process it. If he continues to hold them vacant, there won't. It's simple. I'm going to support the bill.

P.O. LINDSAY:

Legislator Losquadro.

(Applause)

LEG. LOSQUADRO:

Thank you. And just to add to what Legislator Kennedy said, this has actually been going on for far longer than just January of this year. This is something from the child care providers that was brought to me almost two years ago. And I have other agencies, not-for-profits, groups providing services that are contracted with the County, that have been behind on payments for my entire tenure in office, and I have constantly had to reach out to department heads, to the Chief Deputy County Executive, the former Chief Deputy County Executive, and, you know, basically plead in each individual case for something to be taken care of for a process that just should have worked. This has been going on for years.

The issue of the sales tax extension is just a convenient excuse. That had very little to do -- maybe in -- maybe in this exact moment, in terms of hiring certain staff, but this was not taken care of for years.

I'm supporting this. The time for discussion is over. We need to do something and put a formal process in place.

P.O. LINDSAY:

Legislator Schneiderman.

(Applause)

LEG. SCHNEIDERMAN:

Ben, you're asking for trust, and we have known for a long time that DSS has been understaffed. And we've made multiple efforts to put more staff into DSS, sometimes succeeding, but then finding out that those positions were not filled. And although the County Executive seems to be working in good faith, and maybe in January they'll be paid within 30 days or 45 days. This bill is not about January or February, it's permanent, it codifies a procedure. It puts it into the County Charter, so that whoever the County Executive is 20 years from now, these day-care providers will be paid on time. And we need them, and not having them would be more expensive than we could comprehend. We've got to keep these people in business. They're keeping parents working, they're keeping the economy of Suffolk County growing, and they deserve to be paid on time.

(Applause)

P.O. LINDSAY:

Okay. Seeing no one else, we have a motion to table that takes precedence over the motion to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes to table.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

No to table.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No to table.

LEG. MONTANO:

No to table.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay. Tabling fails. Motion to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes for the children of Suffolk County.

(Applause)

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes, and Happy Holidays.

LEG. ROMAINE:

Yes.

(Applause)

P.O. LINDSAY:

No.

LEG. COOPER:

I'm sorry?

MR. LAUBE:

No. You passed?

LEG. COOPER:

I abstained.

MR. LAUBE:

Abstained.

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

Sixteen.

LEG. LOSQUADRO:

Mr. Clerk, I believe I'm listed as a cosponsor already, but if not, please make sure I'm on the bill.

MR. LAUBE:

Yes, sir.

LEG. LOSQUADRO:

Thank you.

LEG. SCHNEIDERMAN:

Tim, too, myself.

LEG. ROMAINE:

Cosponsor.

LEG. CARACAPPA:

What was the count, Tim? What was the count?

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

Oh, so --

MR. LAUBE:

I had one abstention and one no.

LEG. CARACAPPA:

It should beat a veto, right?

LEG. ROMAINE:

It should be veto proof.

LEG. CARACAPPA:

Yes.

LEG. ROMAINE:

Yeah, at 16.

P.O. LINDSAY:

I.R. 2013. *I.R. 2013 - Appropriating funds in connection with the fencing and surveying of County parks.*

P.O. LINDSAY:

Do I have a motion? Do I have a motion?

LEG. MONTANO:

Motion.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Montano. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

I'm right behind you.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

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. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2173A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$20,000 bonds to finance the cost of the planning for replacement of Flightline Lighting at Francis S. Gabreski Airport), this is the bond from a previously passed resolution. I'll make a motion. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second? Where was the second? Schneiderman. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Nope.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

2175 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the Brownfields Program. Do I have a motion? Do I have a motion? Motion by Legislator Mystal, second by Legislator Horsley.

LEG. ALDEN:

Explanation, please.

P.O. LINDSAY:

Explanation. Budget Review, you want to do this? I see Mr. Minei. Mr. Minei, do you have a -- maybe -- Mr. Minei, do you want to explain the content here, or do you want Budget Review to do it?

MR. MINEI:

I'll wait for their explanation first.

MR. REINHEIMER:

Okay, yeah. This just reprograms \$125,000 from construction to planning and appropriates a total of \$855,000.

LEG. ALDEN:

For what?

MR. REINHEIMER:

For the Brownfields Program, Capital Program 8223.

P.O. LINDSAY:

Do you want to add to that, Mr. Minei, before I go to other Legislators? It might cut off some questions. I'm trying to speed it up. Tell me what the money's going to be used for; remediation of our Brownfields?

AUDIENCE MEMBER:

Have a nice holiday. Thank you, everybody. Thank you, before he speaks, he speaks long.

P.O. LINDSAY:

Go ahead, Mr. Minei.

MR. MINEI:

Another fan. Just very quickly, we have a list.

LEG. ALDEN:

Your mike's off.

LEG. ROMAINE:

Mike.

MR. LAUBE:

Microphone.

MR. MINEI:

If I could just clarify, I hope people understand that my weak attempts at humor was self-deprecating. John, I would never take flooding basements. You know I personally participate in meetings, and as a parent and resident, I take flooding seriously.

P.O. LINDSAY:

We passed that issue --

MR. MINEI:

I know.

P.O. LINDSAY:

-- six ago. Just go forward.

MR. MINEI:

Okay. This one is a list --

P.O. LINDSAY:

No, I don't want to start a new dialogue on that, please.

MR. MINEI:

No, this -- I just wanted a clarification, I was getting some questions.

There's a list of active Brownfields projects, a couple of them on the Gabreski Airport, Ronkonkoma Wallpaper, Blue Point Laundry, and a couple of others, and this money, it goes towards the planning activities, as well as site improvement on those sites as we move forward in the Brownfields Program.

P.O. LINDSAY:

Thank you, Mr. Minei. Did you have a question, Legislator Romaine?

LEG. ROMAINE:

Yes. First of all, how do these get rated to get on this Brownfield list that the County is going to spend money on?

MR. MINEI:

Well, going back several years, we were asked to participate in the State program called Rebuild Now New York. It was an economic development program, and it was a County-owned project that had other characteristics: Transportation, commercial value, etcetera. So the Gabreski Airport projects have always been high on our list.

Going back to the late '90's, there was a committee set up to evaluate properties in tax arrears. Ronkonkoma Wallpaper came out as one with limited contamination with potential for Brownfields money and redevelopment in the area. Blue Point Laundry goes back 30 years and other projects. So they've been elevated by thorough evaluation of tax arrear properties, properties we believe have limited contamination that won't rise to the superfund level, and they've gone through that examination over time.

LEG. ROMAINE:

Mr. Minei, I'd like to get a list of those properties and the evaluations that were done, and I'd specifically like to take a look at a piece of property that we sold a Brownfields tax lien on in the Town of Riverhead at the corner -- at the southwest corner of Pulaski and Griffing Avenue in Riverhead. I'd like to see if you have data or information that you could provide to my office on that, because I'm wondering why that project was not included in this Brownfields, why we sold the tax liens without the cleanup.

MR. MINEI:

Okay. Could I ask that staff just provide me the tax map parcel number?

LEG. ROMAINE:

Sure, absolutely. My staff will do that for you, if you could provide me that information.

I'm most curious how some Brownfields make a list, get cleaned up, and others don't. So I would like to be educated, and I would appreciate that, because, right now, I'm going to be voting on a resolution in the dark, because I've watched Brownfields in my district that we voted -- we thought we were voting to clean up. When we were selling the tax liens, we were not told the truth. There was no attempt to make any correction of that. And now I have, right adjacent to the Pulaski Street School, a Brownfields that probably won't be cleaned up because of the action of this County. And I have to find -- I'd like to know more about how -- which Brownfields were put on a list, which ones weren't, how that determination was made, and how much was estimated for the Brownfields cleanup of a County-owned property; we own the tax lien for it in Riverhead before we sold it, without a commitment to clean up, although we were told it would be cleaned up and then lied to, and then we voted for it any way to sell the tax lien without any cleanup provision. So I'm certainly interested in getting that information. This issue will not go away.

MR. MINEI:

I will provide the background we have.

P.O. LINDSAY:

I'm going to just answer part of our questions. The one that Mr. Minei mentioned in my district, I sponsored a resolution that passed this body to clean up the wallpaper factory, and we own the property, it wasn't a lien.

LEG. ROMAINE:

I'm familiar with that situation.

P.O. LINDSAY:

Okay.

MR. MINEI:

Major point, you can't proceed far into the Brownfields Program without ownership of the property.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Vito, do you know the size and scope of our Brownfields Program? I'm trying to think back to our budget --

MR. MINEI:

Right, right.

LEG. ALDEN:

-- because this is the Capital Budget.

MR. MINEI:

Right. We went out to RFP and we have a consulting firm now, I believe, under contract to evaluate all the Brownfields Programs as they come in. The Brownfields Program, in that term of art, continues to expand as the Treasurer's Office provide tax lien properties for consideration. There's now a whole process, before it even gets to my staff, to evaluate the potential contamination. So there was back in a resolution that was at least cosponsored by then Legislator Bishop that had about 18 or 19 properties. We went through it. That's the report I'm going to provide, and I'm going to provide an update on the entire process for your consideration.

LEG. ALDEN:

How much does the Capital Budget provide for this Brownfields Program?

MR. MINEI:

I believe it's now upwards, as you follow through, upwards of a couple of million dollars. We're asking for 855,000 appropriated in 2007. There's a table that lists the work, the planning work and the site improvement work that we intend to do at a number of sites.

LEG. ALDEN:

Thanks, Vito.

P.O. LINDSAY:

Okay. Any other questions? Seeing no questions, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *I.R. 2198 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for design improvements to the Suffolk County (Sewer) District No. 5 - Strathmore, Huntington.* I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. I need some order over here on this side, Legislators.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Come on, we're in session. Legislator Alden.

LEG. ALDEN:

This is tapping into the money that is in the Sewer Stabilization Fund; is that correct?

MS. VIZZINI:

Correct. It authorizes a loan of \$50,000 from the Sewer Assessment Stabilization Reserve.

LEG. ALDEN:

Sewer District No. 5 has increased their charges by the statutory --

MS. VIZZINI:

A minimum of 3%, that's correct.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On Page 5, I'm being told that the bond -- we don't have the bond on 2227 yet, so I'm going to skip over it to see if it comes before the end of -- oh, wait.

MR. ZWIRN:

It's not going to be ready in time, Mr. Presiding Officer, so I would ask that that bill be tabled. We'll refile it in January.

P.O. LINDSAY:

Okay. I'll make a motion to table.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

P.O. LINDSAY:

Moving right along. Page 6, Economic Development, Higher Education and Energy. **(2195)**
Amending the 2007 Capital Budget and Program and appropriating funds in connection with downtown beautification and renewal.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. EDDINGTON:

Second.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Second by Legislator Eddington. And on the motion, Legislator Alden.

LEG. ALDEN:

And this is mainly to Budget Review. This is, as I noticed, a Capital Budget item?

MS. VIZZINI:

Yes.

LEG. ALDEN:

In the past, hasn't Downtown Revitalization Programs been a cash basis?

MS. VIZZINI:

Yes. Both programs in this resolution and the next one before you formerly were through the Operating Budget, but --

LEG. ALDEN:

Thank you. I'm sorry.

D.P.O. VILORIA-FISHER:

Question for Budget Review.

LEG. ALDEN:

I actually cut you off.

MS. VIZZINI:

No. It's just that the decision was made in the Capital Program that they would be funded with bonding.

P.O. LINDSAY:

I've been reminded by Counsel that this is a 14-vote, because the funding was changed.

MR. NOLAN:

Yes.

P.O. LINDSAY:

Yeah.

MS. VIZZINI:

In the resolution, yes.

P.O. LINDSAY:

And we did put it in the Capital Budget. We put them in the Capital Budget, but we didn't fund it in the Operating Budget, so it has to be bonded; am I correct?

MS. VIZZINI:

Well, if there's no cash in the Operating, you are correct, yes.

P.O. LINDSAY:

Right, right. Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Gail, you just said if there's no cash in the Operating Budget. Is there any money left in pay-go?

MS. VIZZINI:

There is money in pay-go. It would be too late to change this, and the scheduled money in the Capital would be lost if you did not appropriate this money. The bonded indebtedness cost over five years is about \$61,000 on the 500,000.

D.P.O. VILORIA-FISHER:

Okay, which seems to me incredulous based on the fact that some of the projects that are included in these two resolutions, and I'm -- I wish it were earlier in the year so that we could change it, because I'm looking at signs. I don't know whether it's this one or the next one. Gail, can you, please, tell me the one that is the Legislatively directed one? Is that 2195 or 2196? I don't have the backup on the laptop.

MS. VIZZINI:

2195 is the Legislative directive.

D.P.O. VILORIA-FISHER:

Okay. And that's the one where, in order to get to 500,000, our -- the Task Force that has been put together, which they're volunteers who work very, very hard and I give them a great deal of credit, but they were tasked to get to 500,000. And in order to get to that, we see some projects that are far less than what our usual 5-25-5 pay-go describes. And the one that jumps out at me from memory from this committee is one for \$12,000 for signs. And that's very disturbing, that we would be bonding \$12,000 for signs. And the arguments that's been posited is that, well, we're not bonding that \$12,000 by itself, we're bundling it with other things.

Nevertheless, we must be sure that when we put money aside for downtown revitalization for next year, when we put it in the budget, we must also have the cash to back it up, because we cannot continue to create a government that will burden future generations, and that's what's happening with this kind of bonding. It's an addiction to bonding, it seems to me, and we're not paying for what we're spending.

I will -- I don't anticipate voting against this, because I know that it's a good program, and we can't change it at this point, but next year, we should really have the cash in the budget to support it or not do it.

MS. VIZZINI:

I'd like to mention that the Legislature in the omnibus did add 2 million dollars in the '08 Operating Budget for pay-as-you-go to match the 2.1 that's already scheduled in the '08 Capital Program, so I congratulate you on doing that.

D.P.O. VILORIA-FISHER:

So, for '08, we do have the money in place to support this?

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

Okay. Good for us.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

If I understood you correctly on the bond issue, it's \$65,000 in interest over five years per bond issue. So, for a million dollars, it's \$130,000 in added expense for the taxpayers over a five-year period.

MS. VIZZINI:

That's correct.

LEG. BARRAGA:

Thank you.

MS. VIZZINI:

The Executive's fiscal impact indicates a ten-year at 120,000 each, but I read the bonds and the bonds are only for five, which is probably because of some of the -- the nature of some of the things that we're buying. The signs, you probably can only do them for five years.

LEG. BARRAGA:

So the 130,000 figure is accurate?

MS. VIZZINI:

Yes.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Anybody tell us? Okay. We have a motion to approve. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, same motion, same second. Roll call.

LEG. ROMAINE:

Clerk, Tim, cosponsor.

LEG. EDDINGTON:

Renee.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. MYSTAL:

Mystal, yes.

MR. LAUBE:

Mystal.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

LEG. COOPER:

Oh, wait. And me, yes. Oh, you got me. You just assumed I was going to vote yes?

MR. LAUBE:

I thought I heard you say yes.

LEG. COOPER:

Oh.

D.P.O. VILORIA-FISHER:

No, he said, "Pass."

MR. LAUBE:

Well, the first time he said, "Pass", then I said it again, I thought I heard him say, "Yes".

P.O. LINDSAY:

Okay. Can you call the vote?

MR. LAUBE:

Yes, sir, 16.

P.O. LINDSAY:

Okay. *I.R. 2196 - Amending the 2007 Capital Budget and Program, allocating downtown revitalization funds, Phase VII, and appropriating the 2007 Downtown Revitalization Funds in connection with the Suffolk County Downtown Revitalization Program.*

P.O. LINDSAY:

Do I have a motion.

LEG. EDDINGTON:

Approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Legislator Horsley. Legislator -- it's a 14-voter. Legislator Kennedy, do you have a question that hasn't been asked? Go ahead.

LEG. KENNEDY:

Why don't I beat a dead horse, Mr. Chair.

P.O. LINDSAY:

You certainly are.

LEG. KENNEDY:

Just to differentiate the two programs, this program that we're considering now is a program that identifies communities directly by the County Executive's Office; is that correct? Can anybody answer that one for me? Or, in the alternative, is there an Advisory Committee that reviews request?

MR. NOLAN:

The Advisory Committee reviewed them. There is a list attached to the resolution identifying where the money's going to go, the individual projects within the 500,000.

LEG. KENNEDY:

So that same committee that reviewed the prior resolution's request reviewed this one as well.

MR. NOLAN:

Yeah. I think that has been a change from past practices, but I believe the testimony in committee was they reviewed both, both the Executive's, and Carolyn Fahey may be able to confirm this, but I believe the committee reviewed both.

LEG. KENNEDY:

I would be interested to hear the comments from Economic Development.

MS. FAHEY:

Good afternoon. This -- in deference to Ms. Vizzini, this is the Legislature program. The resolution you recently approved was the County Executive's program. This is the Legislature program, Capital 6412. But, to clarify, typically, the County Executive's program is -- the funding is designated by him alone. This year, he allowed the Downtown Citizens Advisory Panel, your panel, to take the applications that they receive with the traditional program and award money through that process also.

LEG. KENNEDY:

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

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

LEG. EDDINGTON:

Cosponsor.

P.O. LINDSAY:

Same motion, same second. Roll call.

LEG. ROMAINE:

Cosponsor.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

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:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yep.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I.R. 2264 - Appropriate funds in connection with the redevelopment to create a Homeland Security Technology Park at Gabreski Airport.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 2272 - Amending the 2007 Capital Budget and Program and accepting a grant award from the New York State Department of Transportation, Aviation Bureau and appropriating funds in the 2007 Capital Budget and Program in connection with the construction of the helicopter hangar for East End operation, Gabreski Airport.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. LINDSAY:

J.R. 2027 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Bavarian Inn property, Town of Smithtown.

LEG. KENNEDY:

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve, seconded by Legislator Vilorina-Fisher.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper. Do I have a second to the tabling?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. On the question? Anybody want to talk about it? We heard enough

about it.

LEG. KENNEDY:

Mr. Chair, I'll make it very fast and very simple, in deference to the hour. This resolution was rated by Planning, it got a 42. That is the highest rating that I've ever received for any property that I have submitted. I conformed to all of the requirements that were associated with it. Planning Department recommended it. I checked with the Treasurer's Office this morning. The owner is not in serious arrears, they're only six months open on the taxes. I have looked at our plans, our policies, our rules, and our regs, and I've never once seen that the County of Suffolk engages in an overt policy to acquire land by the hardship of anybody.

Resolutions stand and fall on their merits. This compels us to expend the sum of about \$10,000. That's the price of two commercial appraisals. I ask my colleagues to go ahead and support this. We heard a lot of testimony this morning, and, again, I'll keep it at that. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

I guess maybe this is for BRO. Is there a level of Town funding or participation in this?

MS. VIZZINI:

Not at this stage, it's the planning steps.

LEG. STERN:

And has there been any interest on the part of the Town? Has there been any written correspondence from the Town that they would be interested in partnering with us in any way?

MS. VIZZINI:

I'm not aware.

P.O. LINDSAY:

It would be the first.

MS. VIZZINI:

I'd defer to the department.

LEG. KENNEDY:

Through the Chair, I can indicate that I've had dialogue with DEC, and, as a matter of fact, they've expressed a desire to go ahead and possibly join with us for the purposes of providing handicapped access for fishing opportunities, and so there may be a partnering opportunity there. But, again, as we all know, this is the very first step in being able to acquire any property, and it commits us to a relatively low threshold.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

In deference to Legislator Kennedy, why don't we wait and see if the property owner will pay his taxes, because, if he doesn't pay his taxes, we can take the property in March, and why don't you kind of wait and see what happens in the next year?

LEG. KENNEDY:

You know, Legislator Mystal --

LEG. MYSTAL:

I understand the urgency, but --

LEG. KENNEDY:

If I may, through the Chair. I defer to the wisdom of my colleagues who have been here for many years, but I have yet to hear in three years that that's advanced as a predicate for acquisition or for contemplation of planning steps, so I'm disinclined to embrace that. I'd like to see it go up.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Just to follow-up on Legislator Kennedy's comments, I just want to point out that many times we see properties before us that are characterized as additions, that they're adjacent to existing holdings, and, in this case, that certainly is the case. In fact, not only is it adjacent on one side to County property, but it's directly across the street from another very large nature preserve. So it interests me that this is not characterized in the same fashion that we see many other properties, where we have an opportunity to increase our holdings and increased opportunities for recreational activities with -- for Suffolk County residents. And we have a very clear opportunity to do that here and I think we should take that.

P.O. LINDSAY:

I'm going to add my own two cents to this. And I'm going to support this resolution, but I want to make it crystal clear to some of the speakers this morning. If this comes back with the building, I have no interest in the building or as a historic site. I have no interest in a septic system that's leaching into the Lake. If this property could be cleansed of the septic system in the building and it could be preserved as to add to our holdings around Lake Ronkonkoma to help purify it, I'm all for it. But, if it comes back with the building intact, I will not support the acquisition.

D.P.O. VILORIA-FISHER:

I can answer that, Mr. Chair, if I may.

P.O. LINDSAY:

I didn't ask for an answer.

D.P.O. VILORIA-FISHER:

Well I'm just -- may I have the floor?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

As Chair of the Environment, Planning and Agriculture Committee, that specifically was discussed at length in the committee. And the committee voted it out of committee with the proviso that we were not going to be maintaining the building, that we were looking at it as part of it being adjacent to the preserved land, the Lilly Pond Nature preserve, and that I saw it as a very important piece of water management and wetland management.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

The other addition to that would be that the appraisal should be without the building, and that the demolition costs should be included in that appraisal.

P.O. LINDSAY:

Well, I think that's up -- that's subject to --

LEG. HORSLEY:

We've talked about this in committee.

P.O. LINDSAY:

-- Real Estate and how it comes back to us. But I just want to make it clear that I'm not going to approve it --

LEG. HORSLEY:

It should be the cost minus the building. That would be the --

D.P.O. VILORIA-FISHER:

Well, that's how the process works.

LEG. SCHNEIDERMAN:

It's typically how it would be done.

LEG. HORSLEY:

Right.

D.P.O. VILORIA-FISHER:

That's how the process works.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Very briefly, this is a planning step. We're authorizing appraisals. The appraisal are going to cost \$10,000. If the appraisals go well, if Real Estate negotiates, if the owner is willing, then terms and conditions are agreed upon. Then, at the very end, it comes back to us, everyone has a chance to vote yes or no. This is just to get this process moving. We have a chance to take a look at the price at the time, whether the building is going to be demolished, whether the septic is going to be cleaned up. We have a chance to ask all those questions. All we're doing now is setting in motion something just to take a look.

I sat last year on this committee, and the Chairman, who's still -- the Chairlady, Legislator Viloria-Fisher, will tell you, I don't think I've ever seen anything come in at 42 as a rating. That's the highest rating I can recall in memory of any property we have ever acquired. And for all of those who vote no, who have properties in their district who have scored far less, you have to wonder what that vote is based on. I'm basing it on the fact that this is one of the highest scoring properties that has been independently rated by the Planning Department of this County. Thank you.

P.O. LINDSAY:

I'm going to ask Mr. Zwirn, do you agree with the assessment on the \$10,000 appraisal price?

MR. ZWIRN:

No. This is going to be a very special review, if it goes forward, because you're going to have to do a full environmental study on this property, because you have a septic tank that's there, you have an existing building. I mean, this is distressed property, and to think that the owner of this property is going to pay for the cleanup of the property when he hasn't even paid the last six months taxes is, you -- know, he hasn't paid 29, \$30,000 in back-taxes. Do you expect him to go out and spend hundreds of thousands of dollars to reclaim the property? I mean, we just think that this is a distressed piece of property. We've already got a lien on the property. We just think that this is a bad precedent to set with our land -- you know, the Open Space Acquisition Program. It got high

ratings because it's waterfront and it's near County holdings, but there's a motel, I understand, next door that would also probably get high ratings, because it's on the water and it's near County property. So where does this end?

We spend, I think it's close to 2 million dollars a year in planning steps, money for the soft costs on land acquisitions. We just think that it would be more prudent to not go ahead with this one, because it just doesn't -- this one doesn't make sense. This looks like a bailout for a particular owner. At the Committee, it wasn't clear whether this was going to be for passive purposes or recreational purposes, it went back and forth, and I think the rating was done on one and not on the other.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
It doesn't set a precedent, because in Babylon we bought property that had actual --

LEG. CARACAPPA:
OBI.

LEG. ALDEN:
-- tanks in the ground that were contaminated and leaking. They had buildings there that had asbestos in them. The Barrett Heating building was bought because it was adjacent to wetlands, where we had to rip the building down, we had to clean up their septic system. So there's -- and it was just mentioned that we bought a beach over there, the OBI property. It had all kinds of septic systems, it had oil tanks, it had a building on it. It had actually where people had dumped unclean fill. So it doesn't set a precedent in that regard, but it might set a precedent in Suffolk County's fortitude or actually desire to go forward with adding to their holdings that are adjacent to water bodies, and eliminating maybe some source point pollution. So, in that regard, it might set a little bit of a precedent, but the other way, it doesn't.

P.O. LINDSAY:
Legislator Kennedy, do you want to have the last word on this?

LEG. KENNEDY:
You know, Mr. Chair, I was very clear in Committee, notwithstanding what Mr. Zwirn is characterizing in his ambiguity. Again, I try very hard to go ahead and work the process by what's set out for us. If somebody seeks to alter this, to add a bunch of extraneous factors, maybe that's something we'll take up next year. Right now, I've worked the criteria we had and I've made the arguments, and let's vote it.

P.O. LINDSAY:
Alleluia.

LEG. SCHNEIDERMAN:
Bill, can I? Bill?

P.O. LINDSAY:
Okay. We have a motion and a second. Unless I'm asked for a roll call, I'm just going to say all in favor? Opposed? Abstentions?

MR. LAUBE:
And this is for the tabling motion.

P.O. LINDSAY:

Oh, it's tabled?

MR. LAUBE:

You have a --

P.O. LINDSAY:

Oh, it's a tabling motion. Okay.

MR. LAUBE:

You have a tabling motion in front of you.

P.O. LINDSAY:

Do you want to -- we'll just do a roll call. Go ahead.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes to table.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No to table.

LEG. NOWICK:

No to table.

LEG. KENNEDY:

No to table.

LEG. BARRAGA:

No it table.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No to table.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Two.

P.O. LINDSAY:

Okay. We've got a motion to approve. All in favor? Opposed? Abstentions?

LEG. STERN:

Opposed.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

One opposition, two oppositions. Any others? Okay.

MR. LAUBE:

Sixteen.

LEG. MYSTAL:

Merry Christmas, Jack.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Okay. *2098 - Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program, Rollstone Estates Property, Town of Islip.* I'll make a motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2117 - A Local Law to reduce nitrogen pollution by reducing the use of fertilizer in Suffolk County. Motion by Legislator Viloría-Fisher. Do I have a second? Second by Legislator Eddington.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I just had a couple of little questions. This applies to commercial applicants, or does it apply to residential?

P.O. LINDSAY:

Both.

LEG. ALDEN:

Maybe George would know that or the sponsor.

P.O. LINDSAY:

Commission Gallagher, could you answer that, please?

COMMISSIONER GALLAGHER:

Yes. This actually -- the prohibition applies to all non-County owned property. The training requirement is of licensed landscapers in Suffolk County. The education and outreach efforts would be targeted both at people who work in retail establishments, as well as consumers and the general public, so there's a variety. We're trying to hit essentially all of the markets or targeted constituencies that aren't already being addressed through our efforts with the golf course nitrogen reduction with agricultural best stewardship management practices, etcetera and so forth.

LEG. ALDEN:

Commissioner, an owner of property, just residential in nature, that applies some kind of fertilizer after --

COMMISSIONER GALLAGHER:

November 1st.

LEG. ALDEN:

Right, or just before Thanksgiving. So what would be the -- how are you going to, number one, catch them, and then what are the -- what are the penalties that they would have to suffer?

COMMISSIONER GALLAGHER:

That would be complaint-driven and Public Sanitarian, Public Health Sanitarian would go out and issue them a warning the first time, and then there are fines if they're a repeat offender, you know, \$250, up to -- or up to \$1,000 if you repeat numerous times.

LEG. ALDEN:

Now, when you say, "Repeat," so, if you did it in '07 and you got a warning, and you did it in '08, would that be a warning or would that be considered a repeat offender, or does it just go to year application by the calendar year?

COMMISSIONER GALLAGHER:

That's a good question. I don't think we had --

P.O. LINDSAY:

Mr. Brown is behind you, I think he has the answer.

MR. BROWN:

I think that that would fall under the area of legal, but if a repeat offender, it would be if there was a

fine and then there was a second fine, that would be a second offense, a third, a fine would be a third offense, etcetera.

LEG. ALDEN:

But when with the offense, does it cut off on a calendar year, or does it go from year to year. So, for instance, here's what happens: Say Cameron Alden goes and puts fertilizer down on his lawn right before December 1st, at the end of November. My neighbor turns me in. They come down, you give me a warning. I don't do it again this year, of course not, because I just put fertilizer down, but next year I do the same thing on the same day. Is this a repeat offender?

MR. BROWN:

No. Like I said before, a warning wouldn't serve the predicate as like a second offense type of fine or a third offense type of fine. You have a warning, then you would have a first offense, then a second offense, and then a third offense.

P.O. LINDSAY:

Mr. Brown, the question is, in the same year he's asking.

LEG. ALDEN:

Or is it different years.

P.O. LINDSAY:

It has to be different years. How many times would you put down fertilizer after November 1st?

LEG. ALDEN:

No. This is key, because my support of the bill hinges on this answer.

MR. BROWN:

The law does not express a period of time whereby the offense would be expire before qualifying as a second -- with underlying -- where the first offense would expire.

LEG. ALDEN:

So, if I get caught two years in I row, I'm a second repeat offender?

LEG. MYSTAL:

Yep.

LEG. ALDEN:

And I'm heading for either jail or I'm heading for a fine, right?

MR. BROWN:

Well, your first year, you have a warning.

LEG. ALDEN:

Okay. So '07 I did it, I get caught. No, it doesn't take effect until next year anyway. So '08 I did it, I get caught, I get a warning.

MR. BROWN:

Right.

LEG. ALDEN:

In '09, the same day, I go and put the fertilizer down the end of November.

MR. BROWN:

You get a fine.

LEG. ALDEN:

I get a fine the second year? In '09 I would get a fine?

MR. BROWN:

That's your first offense. The first time you did it, you got a warning.

LEG. ALDEN:

In '08.

MR. BROWN:

In '08.

LEG. ALDEN:

So you guides are going to keep a record of who you gave warnings to in '08 and then revisit them in '09?

MR. BROWN:

I don't reall -- I mean --

LEG. ALDEN:

Okay.

MR. BROWN:

Of you get a -- you get a warning in '08, you get a fine in '09, you'd get a second find in 2010.

P.O. LINDSAY:

And then, if you keep doing it, you're isolated as a fertilizer --

LEG. ALDEN:

Violator, that's right.

P.O. LINDSAY:

Violator.

LEG. ALDEN:

And how much is the fine after --

P.O. LINDSAY:

And we take away your spreader.

LEG. ALDEN:

And forbid the purchase of another spreader for the rest of the life, natural or unnatural. How much is the first offense?

D.P.O. VILORIA-FISHER:

Two hundred fifty dollars.

LEG. ALDEN:

I'm just waiting how much it's going to cost me in the future.

D.P.O. VILORIA-FISHER:

Two-fifty.

LEG. MYSTAL:

Two-fifty.

D.P.O. VILORIA-FISHER:

Why are you fertilizing so late?

LEG. ALDEN:

We've always fertilized before --

LEG. EDDINGTON:

Over-fertilizers.

LEG. ALDEN:

No. It goes right really to the Mayflower. You know, right before Thanksgiving, we put the last fertilizer down.

D.P.O. VILORIA-FISHER:

With the leaves on the ground?

LEG. ALDEN:

No, no, no, the leaves weren't on the ground, that's the whole point.

MR. BROWN:

You know, we have to stand corrected. You know, the Commissioner indicated that the fine is progressive. The fine is not progressive.

LEG. ALDEN:

So how much is it?

MR. BROWN:

Not to exceed \$1,000.

LEG. ALDEN:

You get caught the first -- the second time, then, you get a warning, and then the next time you get caught, \$1,000?

MR. BROWN:

Not to exceed \$1,000.

LEG. ALDEN:

No, but -- okay. So it could be \$1,000 for a homeowner who's putting it down just before Thanksgiving.

P.O. LINDSAY:

I think our Counsel wants to clarify something to --

MR. NOLAN:

Well, I just want to add that the last amended version of the bill doesn't call for a warning, it just says it's a thousand dollars for each violation. I don't see where the warning is in the bill. Maybe that's something they plan to do administratively, but --

LEG. ALDEN:

There is no warning?

MR. NOLAN:

There's no language in the bill that I can find to that effect?

COMMISSIONER GALLAGHER:

There's no language in the bill in talking about promulgating rules and regulations. That was the discussion with the public -- with Department of Health Services. Again, the focus is really on the

education and outreach, we want to get that piece out there, and on training. And we'll be -- there are some of these details with rules and regulations that we will be working out between Consumer Affairs, ourselves and Health Services still, but the focus is to start getting the education out next year, which would give everyone one year of transition in any practices they had. So it would take effect in January of 2009.

LEG. ALDEN:

Through the Chair, could I get my address redacted?

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

We've seen a lot of testimony given by landscape professionals, and, Legislator Alden, I think that they would be more impacted, because somebody could be doing one lawn one week, and then another lawn the week after and so that would be within the same year and so there might be a warning and then a second offense, you know, two days later. So is that correct?

COMMISSIONER GALLAGHER:

Yes.

D.P.O. VILORIA-FISHER:

Okay. So this is why we've had the landscape professionals here saying that that's a problem for them, because the impact for them would be probably clearer.

COMMISSIONER GALLAGHER:

And that's why we're requiring them to take a training and it also gives them a year, this doesn't take effect until January of 2009, so there's a year-long period for the education and outreach, for the information to get out there and for them to get this worked into the normal set of courses and programs that they would already attend.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Everything that -- with everything that people have to do in their lives, how do you think this education portion is going to be effective in terms of the average homeowner?

COMMISSIONER GALLAGHER:

Well --

LEG. BARRAGA:

I mean, can you tell me a little in detail the appropriation for this; are you going to use radio, TV, newspapers? I mean, how do you do this?

COMMISSIONER GALLAGHER:

We're going to the -- what's written into the law is that there will be an interactive website, we will be putting -- signs and brochures will have to be posted within ten feet in retail establishments that sell fertilizer. So as you're going to buy your fertilizer, there will be information right there in front of you so that it's easy, you know, it's right there, it's not like you have to look somewhere else for it. But we're also --

LEG. BARRAGA:

But aren't there a lot of other signs in stores on a lot of different other things that people have to note now, not only just with reference to buying fertilizer but in other areas as well where

Legislatures have passed laws to put this sign here or that sign there?

COMMISSIONER GALLAGHER:

And that's why we have to work to make it very visually appealing and to jump out at you. But we'll also be working with a lot of groups, Suffolk County Water Authority, all the members of the Homestead Assist Task Force, Cornell Cooperative Extension, Group for the East End, Nature Conservancy, it's a whole bunch of people that came around the table to work on this bill and get it to this format who are going to be working with us under public service announcements on possibly then will be taking out -- you know, we're going to look at all the media sources, the website, radio, TV, newspapers, any way that we think we can get the message out there, newsletters.

LEG. BARRAGA:

And how much do you have in your budget for that?

COMMISSIONER GALLAGHER:

We actually -- there's a companion bill, a 477 funded bill that you'll be -- that will be up later in the agenda and that's for \$190,000, but that addresses not only this, but also the golf course, fertilizer nitrogen reduction challenge as well. But it's to do -- to get the landscaper training course paid for, to do the signs and brochures, to do the website, but a big chunk of it is also to work on the Golf Course Nitrogen Reduction Challenge.

LEG. BARRAGA:

So a violation takes place, what are you really depending upon, I mean, how do you really know Tom Barraga's fertilizing after November 1st? Is it -- in essence, is it a neighbor of mine that turns me in; is that what you've got here?

COMMISSIONER GALLAGHER:

It could be, that's what we get. Like with the Pesticide Neighbor Notification Law, you actually get neighbors calling in.

LEG. BARRAGA:

So it's one neighbor turning in another neighbor.

LEG. VILORIA-FISHER:

Yeah.

COMMISSIONER GALLAGHER:

Yes.

LEG. NOWICK:

But if you do it at night, they won't know.

LEG. BARRAGA:

Thank you very much.

LEG. ROMAINE:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Romaine, I appreciate you asking a question because several of our colleagues had to go to the men's room.

LEG. ROMAINE:

Okay, yes, I understand that. Easy question; obviously this is based on complaints and it's complaint-driven. How do you verify the voracity of those complaints? Suppose you get a complaint, the deadline is now November 1st -- I wish it was November 30th personally, but it's

November 1st, okay. You get a complaint on November 2nd, "My neighbor put down fertilizer," maybe this guy did, maybe he put it down October 31st. You come, how do you verify that that is, in fact, a legitimate complaint, this it was fertilized, you know, this week, not last week or two weeks ago; how do you do that?

COMMISSIONER GALLAGHER:

A Public Health Sanitarian would have to go out and test for the presence of fertilizer still on the ground.

LEG. ROMAINE:

And you have a scale to say how fertilizer degrades that you can do this with some degree of accuracy?

COMMISSIONER GALLAGHER:

Well, that's what I understand to be the case but, again, that's part of what we work out with rules and regulations. This is one -- you know, one component of the bill, it's multi-faceted and it's based on science that in coastal areas --

LEG. ROMAINE:

I understand, but it's probably the most controversial part of the bill. We had people saying, "Well, you know, you probably make some sense, but why don't you write a bill that says when the ground is frozen? And if you can't do that, why not write a bill that says November 30th as opposed to November 1st?"

COMMISSIONER GALLAGHER:

Well, it says when the ground is likely to be frozen or when the grass is not actively growing, and people aren't going to go out -- every year it might be a slightly different date, therefore you need to have hard and fast dates. And we tried to, again, work with science; Marty Petrovic from Cornell University's Turf Grass Science Program said that these -- confirmed that those are the best dates because that's when you have most of your groundwater recharge in coastal areas, like Long Island you'll have most of your leaching occur during that time period; 29 to 66% of fertilizer that's put down, the nitrogen will just leach right into your groundwater.

P.O. LINDSAY:

Good job, good job, everybody's back. Legislator Vilorina-Fisher.

D.P.O. VILORINA-FISHER:

No, it's okay.

P.O. LINDSAY:

It's okay. Okay. All right, we have a motion and a second.

LEG. CARACAPPA:

This is to approve?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

To approve, right, we have no tabling motion?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. NOWICK:

Abstain.

LEG. CARACAPPA:

Opposed.

LEG. SCHNEIDERMAN:

Tim, cosponsor, please.

MR. LAUBE:

Fifteen. (Vote Amended to 14)

P.O. LINDSAY:

2155 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with reducing and mitigating toxic discharges.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Explanation by Counsel.

MR. NOLAN:

It's \$100,000 from 477 into this particular project.

LEG. ROMAINE:

And what does this project do, specifically, and locations?

Perhaps someone from the Administration can address that.

P.O. LINDSAY:

Mr. Minei, I think you have the answer to this.

MR. MINEI:

I doubt it.

LEG. ALDEN:

One only hopes.

MR. MINEI:

Hello again. Legislator Romaine, this is intended to enhance the efficacy of the Office of Pollution Control in Farmingville, it's supposed to be a unique consultant perspective to help us with review of how other jurisdictions handle toxic and waste management. So it's a new initiative with regard to our toxic and hazardous waste management program.

LEG. ROMAINE:

And this would hire an outside consultant for this purpose.

MR. MINEI:

Yes, most of that -- I think most of that money is; I forget the actual budget.

LEG. ROMAINE:

Yeah, I'm --

MR. MINEI:

There's database work, but mostly it's consultant-driven type.

LEG. ROMAINE:

Obviously I think it's worthwhile, I just object to the method by which it's funding. I'd like to see less salaries, less consultants being taken out of 477 and more really brick and mortar 477 projects coming forward. The trend is disturbing to me. I support the objective. I don't support the funding mechanism. I think the Executive should have put this funding mechanism in the Operating Budget, it's more appropriate. When the 477 account was established, it was envisioned by everyone establishing it in this Legislature, and I remember the debate, it was envisioned by everyone that most of that money would go to brick and mortar programs and we haven't seen that happen and this is just another example of that. So I strongly support this program and I strongly disagree with raiding the 477 account for this purpose. Thank you.

MR. MINEI:

Okay. Just two quick points, if I could.

P.O. LINDSAY:

Go ahead, Mr. Minei.

MR. MINEI:

First of all, I was at the inception of the committee that reviews all the 477 programs. And number two, I was involved in the inception of the new criteria which you passed; not all of them are brick and mortar, there's natural resource, there's another. And the third issue I'd like to raise is by definition, these are new initiatives. And while the County Executive and the staff and everyone else involved is sensitive to your concerns about adding staff to these, I'd like you all to keep in mind that new initiatives at least implies to me the probability that you need new staff to undertake the programs.

LEG. ROMAINE:

I hope they're there. Thank you.

MR. MINEI:

But thanks for your support, I think.

LEG. ROMAINE:

You're going to get it.

P.O. LINDSAY:

Okay. We have a motion and a second; am I correct, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden)

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

2156 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with a Fertilizer Nitrogen Reduction (Residential and Golf Course) Program.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Explanation, including how much money this involves.

COMMISSIONER GALLAGHER:

Yes, this involves a total of \$190,000. This is to -- for several tasks. One is for Cornell University and Cornell Cooperative Extension to work with us on the training program for landscapers, for fertilizer reduction, as well as a big dunk is to finally implement the golf course challenge that was entered into with thirty-one of the east end golf courses to reduce -- come up with best management practices to reduce the fertilizer use and the nitrogen run-off from those golf courses. And we'd like to then expand that program to golf courses throughout Suffolk County, but we would like to have, you know, a project that's working.

Second is to develop -- there's also developing an interactive website and helping prepare the signs and brochures, that would be part of the IR 2117 that was just passed.

LEG. ALDEN:

2117 had virtually no financial impact because the financial impact was in 2156; is that correct?

COMMISSIONER GALLAGHER:

Yes. I mean, the cost essentially for 2117 on an ongoing annual basis would mostly be the landscaper training course of about \$36,000. The rest, the bulk of the rest of this bill, 2156, is for the Golf Course Reduction Challenge and some initial costs to develop signs and brochures and the website.

LEG. ALDEN:

Was the USGA contacted for their programs?

COMMISSIONER GALLAGHER:

Yes, the USGA is part of the Golf Course Challenge.

LEG. ALDEN:

And how much are we paying the USGA?

COMMISSIONER GALLAGHER:

We're not paying them, they were just -- they were around the table but they're not being -- they're not going to be paid. All the money for the golf course challenge, coming up with those best management practices will be going to Cornell University and Cornell Cooperative Extension.

LEG. ALDEN:

But my point is the USGA already has protocols and we already have a golf management program that's available to member courses for nothing. So does the USPGA, they also have a program for management of nitrogens and all types of golf course practices, including the use of chemicals that control insects and other types of disease that golf courses get. And that's -- the US -- the PBA -- PGA would actually have a cost involved in it, whereas the USGA, as long as you're a member course, has not cost to its members. Why didn't we go that route?

COMMISSIONER GALLAGHER:

I believe that part of the -- there's a big difference because we have so many impaired water bodies, especially we have an estuary of national significance, the Peconic Estuary that has been severely impacted, there's a total maximum daily load. And so we need to go above and beyond what are recommended, you know, country-wide for other golf courses.

LEG. ALDEN:

USGA has -- it's got regional offices and it's got regional plans; actually, it's got plans right down to -- you could subdivide Suffolk County even into areas that they have plans for. And they've seen this problem in other parts of the country and they've already worked on this for the past 25 years. I'm really -- I'm kind of shocked that we didn't go that route because it's for free, we already have a membership with the USG.

COMMISSIONER GALLAGHER:

I believe this helped tail work for each individual course.

LEG. ALDEN:

That's exactly what the USGA does.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It came up during our budget process that Cornell Cooperative Extension is the largest contract agency in terms of the amount of money they receive from the County. Now, I know one of the things they receive money for, they receive about a quarter of a million for County-wide pesticide phase-out, they have a group of people who are working with DPW and Parks and other County staff members in terms of implementing strategies for reducing pesticides. And I'm just curious, since this is another 190,000 that's going to Cornell Cooperative Extension on a similar kind of thing, was

there no way to use some of those existing staff members to take on this fertilizer education program?

COMMISSIONER GALLAGHER:

It's a totally different area of expertise and a different set of people, you need the turf grass experts for this as opposed to the toxics and pest experts. A lot of what they're getting paid for is to actually help implement our pesticide phase-out law which is the monthly meetings of the pesticide citizen advisory committee, the waivers, the exemptions, etcetera and so forth for the use of pesticides where it's still needed on other -- you know, on County facilities.

LEG. SCHNEIDERMAN:

Because I think originally that was to train our own staff so that they could take over that and it's been an ongoing thing, it continues. I've met with them, they say that, you know, they're still playing an important role. I'm just wondering why, you know, there's some very talented people there, I'm sure that those people could handle some of this fertilizer stuff as well based on their training.

COMMISSIONER GALLAGHER:

It's a different set of people and a lot of it is going to Cornell University, the Turf Grass Science Program which is a nationally-renowned program for developing best management practices to meet whatever your target goals are, whether it's, you know, greener turf or reduced nitrogen run-off or somewhere in between.

LEG. SCHNEIDERMAN:

I'm going to support it. I just think that we ought to be looking, and maybe you have been, for some efficiencies, if we could consolidate some of this. If there is some duplication of expertise, that we maybe can in the future start to narrow down some of these funds without sacrificing the environment.

COMMISSIONER GALLAGHER:

Yeah, one of -- actually, that does raise an interesting point because one of the things we discussed is for any of the waivers that would be granted under the fertilizer bill, it would actually just go through the pesticide committee since they already exist and that would just be expanded then to add an expert in the fertilizer area, the turf grass area.

P.O. LINDSAY:

Could we move on this, please, please? We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. NOWICK:

Abstain.

MR. LAUBE:

Fifteen.

LEG. CARACAPPA:

Opposed.

MR. LAUBE:

Fourteen.

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. LINDSAY:

2157 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with planning for restoring the Peconic River's Historic Critical Fish Habitat - Gangebel Park --

COMMISSIONER GALLAGHER:

Grangebel.

P.O. LINDSAY:

-- *Fish Passage*. Grangebel, okay.

LEG. SCHNEIDERMAN:

Motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. SCHNEIDERMAN:

Cosponsor.

MR. LAUBE:

Seventeen. Sixteen. Nope, there he is; seventeen.

P.O. LINDSAY:

Okay, *2158 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with a Manufactured Gas Plan Investigation Monitoring and Mitigation Program.*

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Where is this?

LEG. MYSTAL:

Come on.

COMMISSIONER GALLAGHER:

Where would this be? This would be to help --

LEG. ALDEN:

Come on? Who said "come on"? No, excuse me. Through the Chair, who said "come on"? You don't want to hear what we're voting on?

P.O. LINDSAY:

Ask the question. Legislator Alden, ask the question.

LEG. ALDEN:

I was interrupted, though.

P.O. LINDSAY:

You weren't interrupted; ask the question.

LEG. ALDEN:

I wasn't?

P.O. LINDSAY:

Just ask the question.

LEG. ALDEN:

I did.

COMMISSIONER GALLAGHER:

It would primarily focus on Bay Shore but then would help us to address all of the other MGP and non MGP sites throughout the County.

LEG. ALDEN:

Why are we taking on a responsibility that was clearly the gas company's responsibility?

COMMISSIONER GALLAGHER:

Because one of the roles of Suffolk County, and particularly Health Services, is to monitor and make sure that DEC and KeySpan National Grid and State Health are moving forward in a fashion that -- in a timely fashion in a way that we think is representative of what they're supposed to be doing for the public health concerns of this --

LEG. ALDEN:

How much is this for?

COMMISSIONER GALLAGHER:

This is just for \$20,000. This is for a contract to help do some -- help us develop some new monitoring techniques and look into research that's been done in the past on these sites.

LEG. ALDEN:

And the \$20,000 is going to be paid to who?

COMMISSIONER GALLAGHER:

It's -- right now --

LEG. ALDEN:

A consultant?

COMMISSIONER GALLAGHER:

Yeah, the consultant would be Stony Brook University and the US Geological Survey in conjunction, working together.

LEG. ALDEN:

But they're already being employed by the gas company in their clean-up efforts, they're doing some testing and they're also doing some geological surveys on that. There's monitoring wells that are being monitored and that is being assessed by the USGA -- not USGA.

MR. MINEI:

No, no, it's not by USGA, it's private consultants to KeySpan and now to National Grid. This is to supplement our work that we've been carrying on, as Commissioner Gallagher said, for nearly 15 years. It's an independent, and admittedly supplemental work. There's a new spirit of cooperation with DEC, State DOH and National Grid, but it's to supplement work that's there. We have a separate work plan that we work from with regard to our investigations.

LEG. ALDEN:

And this is the Health Department that's going to get \$20,000 out of the 477 account?

MR. MINEI:

To Stony Brook University and USGS.

LEG. ALDEN:

Right, but it goes to the Suffolk County Health Department.

MR. MINEI:

I believe we would oversee the budget, yes.

LEG. ALDEN:

Okay. And there's not a dime left in that budget that could absorb this \$20,000 bill?

MR. MINEI:

No. Again, this is also an important signal your about to send National Grid as well. There was some question as to the resolve of Suffolk County to maintain our vigilance and independence on this.

LEG. ALDEN:

But we can do that by assigning personnel out of the existing budget to go there and monitor.

MR. MINEI:

Well, again --

LEG. ALDEN:

Not take money out of the 477 account.

MR. MINEI:

-- I harken back to my previous comments. As a new and expanded initiative, there'll be discussion possibly of additional staff, but we're expanding dramatically the work to be done, first and foremost at Bay Shore, but that expertise lends itself to other investigations throughout the County.

P.O. LINDSAY:

Okay, thank you, Mr. Minei. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. COOPER:

Mr. Chair?

P.O. LINDSAY:

Yes?

LEG. COOPER:

I'd like to make a motion to take two resolutions out of order.

MR. LAUBE:

Sixteen (Opposed: Legislator Alden - Not Present: Leg. Romaine)

P.O. LINDSAY:

Why? Why?

LEG. COOPER:

Well, because Carol Hart has been waiting here all morning.

P.O. LINDSAY:

If we would just move forward, we can get through the agenda. Okay, make your motion.

LEG. NOWICK:

I'll second.

LEG. COOPER:

It's IR 2232 and IR 2233.

P.O. LINDSAY:

What page?

LEG. LOSQUADRO:

What committee?

LEG. COOPER:

Parks & Recreation.

P.O. LINDSAY:

What page?

LEG. ALDEN:

What page?

MR. PERILLIE:

Page eight is the first one.

LEG. COOPER:

Page eight.

P.O. LINDSAY:

We have a -- you know, we have a motion to take 2232 and 2233 out of order. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. All in favor? Opposed? I'm opposed.

MR. LAUBE:

Sixteen (Opposed: P.O. Lindsay - Not Present: Leg. Romaine)

P.O. LINDSAY:

It's before us, ***2232-07 - Appropriating funds in connection with restoration of facades of the Suffolk County Vanderbilt Museum (CP 7441) (County Executive).***

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Please shut off the phones.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Leg. Romaine)

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. NOWICK:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2233-07 - Appropriating funds in connection with restoration of driveways, gutters and catch basins at the Suffolk County Vanderbilt Museum (CP 7433) (County Executive). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Accompanying Bond Resolution, same motion, same second; roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. NOWICK:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Back to Page seven, *2160 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with an aquatic invasive/nuisance species eradication in Canaan Lake, North Patchogue and Upper and Lower Lakes, Yaphank (CP 8710) (County Executive).*

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

How much does this involve?

COMMISSIONER GALLAGHER:

This involves \$250,000 for three -- to address this issue at three different lakes and to design a pilot project that we could then use this same information, the same techniques at lakes throughout -- or water bodies throughout Suffolk County that are experiencing invasive species problems, which we know many water bodies are experiencing.

LEG. ALDEN:

Who gets the 260 -- how much did you say, 260?

COMMISSIONER GALLAGHER:

Two hundred and fifty thousand. There's no -- we haven't determined, we would have to RFP it.

LEG. ALDEN:

So we're going to give it to someone else to come in and tell us about invasive species and how to

irradiate them?

COMMISSIONER GALLAGHER:

Yes.

LEG. ALDEN:

Okay, don't we have a program in Suffolk County to learn how eradicate invasive species at the present moment?

COMMISSIONER GALLAGHER:

We have a bill that was passed, we have a list that you're not supposed to sell certain species anymore, but there's no active program that I'm aware of to actually go out there and eradicate invasive species.

LEG. ALDEN:

Is that the bill that you just mentioned, is that Legislator Fields, or former Legislator Fields' bill?

COMMISSIONER GALLAGHER:

No, it was Legislator Viloria-Fisher who I think took it over from Legislator --

D.P.O. VILORIA-FISHER:

Actually, it was -- the Invasive Species Task Force was Legislator O'Leary's task force, I chaired it as Chair of the Environment Committee. And out of that, we have the Invasive Species Do Not Sell List, but we don't have any -- anything that replicates what's done in this legislation.

LEG. ALDEN:

Well, what happened with --

LEG. VILORIA-FISHER:

Far as I know.

LEG. ALDEN:

What happened with Legislator Fields legislation?

LEG. VILORIA-FISHER:

I don't know about Legislator Fields' legislation.

COMMISSIONER GALLAGHER:

I'm not aware of that legislation.

LEG. ALDEN:

Then the other question is to Budget Review; how much money is left in 477, if any, to actually do any bricks and mortar projects?

COMMISSIONER GALLAGHER:

This would be a bricks and mortar project. I mean, one of the things, if I can just clarify. If you look at --

LEG. ALDEN:

Well, it was a chemical project.

COMMISSIONER GALLAGHER:

But bricks and mortar would then only really address storm water remediation which is one small component of 477.

LEG. ALDEN:

No, no, I'm not saying that this is a bad thing or a good thing. I'm just saying this is a chemical solution.

COMMISSIONER GALLAGHER:

But it's still an active remediation effort.

LEG. ALDEN:

Right, it's not a bricks and mortar, it's a chemical.

P.O. LINDSAY:

There's a difference of opinion on what the money is to be used for, all right?

COMMISSIONER GALLAGHER:

Yeah.

P.O. LINDSAY:

Ms. Vizzini, would you please answer the question; do you have the answer?

MS. VIZZINI:

Surely. In the aggregate, if you approve all these appropriations from 477, you would be authorizing 610,000, there would be 1.3 million left. And under the new program, there would be new revenue coming in of about eight million.

LEG. ALDEN:

Over the course of what period of time?

MS. VIZZINI:

Eight million annually.

LEG. ALDEN:

Annually. Thank you.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Wait, on the motion.

P.O. LINDSAY:

Abstentions?

LEG. SCHNEIDERMAN:

On the motion, on the motion.

LEG. ALDEN:

Abstain.

LEG. SCHNEIDERMAN:

I'm sorry. On the motion, just because Legislator Alden said it was a chemical treatment.

COMMISSIONER GALLAGHER:

It may be, it may not be; it could be mechanical, it could be chemical, it could be -- you could do hand-pulling. We haven't determined, we don't know what the best remedy would be. Some places do mechanic, some do chemical, some do a combination, some go out and hand-pull, you know, in some areas. So part of this would be first let's figure out what will be most effective for this type of weed in this type of environment that will have the least impact on the rest of the species that you

want to remain, and then let's do a pilot project, see how it works and if it works well we can replicate it at other places. So if we know we want to eradicate Cabana, this works for Cabana; if you want to eradicate Milfoil, this works for Milfoil.

LEG. SCHNEIDERMAN:

I want to support this but I'm not going to support a chemical solution to this problem.

LEG. ALDEN:

You might be.

LEG. SCHNEIDERMAN:

I'll abstain from it

P.O. LINDSAY:

All right, let's go back. We have a motion and a second.

MR. LAUBE:

Correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Abstain.

LEG. ALDEN:

Abstain.

LEG. ROMAINE:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (CORRECT VOTE: Fourteen - Opposed: Legislator Barraga - Abstentions: Legislators Alden, Schneiderman & Romaine).

P.O. LINDSAY:

2224-07 - Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235) (County Executive). Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution.

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

LEG. ROMAINE:

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:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2231-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the study for the occurrence of Browntide in Suffolk County Marine Waters (CP 8228) (County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden and Counsel reminds me this is a 14 vote resolution.

LEG. ALDEN:

What's the amendment? It would go from cash to bonding. And how much is it for?

LEG. LOSQUADRO:

One fifty.

LEG. ALDEN:

So it's in the budget for 150,000?

MR. REINHEIMER:

The portion that they're changing was \$50,000 for Furniture and Equipment was G, that's changing to B. You're appropriating a total of 150,000; 100,000 was scheduled as planning for -- and that was scheduled as bonding.

LEG. ALDEN:

We don't have any cash left in any accounts, like pay-as-you-go or anything like that that they could have considered for this? Because basically, 10 years or a 15 year bond?

LEG. LOSQUADRO:

Five.

LEG. ALDEN:

Five? Five only raises the price by 25%, right? If it goes out ten it's like 30 or 40%, roughly?

MR. REINHEIMER:

Yeah, that's correct. Twenty years is 50%, so it's -- this is five years for the study.

LEG. ALDEN:

For the study, okay. Again, we're going to -- just one quick question? We're going to hire a consultant for this?

LEG. MYSTAL:

Yeah.

LEG. ALDEN:

Yeah, okay.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

Same motion, same second; roll call.

MR. LAUBE:

I had 16 on that vote (Opposed: Legislator Barraga - Abstention: Legislator Alden).

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

LEG. ROMAINE:

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:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2248-07 -Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, Amending the 2007 Capital Budget and Program and appropriating funds in connection with stormwater remediation to CR 65, Middle Country Road @ Browns Creek, Town of Islip (CP 8240.114)(County Executive). I'll make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

Bricks and mortar?

P.O. LINDSAY:

It is bricks and mortar, there's a storm drain that empties right into the bay there.

LEG. ALDEN:

This is the same one we did over in Islip.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2249-07 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, Amending the 2007 Capital Budget and Program and appropriating funds in connection with stormwater remediation to CR 101, Patchogue-Yaphank Road @ Mudd Creek, Town of Brookhaven (CP 8240.115) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

This actually combines two things; we're taking money out of 477 and then we're bonding something?

MR. REINHEIMER:

That's correct.

LEG. ALDEN:

And how much is the project?

MR. REINHEIMER:

You're appropriating a total of \$50,000 of which 20,000 would be bonded.

LEG. ALDEN:

Why? So 30,000 cash from 477; is this a bricks and mortar project? And why the distinction between the 30 and the 20?

MR. REINHEIMER:

That you'd have to check with the County Executive's Office, I'm not sure why they funded it that way.

P.O. LINDSAY:

Do we have an answer from -- is Mr. Minei still here? Commissioner Gallagher, do you know?

COMMISSIONER GALLAGHER:

I don't know why they -- the money -- the funding was split up that way. My understanding is that this is for planning and engineering work for this. Fifty thousand dollars obviously is not enough money to actually put anything in the ground, so I think it must be for the planning and engineering work of the stormwater remediation project.

P.O. LINDSAY:

But I think the question is why split it between bonding and 477.

COMMISSIONER GALLAGHER:

Yeah, I think that would be a question for Budget.

LEG. ALDEN:

But Commissioner -- but through the -- through the Chair, your guess would be that most all of this, the 50,000 is for planning?

COMMISSIONER GALLAGHER:

I would think because if you -- stormwater remediation construction work is very expensive, you're talking hundreds of thousands of dollars usually for any construction.

LEG. ALDEN:

I'm just asking for your guess, that's all. Thanks.

MR. REINHEIMER:

No, it is, it's scheduled for planning.

COMMISSIONER GALLAGHER:

Okay, thank you.

MR. REINHEIMER:

A total of 50,000.

LEG. ALDEN:

A total for planning.

MR. REINHEIMER:

Yes.

P.O. LINDSAY:

What do you want to do with this; do you want to skip --

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Mr. Zwirn, do you have any other answers on this? And the other question is why was it split between 477 and bonding, a relative small amount of money, \$50,000.

MR. ZWIRN:

Could we pass over this, I'll call Carmine and we'll get an answer for you.

P.O. LINDSAY:

All right, all right, I'll pass over it.

2268-07 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Wheatley Property - Carlls River Watershed addition - Town of Babylon (SCTM No. 0100-083.00-01.00-080.000)(County Executive).

LEG. D'AMARO:

Motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro. Who was the second?

LEG. HORSLEY:

I am.

P.O. LINDSAY:

Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2269-07 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Muller Property - Southaven Park addition - Town of Brookhaven (SCTM Nos. 0200-707.00-02.00-007.000, 0200-707.00-02.00-008.000 and 0200-707.00-02.00-012.000 County Executive).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Health & Human Services:

1945-07 - Adopting Local Law No. 2007, a Local Law to require uniform drinking water distribution system standards in Suffolk County (Losquadro).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second? Let me get a second first.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. And Legislator Viloría-Fisher, you had a question?

D.P.O. VILORIA-FISHER:

I would just like -- Legislator Losquadro, I still don't really understand this.

LEG. LOSQUADRO:

No problem; it's a little bit complex, but I'll try to make it as brief as possible.

This legislation was borne out of some very strange complaints that I had gotten from a single family residence subdivision and someone calling and saying that they were -- had the same water bill as their neighbor because it was just broken up amongst the community, and as far as I knew, those sort of things were only done in condominium or apartment complexes. As I started to look into the law, I found out that there's a loophole that exists that developers could do a single master meter even in a residential subdivision, which creates an inequity in terms of billing. There's no incentive for conservation for an individual if they know they're going to get the same water bill as the guy next door who runs the sprinklers four times a day and has five kids showering and everything. So this bill will require that individual homes that those individual meters.

In addition to that, it also requires that all water mains installed throughout Suffolk County now have to meet municipal Water Authority standards; this is something that was also not in place, I was very surprised to find. That after that master meter, there was a great deal of subjectivity as to what materials could be installed. So this will create a uniform standard for what types of materials have to be used for the mains and require individual meters for single-family homes.

P.O. LINDSAY:

Thank you, Legislator Losquadro. We have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? List me as a cosponsor, please.

LEG. KENNEDY:

In favor.

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

Thank you.

MR. LAUBE:

No, seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2239-07 - Amending the 2007 Adopted Operating Budget to transfer funding from current appropriations to Eastern Suffolk BOCES (BOCES II) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Caracappa.

LEG. CARACAPPA:

Okay. What is this being used for and where is it being transferred from? It's obviously the question that Legislator Alden was going to ask, is this going to pay for the Enhanced Health Smart Program or anything to do with Enhanced Health Smart? I'd like to know if that's the case and where the money is being transferred from.

MR. NOLAN:

No, it doesn't look like it's coming -- going for that at all. It's \$3,000, it looks like it's being moved from Contracted Services in the Health Department and it's going to Eastern Suffolk BOCES, according to the resolution, for two school districts to administer Bach Harrison Surveys to their students enrolled in the high school and this is related to drug and alcohol prevention.

LEG. CARACAPPA:

What survey?

MR. NOLAN:

Bach Harrison Surveys.

LEG. CARACAPPA:

Oh, okay.

LEG. ALDEN:

Shouldn't that have been some other kind of money, CSI money or something?

P.O. LINDSAY:

Do you want a further explanation? Mr. Zwirn, do you have any other -- can you enlighten us anymore or anything on this?

MR. ZWIRN:

It's not going to pay for the Health Smart Program. I understood it was a grant, it was a one-time grant in the amount of \$3,000.

LEG. CARACAPPA:

Which school districts?

MR. ZWIRN:

Which school districts? Babylon and Comsewogue.

LEG. CARACAPPA:

Okay, thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Ben, I just have a quick question, too, while you're there. I actually tried to give a grant to Eastern Suffolk BOCES and that was -- they have a nice program where they have a commuter-generated image and the kids sit in front of it and they can show what they look like if they age and smoke, or they can look -- they can show what they look like if they aged and didn't smoke. That was vetoed by the County Executive, and actually it was pulled, even after we overrode a veto the money was never sent over to Eastern Suffolk BOCES and there was an explanation given to Eastern Suffolk BOCES that you should take care of that out of your own current operating budget or contract with the County. Why wouldn't something of a couple of thousand dollars, why wouldn't that have been given the same type of treatment that a Legislative initiative would have been given?

MR. ZWIRN:

I don't know the -- I'm not familiar with the first instance. You want me to look into it, I will, but I don't have an answer for you, I don't know.

LEG. ALDEN:

I'd love to see and answer. Okay.

MR. ZWIRN:

After the meeting, give me some more information and I'll go check into it.

LEG. ALDEN:

Good.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. LOSQUADRO:

Abstain.

LEG. ROMAINE:

Abstain.

LEG. ALDEN:

Yeah, change mine to an abstention.

LEG. LOSQUADRO:

Abstain.

LEG. HORSLEY:

Cosponsor

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

2191 - Appropriating funds in connection with improvements to County golf courses - West Sayville, Indian Island, and Timber Point. Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yeah.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. We have a second bond on that. I was just trying to get clarification why was broken up by the bonding company, but -- **2191B**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Pass. I'm sorry.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. *I.R. 2245 - Appropriating funds in connection with generator - Park Police Headquarters - Emergency Response.* I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor?

LEG. ALDEN:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

This is probably the fifth or sixth backup generator. Is this a backup generator, or does this backup a backup?

LEG. ROMAINE:

How much is it?

LEG. ALDEN:

How much -- well, that's the second question, but what is this?

MR. REINHEIMER:

It's for \$50,000 for the generator. I'm not sure if it's a backup or if it's a primary generator.

LEG. ALDEN:

Well, it couldn't be primary, because all of our buildings have electricity now --

MR. REINHEIMER:

A backup power source.

LEG. ALDEN:

-- after about 1901, or something.

MR. NOLAN:

It's at the Park Police Headquarters in Southaven County Park. It's going to give a permanently installed generator for emergency response at that location.

LEG. ALDEN:

Gas or diesel, or -- no idea?

MR. REINHEIMER:

Yeah, it does not --

LEG. ALDEN:

I'm just --

MR. REINHEIMER:

You know, it doesn't specify.

LEG. ALDEN:

Okay. And, Bill, you're the electrical guy. Is this a good thing?

P.O. LINDSAY:

Well, if the lights go out, it's good to have a generator.

D.P.O. VILORIA-FISHER:

It took a lot of years of expertise to give that answer.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, 2245A. Roll call.

(Roll Called by Mr. Laube, Clerk).

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. *I.R. 2250 - Increasing amount of the petty cash fund for the Suffolk County Department of Parks, Recreation and Conservation.* Do I have a motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. I'll second the motion.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Eddington.

LEG. EDDINGTON:

I do recall a problem, reading from the Comptroller's Office with the petty cash fund in the parks. What kind of reassurances? I mean, we're giving more money when we're having a problem with it? What kind of reassurances are we going to get?

P.O. LINDSAY:

The only thing that I can say is I sat in on the Parks Committee meeting and the new Commissioners said that they don't have enough money in the petty cash to do the business that we do at some other parks and they need more money to make change.

LEG. EDDINGTON:

And there's reassurances that there's going to be, you know, eyeballs on the money? I mean, that's what the last thing I heard, that we were losing money.

LEG. ALDEN:

Through the Chair. I might be able --

P.O. LINDSAY:

I'm going to recognize the Chairwoman of the Parks Committee.

LEG. NOWICK:

Legislator Eddington --

LEG. EDDINGTON:

Yes.

LEG. NOWICK:

-- we brought that up at the committee, too, because of the past, but the Commissioner assured us, it's a very, very small amount of additional money. And whether it is 7,000 or 15,000, they are -- he tells us they are guarding and watching whatever amount it is.

LEG. EDDINGTON:

Thank you very much.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I was just going to ask maybe the Chair of the Committee, as I recall, the criticisms were in the collection of funds, actually the receipts and those not being properly accounted for. Was there ever any problems noted within the Parks Department as to accounting for expenditure of petty cash?

LEG. NOWICK:

I'm not sure if there was anything with petty cash. I don't recall that.

LEG. LOSQUADRO:

I don't recall that in the Comptroller's report.

LEG. NOWICK:

And understand, on the record, it just didn't matter what amount of money is there, they're going to take every single precaution as to protect petty cash. It's to make change, from what I understand.

LEG. LOSQUADRO:

No, I understand. I just want to just clarify that your recollection was the same as mine, that I did not see any criticism in the Comptroller's report in the petty cash account. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And, again, I would direct this question to the Chairwoman as well. There was talk about software that was supposed to be implemented into the parks as far as the financial control. Did the new Commissioner talk about that at all?

LEG. NOWICK:

We didn't discuss that. And if the software is implemented, I'm sure there would have to be an RFP and it would have to go through the Legislature anyway.

LEG. KENNEDY:

So this --

LEG. NOWICK:

You know, by the way, this is only raising it from seventy-seven-eighty, \$7,780 to 15,000.

LEG. ALDEN:

Twenty. The authorization?

LEG. NOWICK:

It's 20?

LEG. ALDEN:

Yeah.

LEG. NOWICK:

It says 15.

LEG. ALDEN:

They only need 15, the resolution says 20, though.

LEG. NOWICK:

What? Which one are you reading?

LEG. ALDEN:

The one that they sent, the explanation, to my office this morning.

LEG. NOWICK:

It says in the resolution, "From 7,780 to the amount of 15,000 effective immediately."

LEG. ALDEN:

That's good.

LEG. NOWICK:

Yeah, so it's not that much more money.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

As a matter of fact, I've got the memo right here.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

2251 - Dedicating and incorporating the Van Bourgondien House and surrounding 1.56 acres of fenced land into the Historic Trust.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

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

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

2256 - Dedicating and incorporating Sagtikos Manor County Park into the Historic Trust.

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

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

2257 - Authorizing Operating Agreement and Lease with Huntington for the use of the Historic Boat House at the West Neck Farm, Coindre Hall.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

2258 - Appropriating funds in connection with the reconstruction of spillways. Do I have a motion?

LEG. COOPER:

Motion to approve.

LEG. KENNEDY:

I'll make the motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yeah.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

2298 - Appropriating funds in connection with renovations to Long Island Maritime Museum. I'll make the motion.

LEG. EDDINGTON:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

J.R. 2299 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the stabilization of historic structures and buildings within the Yaphank Historic District that have been incorporated into the Suffolk County Historic Trust.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

What was the amending part of this resolution?

MR. REINHEIMER:

Yeah. They're rescheduling \$150,000 from construction to planning, and appropriating a total of \$1,495,000.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying bonding resolution. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

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:

No.

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.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2241 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with speed feedback display signs for County Road 50, in connection with purchase of speed indicator signs.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. How much -- what is the amount involved in this Capital appropriation?

MR. NOLAN:

They're moving. It's \$20,000.

LEG. LOSQUADRO:

Bonds?

LEG. ROMAINE:

We want to buy a machine that will tell cars how fast they're going as they drive past and that --

MR. NOLAN:

The total cost is 120. They're moving 20 from another project. That's the offset, is 20. There's already \$100,000 in the project.

LEG. ROMAINE:

You're telling -- the way the -- and I'll go to Counsel, with permission of the Chair. The way the caption of this resolution reads, it would appear that they're spending money to buy a speed sign on a County road, in this case, County Road 50. Are you telling me that's \$120,000 in expense?

P.O. LINDSAY:

Yeah. Yeah, it is. It is.

LEG. ROMAINE:

Really?

MR. NOLAN:

There's \$120,000 in that project number. According to the resolution, only \$20,000 is going to be bonded through this resolution.

LEG. ROMAINE:

And where is the other 100,000 coming from?

MR. NOLAN:

I presume, for the purchase of other speed indicator signs, perhaps.

LEG. HORSLEY:

We've got it -- Gail has it.

P.O. LINDSAY:

While Gail is finding that, in the --

LEG. ROMAINE:

I have no problem, but --

P.O. LINDSAY:

I sponsored a resolution, I guess it was two years ago, to buy some mobile ones to make sure that every one of our precincts has one.

LEG. ROMAINE:

Sure.

P.O. LINDSAY:

And I was surprised at the cost of them as well.

LEG. LOSQUADRO:

Bill.

P.O. LINDSAY:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I would also just like to point out, on County Road 21, Rocky Point Road, in my district, I had two of these installed. And while the cost of the signs was a little more than I expected, it was really the cost of the installation, especially if they can't be mounted on a poll that has existing electricity. If the electricity has to be run to that site, it becomes very expensive. And, in fact, we could only do one on a poll with an existing electrical hookup, we had to run electricity to the other, so the cost does add up to install these.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

We did this over by the Islip High School, too, on Union Boulevard. It's a little bit of an expense and it's surprising how much it costs, but it is a dangerous area.

LEG. HORSLEY:

It is a dangerous area.

LEG. ALDEN:

I support the -- who is it, the Mayor down there?

LEG. HORSLEY:

Mayor Scordino.

LEG. ALDEN:

Mayor -- yeah, his initiative and your initiative for getting this done, Wayne. So tell the Mayor I said that I --

P.O. LINDSAY:

The other thing is they do work. When you see how fast you're going into a school zone, I know I automatically slow down, you know.

LEG. HORSLEY:

It's a long stretch between it, between 109 and Park Avenue.

MR. NOLAN:

Gail's ready.

P.O. LINDSAY:

Gail, do you the answer?

MS. VIZZINI:

Surely. There's an existing Capital Project, 3100, for the purchase of speed sign indicators. It had a total of 100,000 in it, all of which was appropriated by Resolution 293 of '07. What this resolution does is adds 20,000 to that same project and appropriates it for this particular location.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. The accompanying bonding resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2265 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with improvements to the County Correctional Facility C-141, Riverhead. Do I have a motion?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Accompanying bond resolution, same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes, 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:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1575 - Establishing a written notice policy for the Suffolk County Accessible Transportation Services.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. LOSQUADRO:

Mr. Clerk, cosponsor, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

2244 - Appropriating funds in connection with improvements to the Department of Public Works Trade Shop, Building C-318 in Hauppauge.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
2246 - Appropriating start-up funds in connection with intersection improvements to County Road 19, Patchogue-Holbrook Road at Furrows Road, Town of Islip. I'll make the motion.

LEG. MONTANO:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Same motion, same second on the bond. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. MONTANO:
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:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2247 - Appropriating funds in connection with Public Works Building Operations and Maintenance Equipment.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. Do I --

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2254 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the construction and rehabilitation of highway maintenance facilities. Do I have a motion?

MR. LAUBE:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

Same motion --

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

J.R. 2255 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with bulkheading at various locations. Do I have a motion.

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. CARACAPPA:

We could use these.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Same motion --

MR. LAUBE:

No, D'Amaro, 15. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. D'AMARO:

(Not Present)

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

D'Amaro, yes, Tim.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2266 - Authorizing the County Executive to enter into an agreement with Caithness Long Island, LLC and accepting a payment of money in lieu of performance of certain mitigation measures, amending the 2007 Capital Budget and Program, and appropriating these funds in connection with the intended mitigation measures. Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

On the question, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I was going to ask for an explanation from Counsel.

P.O. LINDSAY:

I believe that Caithness is paying us money to do some improvements to the County road in front of

the facility.

LEG. ROMAINE:
County Road 101.

LEG. KENNEDY:
I see the description here and I just -- I'm not understanding. In other words, are we doing the work in lieu of Caithness doing the resurfacing?

MR. NOLAN:
I think exactly, yes.

P.O. LINDSAY:
We are, yes.

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

P.O. LINDSAY:
Okay, do you have that answer?

LEG. KENNEDY:
I'll yield, I'll listen to the rest of the dialogue.

P.O. LINDSAY:
There isn't any other dialogue.

LEG. ALDEN:
Well, yeah, just one quick question.

LEG. SCHNEIDERMAN:
Legislator Kennedy, Commissioner Anderson was not in the room when you asked your question. So if you could give him an opportunity to answer it, I think he would have that information.

P.O. LINDSAY:
It's about the Caithness payment to make the improvements on a County Road.

COMMISSIONER ANDERSON:
Right. The money is going to go towards our road reconstruction project on CR 16 in lieu of improvements that we would normally require as far as the road opening permit and access on to their site.

LEG. ROMAINE:
Question.

LEG. ALDEN:
One quick --

P.O. LINDSAY:
Legislator Romaine.

LEG. ALDEN:
I had a quick question.

LEG. ROMAINE:
The Caithness Program is on County Road 16 and not County Road 101? Forgive me, my geography

must be off. Caithness is located in the Yaphank area just south of Exit 66, I believe that's County Road 101; County Road 16 I believe is in Legislator Caracappa's district.

LEG. CARACAPPA:

It's all the way to --

COMMISSIONER ANDERSON:

Right and --

LEG. ROMAINE:

Oh, it goes all the way?

D.P.O. VILORIA-FISHER:

It cuts down, it goes all the way down.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Gil, thanks for coming down. This money that we're paying will cover all expenses, planning and everything else that we're going to incur?

COMMISSIONER ANDERSON:

No, this just goes towards the project, it's the amount that the agreement was reached that would have been required -- basically it's an agreed amount reached that would have been required to do, for them to do improvements along the roadway; rather than doing it twice, they just contribute that amount towards our road project and it just reduces our costs.

LEG. ALDEN:

How much is our total road project?

COMMISSIONER ANDERSON:

Hold on a second.

LEG. ALDEN:

And then the second question would have been are we -- would we have done the road project but for these guys going in there?

LEG. CARACAPPA:

Yes.

COMMISSIONER ANDERSON:

We would have done the road project anyway. And I don't have the exact cost of the road project in front of me, but it is in the millions, I mean, it is significant.

P.O. LINDSAY:

Okay? We have a motion and a second to take the money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2274-07 - Amending the 2007 --

MR. LAUBE:

Check that, seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

-- Capital Budget & Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 - Southwest (CP 8170)(County Executive). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Budget Review, is this out of the Sewer District or is this General Bonds?

MS. VIZZINI:

These are Sewer District Bonds.

LEG. ALDEN:

Good, okay. Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

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

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

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

(Not present).

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.

LEG. NOWICK:

Tim.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

2275-07 - Amending the 2007 Capital Budget & Program and appropriating funds in

connection with the reconstruction on CR 58, Old Country Road, Town of Riverhead (CP 5529) (County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

How did I know that? Motion by Legislator Romaine, seconded by Legislator Schneiderman. Any discussion? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. SCHNEIDERMAN:

Cosponsor.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

Same motion, same second; roll call on the bond.

LEG. ROMAINE:

Cosponsor, Tim.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

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:

No.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

MR. LAUBE:

Pass?

LEG. LOSQUADRO:

That was a yes.

LEG. MONTANO:

Yes.

*(*Roll Call Continued by Mr. Laube - Clerk*)*

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

Okay, ***2276-07 - Amending the 2007 Capital Budget & Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 7 - Medford (CP 8119) (County Executive)***. I'm being told there's a problem with the bond; is that correct, Mr. Zwirn, do you know? Do you want to table this?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Yes. Okay, 2276, I'll make a motion to table because there's a problem with the bond.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Which makes 2276A a moot point.

And we go to page ten, ***2277-07 - Amending the 2007 County Operating Budget to transfer funds from the Assessment Stabilization Reserve Fund to cover the deficiency of appropriations in Fund 203 - Southwest Sewer District in the Sludge Removal Account and the Chemicals Account (County Executive).***

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. MYSTAL:

Yes, second.

P.O. LINDSAY:

Legislator -- second by Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2289-07 - Amending the 2007 Operating Budget and transferring funds to offset the additional costs incurred in connection with the construction of space for the Department of Social Services (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

2293-07 - Amending the 2007 Adopted Operating Budget and the 2007 Capital Budget & Program and accepting and appropriating funds in connection with the Sewer District No. 21 SUNY - Improvement Project (CP 8121).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2294-07 - Amending the 2007 Capital Program & Budget and appropriating funds in connection with the engineering design for improvements to CR 80, Montauk Highway, between NYS Rt. 112 and CR 101, Patchogue, Yaphank Road/Sills Road, Town of Brookhaven (CP 5534) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Legislator Caracappa. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

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

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

LEG. EDDINGTON:

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:

No.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

Ways & Means:

IR 2067-07 - Adopting Local Law No. 2007, a Local Law to offset the cost of maintaining surplus County property (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

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

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

Explanation?

P.O. LINDSAY:

Explanation by Legislator Alden.

MR. NOLAN:

This authorizes a surcharge on properties that are auctioned by the County, on properties that are auctioned for up to \$50,000, it's .5% surcharge up to -- between 50 and 100 it's .75 and above 100 up to 250 it's a 1% surcharge on winning bids. The money is going to go to Sheriff's SLAP Program, the purpose is the money would be used to maintain properties that the County is holding until the properties can be auctioned.

LEG. CARACAPPA:

Very good.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Mr. Chair, just one quick question.

P.O. LINDSAY:

Mr. Kennedy, Legislator Kennedy.

LEG. KENNEDY:

I'll make it real fast. George, when you looked at this resolution, is this sufficiently different from the surcharge that had been put on by a Legislature back in the mid 90's when it came to advertising and some of the other things associated with delinquencies? I mean, a tax act basically controls, but is this distinct and separate enough?

MR. NOLAN:

Well, frankly I'm not familiar with the thing from the 90's you just cited. But according to Tax Act, I believe we can put a surcharge on. It says that we can sell the properties on the terms and conditions that we, the Legislature, approve.

LEG. KENNEDY:

Okay.

MR. NOLAN:

I can't really speak to the 90's.

LEG. KENNEDY:

Well, no, if you're convinced there's sufficient language and authority under there, that's fine.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

List me as a cosponsor.

2069-07 - Adopting Local Law No. 2007, a Charter Law to streamline the process by which resolutions and local laws are introduced (Alden).

LEG. ALDEN:

I'll make a motion to approve just for discussion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Alden, seconded by Legislator Romaine to approve.

LEG. ALDEN:

Well, actually, though --

P.O. LINDSAY:

Do you want the floor first?

LEG. ALDEN:

Yes, because I might -- I might have to pull this resolution. Does this -- what I wanted to accomplish was a little bit of a paperwork reduction act. So I was going at the Charter and the Charter actually requires that it be laid on the table for a Legislator to have notice of proposed legislation; what I'm trying to do here is to speed that up so that it could be electronic in nature.

MR. NOLAN:

What this really goes to is the filing of the law. When a Legislator initially introduces a law and it's filed with the Clerk, the law basically says you can do it with a hard copy or you can do it electronically, that's all it does. It really doesn't go to the whole -- the aspect of laying bills on the table, etcetera.

P.O. LINDSAY:

Mr. Alden? Legislator Alden, if I might. And I think that this is a good idea and it's something that my office has been studying and we're just about ready in the new year to come forward with a whole plan to reduce the amount of paper we shuffle around here.

More and more, you know, I see the packets laid before us, nobody touches them anymore, they do it all mostly electronically on the computers, you know? And the number that they gave me is just astronomical, that we used four million sheets of paper over the last two years. And if you would allow me to, you know -- if you could table this, and we have a whole program not just on this aspect but to get away from paper and more towards the use of electronics.

LEG. ALDEN:

In deference, yes. And I just want to throw it to Tim because he had expressed a couple of concerns to me; Tim, does this hurt you or would it help you or is there somewhere in-between?

MR. LAUBE:

Well, currently the best way to help the Clerk's Office in facilitating the use of less paper is something we're about to -- I'd love to implement the next year. We've come to use a new technology with our scanner, we have a scanner/copier and instead of copying we'd like to scan documents in an e-mail to you. For example, if I was to e-mail you something right now, if you all were to have your Microsoft Outlook open, you'll get an e-mail from me right now with all the CN's and the Veto Messages scanned in. So as you've all seen, you've seen Ms. Pastore walk around with Late Starters and CN's and make all those copies, you could get those via e-mail today during the meeting if you so choose to do so.

P.O. LINDSAY:

We've been working with the Clerk's Office on this whole paper reduction plan that goes along with the spirit of what you want to do here, and I'd just ask for another month just to --

LEG. ALDEN:

I'll pull it, but I just want to make you aware that I believe that there's a component that has to be changed in our Charter because the Charter fairly clearly states, and Paul Sabatino was a long-standing component that the paper actually had to be put on the table and handed to a Legislator to be proper type of introduction of legislation.

P.O. LINDSAY:

That's one of the things that we're looking at --

LEG. ALDEN:

Good. So withdraw this, please, for me.

P.O. LINDSAY:

-- now, the legality of what we can do with it and not do with it.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Thank you, Legislator Alden, I appreciate that.

LEG. ALDEN:

Sure.

P.O. LINDSAY:

Okay, so 2089 is withdrawn -- 2069, excuse me.

2148-07 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Pei-Wen Liao (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2252-07 - Consenting 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 purposes (SCTM No. 0800-131.00-04.00-015.001 p/o) (Kennedy).

LEG. KENNEDY:

Motion to approve.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2267-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the acquisition of a Disaster Recovery Project (CP 1729) (County Executive). Do I have a motion on this?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, seconded by D'Amaro, and I'm going to ask for an explanation.

LEG. CARACAPPA:

The offset, too, please.

MR. NOLAN:

It's moving money within the same Capital Project, from planning, 400,000 goes to furniture and equipment.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BARRAGA:
Opposed.

P.O. LINDSAY:
He's opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:
Same motion, same second on 2267A, the accompanying Bonding Resolution; roll call.

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2279-07 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Islip (SCTM No. 0500-441.00-02.00-017.005) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. ALDEN:

I need an explanation.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Legislator Alden wants an explanation.

MR. NOLAN:

The County has determined that the County took an interest in a property improperly due to misapplication of taxes, through this resolution we abandon any interest we have on the property.

LEG. MONTANO:

It goes back to the owner.

LEG. ALDEN:

So the owners of the property made an application for redemption, or reconveyance?

MR. NOLAN:

No, that is -- this is a whole different, separate animal under the Tax Act where the County determines that they've wrongfully taken property, under Section 40-D, I think, of the Suffolk County Tax Act we can abandon our interest.

LEG. ALDEN:

George, is that the notice requirement, Mennonite?

MR. NOLAN:

I don't believe that was -- they're saying it's a misapplication of taxes, so I don't think it's a notice defect, it's something else.

LEG. ALDEN:

All right.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

No, Mr. Chair. I was just adding that at times it's a double taxation, it's an overlap, so you've got to abandon one of them.

P.O. LINDSAY:

Okay, we have a motion and a second on 2279. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

2290-07 - Authorizing a license for use of County property in Southampton by the United States Coast Guard (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

P.O. LINDSAY:

And we go to the last page of the agenda, **Memorializing Resolutions:**

Memorializing Resolution No. 58-2007 - Memorializing Resolution in support of New York State Assembly Bill A.09514 to disseminate information to local Veterans Service Agencies (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

MS. ORTIZ:

No, Rick's not here.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

We skipped over one, wait a minute.

MR. NOLAN:

Page seven.

P.O. LINDSAY:

If we go back to page seven, we skipped over *2249-07 - Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, Amending the 2007 Capital Budget and Program and appropriating funds in connection with storm water remediation to CR 101, Patchogue-Yaphank Road @ Mud Creek, Town of Brookhaven (CP 8240.115)(County Executive).*

MR. LAUBE:

You had a motion to table.

P.O. LINDSAY:

Table. Okay, I'll make a motion to table. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Eddington).

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Yes? We still have more business to do; go ahead.

LEG. KENNEDY:

Well, I was going to request, at the Chair's discretion, if we can consider the veto override?

P.O. LINDSAY:

We're going to get to it.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

I just got a few other things, we're not abandoning it.

I want to go to the corrections in the Tax Levies. In your packet, if you go to ***Introductory Resolution No. 2300-07 - Authorizing amended tabulation of Tax Levies and charges to towns under the County Budget for Fiscal Year 2008 for Resolution No. 1062-07.*** I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2301-07 - Amending Resolution No. 1188-07, implementing budget, staff and taxes for Fiscal Year 2008- Discretionary Portion. I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Introductory Resolution 2302, Amending Resolution No. 1189-07, implementing budget, staff and taxes for Fiscal Year 2007-2008 - Mandated Portion, the prior one was discretionary. I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2303-07 - Authorizing amending Tax Warrant for Resolution No. 1190-07 (For the Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown) to be signed by the Presiding Officer and the Clerk of the County Legislature. I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, if you go -- the only other thing left in that packet is the *veto of IR 1944-07, Amending the 2007 Operating Budget, transferring funds for St. Catherine's of Sienna Hospital*. Did you want to make a motion, Legislator Kennedy?

LEG. KENNEDY:

Yes, Mr. Chair. As a matter of fact, I would like to make a motion to override the veto.

P.O. LINDSAY:

Motion to override. Is there a second?

LEG. NOWICK:

Yes, second.

P.O. LINDSAY:

Second by Legislator Nowick. Any discussion on the question?

Okay, seeing none, all in --

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Stern.

LEG. STERN:

I remember the discussion in committee, I remember having asked the question regarding the potential legal issue with making this kind of a donation for this purpose. So now we see in the explanation of the veto that we're getting a different legal basis here, so I was -- I just wanted to ask Counsel if he would be able to opine on the explanation coming back in the Veto Message, as to the legal issue, as to the constitutionality.

MR. NOLAN:

It really comes down to the gift issue under the State Constitution. In my opinion originally, it still remains, that as long as there's a valid public purpose that the money is going to be used for, I believe the County Legislature can do this. And in fact, I believe on a number of occasions we have directed money to hospitals for certain items and that served a valid public purpose, as does this, if the Legislature makes that determination would be legally valid.

P.O. LINDSAY:

I see Mr. Brown at the mike, does anybody want to ask Mr. Brown a question?

LEG. MONTANO:

No.

LEG. ROMAINE:

No.

LEG. STERN:

The same question.

MR. BROWN:

Is there a question?

LEG. D'AMARO:

The same question.

MR. BROWN:

The same question. I can tell you that there are comptroller's opinions that support the idea that there would be a violation of the -- of the gift prohibition of the Constitution.

P.O. LINDSAY:

Okay?

LEG. KENNEDY:

I'm going to --

P.O. LINDSAY:

You have the motion to override is on the floor, it's been seconded. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Abstention.

LEG. STERN:

Opposed.

LEG. D'AMARO:

Opposed.

P.O. LINDSAY:

Okay, we've got two abstentions, two nos?

LEG. D'AMARO:

Opposed.

LEG. STERN:

Two no, opposed.

P.O. LINDSAY:

Opposed, two opposed. Any others? Okay, we've got two opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators D'Amaro & Stern).

LEG. KENNEDY:

Thank you.

LEG. MYSTAL:

That's your second gift for the day.

D.P.O. VILORIA-FISHER:

John, not bad today, right?

LEG. KENNEDY:

What am I, two for three?

LEG. MONTANO:

Two for two.

P.O. LINDSAY:

If you go to red folder, *Certificates of Necessity*, the first one is 2290 -- *2259-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with improvements at Gardiner County Park/Sagtikos Manor, West Bay Shore (CP 7164)*. Do I have a motion?

Do I have a motion?

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Cooper and seconded by Legislator Mystal.

MR. NOLAN:

There is a Bond?

MS. PASTORE:

You have the Bond, yes.

MR. NOLAN:

All right, so we have to take a vote on it.

MS. PASTORE:

Yes.

P.O. LINDSAY:

Okay. Counsel is inquiring on whether there is a Bond for this.

MR. NOLAN:

Yes.

P.O. LINDSAY:

I don't see it in the packet, but --

MR. NOLAN:

It's not in the packet, but --

P.O. LINDSAY:

There is a Bond.

MR. NOLAN:

There is a Bond for this. Let me just get the IR number; all right, it would be 2259A.

P.O. LINDSAY:

Well, can we vote on this without the Bond?

MR. NOLAN:

We have the Bond, we just haven't distributed it.

P.O. LINDSAY:

Okay. Okay, it's a total of -- all right, estimated cost, \$850,000. Okay, we have a motion and a second. All in favor? Opposed? Oh, you have a question, somebody has a question?

LEG. BARRAGA:

Are we taking up the bill 2259 or are we on the bond issue already?

P.O. LINDSAY:

No, we're on the bill.

LEG. BARRAGA:

On the bill, okay.

P.O. LINDSAY:

All right?

MR. NOLAN:

Here it is, we have it.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstention on 2259?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay, I have the Bond here, it's 2259A. Same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. *IR 2304-07 - Accepting and appropriating a grant providing 75% support in the amount of \$721,011 from the United States Department of Homeland Security and amending the 2007 Capital Budget and Program in connection with the purchase of Rigid Hull Police Vessels (CP 3151).*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We have a Bond on that?

LEG. CARACAPPA:

Yeah.

P.O. LINDSAY:

And we have an accompanying Bond, 2304A, for the remainder of the purchase after the grant from the Federal government.

MR. LAUBE:

That last vote should be 17.

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

D.P.O. VILORIA-FISHER:

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:

No.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

IR 2305-07 - Accepting and appropriating a grant in the amount of \$200,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department 1st Precinct Gang Task Force 2007 with 90% support.

LEG. LOSQUADRO:

Motion.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2306-07 - Accepting and appropriating a grant in the amount of \$1,160,107 from the United States Department of Justice, Office on Violence Against Women, for Project SCOPE (Suffolk County Orders of Protection Enforcement) administered by the Suffolk County Police Department with 98% support.

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2307-07 - Accepting and appropriating a grant in the amount of \$100,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police

Department's Bellport Task Force 2007 with 90% support.

LEG. BROWNING:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2308-07 - Authorizing transfer --

LEG. CARACAPPA:

On the motion.

P.O. LINDSAY:

-- of Pig # 183 to the Town of Huntington.

LEG. CARACAPPA:

On the motion.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. MYSTAL:

I want an explanation, too, from Ben Zwirn.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. SCHNEIDERMAN:

There's too much pork around here, I'll tell you.

LEG. CARACAPPA:

On the motion.

P.O. LINDSAY:

I think Brian Beedenbender should explain to us what Operation Pig is.

LEG. MONTANO:

Yeah, Brian is going to explain this.

MR. BEEDENBENDER:

Sorry, Elie, Ben's already gotten into the eggnog, so I'll do this one.

LEG. CARACAPPA:

Brian, would you, please?

MR. BEEDENBENDER:

There's a pig at the farm that's too big for them to care for anymore and the -- I know, it's hard to say it with a straight face.

P.O. LINDSAY:

You've got to be kidding me.

LEG. CARACAPPA:

Mr. Chairman?

MR. BEEDENBENDER:

But this essentially comes out to if we don't transfer the pig it becomes ham. So we're going to transfer the pig, it will be at the petting zoo and, you know, the kids can see it, because I don't think that farm has a pig. It's the holiday season and we are giving Pig 183 a bright future life.

LEG. CARACAPPA:

Mr. Chairman? I just can't help myself.

P.O. LINDSAY:

Legislator Caracappa, I have to give you the last word.

LEG. CARACAPPA:

Thanks. Thanks, I appreciate it. You know, I've voted on a lot of pork over twelve-and-a-half years, but this takes the cake. And I voted on some resolutions that were total pigs, but this is -- and I just want to know, did the Levy Administration get together and say, "Let's give Caracappa a real pig-of-a-piece of legislation to vote on as his last vote, and I mean a real pig?" No, I'm just kidding.

LEG. SCHNEIDERMAN:

He's hamming it up.

LEG. CARACAPPA:

I'm hamming it up.

MR. BEEDENBENDER:

You just stole my line, Legislator Schneiderman.

P.O. LINDSAY:

So does that mean you want to cosponsor this legislation?

LEG. CARACAPPA:

No, I just want to name the pig.

LEG. SCHNEIDERMAN:

You're hogging the mike here.

LEG. CARACAPPA:

Oh, Jay, now that was piggish. Thank you.

LEG. SCHNEIDERMAN:

Very un kosher of me.

MR. LAUBE:

I need a first and a second. I couldn't hear the motion and the second

P.O. LINDSAY:

We have a motion and a second on the Pig 183 resolution.

D.P.O. VILORIA-FISHER:

No, we don't.

MR. LAUBE:

Could you repeat the motion and the second? With all the noise, we couldn't hear it.

P.O. LINDSAY:

The motion is to approve.

MR. LAUBE:

No, who made the motion?

LEG. COOPER:

I think I made the motion.

P.O. LINDSAY:

Legislator Cooper made the motion and Legislator Caracappa seconded it.

MR. LAUBE:

Thank you.

LEG. HORSLEY:

Can we all cosponsor?

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Joe, now you have to say, "That's all folks".

P.O. LINDSAY:

Okay. Now, I need a motion to adjourn.

LEG. CARACAPPA:

Before that motion, Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

A point of personal privilege, if you would.

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

I know I said lengthy good-byes at the luncheon a couple of weeks ago and I just cast my last vote of my Legislative career on a pig. But I just for the record, for the record, I just want to once again thank all the staff here at the Legislature, all the staff in the district offices over the years, of course my staff which were the best, the County Executive's Office; but most importantly, I want to thank all of my colleagues. I consider you friends, professionals, great individuals, special individuals and I

know you'll carry on the traditions of this Legislature that it's known for. And it's a tough time for me, but the Legislature is in great hands. I appreciate the work that you do and I'll miss you dearly. Hopefully we get to work again some time in the future.

P.O. LINDSAY:

Thank you very much, Joe.

Applause & Standing Ovation

LEG. CARACAPPA:

Mr. Chairman, I'd like to make a motion to adjourn.

P.O. LINDSAY:

Motion by Legislator Caracappa to adjourn, I second that. And I would remind the Legislators that we have some refreshments in the Clerk's Room, we have a roast pig. All in favor? Opposed? Abstentions?

(*The meeting was adjourned at 2:54 PM*)

{ } - Denotes Spelled Phonetically