

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

JUNE 24, 2008

**MEETING HELD AT THE SUFFOLK COUNTY COMMUNITY COLLEGE
CULINARY ARTS & HOSPITALITY CENTER
20 EAST MAIN STREET, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:33 A.M.]

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please?

P.O. LINDSAY:

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

MR. LAUBE:

Yes, sir.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present)

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. ALDEN:

Montano's here.

LEG. MONTANO:

Montano's here.

MR. LAUBE:

Thirteen.

LEG. ALDEN:

D'Amaro's here.

P.O. LINDSAY:

Could everybody rise for a Pledge of Allegiance. Legislator Eddington has invited students from the Medford Elementary School to lead us in the Pledge and to sign it as well. So, welcome to the -- Ladies, all Ladies. Okay. Why don't one of you come forward and use the mike and you can say the Pledge. And whoever's going to sign, turn to the -- some turn to the audience so they can see that, okay?

LEG. EDDINGTON:

They'll be loud enough, they guarantee.

P.O. LINDSAY:

Okay, be loud enough. Okay.

MISS MATIESES:

I am from Patchogue-Medford School District and we are -- we are here from Medford Elementary School. We've learned the Pledge of Allegiance in sign language.

MISS CALISI:

So today we're going to teach you.

MISS MATIESES:

But first we'd like to introduce everyone to you. I'm Amanda.

MISS CALISI:

I'm Olivia.

MISS GOLDBERG:

I'm Alexis.

MISS HAFNER:

I'm Mallory.

MISS DOUGHERTY:

I'm Victoria.

MISS DOUGHERTY:

I'm Leanne.

MISS HOUGHLAND:

I'm Kiely.

MISS WALSH:

I'm Megan.

MISS PALUMBO:

I'm Christina.

MISS CALISI:

"I", point to yourself with your right hand, then "Pledge Allegiance", so you're going to hold up your table leg.

MISS MATIESES:

Then you go "to", then make a flag, then catch a flag, and make a "U" for United, States of America. You're mixing all the cultures together, pretend that, "of America".

MISS CALISI:

"And", you want to make a duck, "to", then you want to make the "R", then you want to kind of twist it for it to be on your wrist, then drums.

MISS MATIESES:

"For which", and then "it stands", like you're standing, "one nation". This is an "N", okay, then you're going to go "under God". "Under God", you're saluting God. You can even do that little dip. "Indivisible", like you can't break a stick, because you're indivisible, "with", make two "L's", cross, "liberty". There you go.

MISS CALISI:

And you want to make that duck again, then you want to make two "okays", and then you kind of bang the drums for "justice", "for", and then, "all", and scoop the ice cream.

MISS MATIESES:

Only one scoop, don't be selfish and take two.

MISS CALISI:

All right. Now we're all going to do it.

*(*Salutation*)*

(Applause)

P.O. LINDSAY:

Thank you very, very much, girls. Thank you very much. If everyone would remain standing, I'd like Legislator Eddington to come forward and introduce our guest Clergy.

LEG. EDDINGTON:

Good morning. And I know my visiting Clergy today, Bishop Hale, can meet what you just saw, because he's an awesome gentleman. He's the founder of the Cornerstone Church of God in Christ in -- he has three ministries in Bellport, North Bellport and in Gordon Heights. As a matter of fact,

he happens to have -- I think the east part of his building is in my District and -- no, the west part is in my District, and I think the east part is in Legislator Browning's, so we share the Bishop.

He attended and graduated from the United Christian College of Sacred Theology in Queens in '93, and got his Doctorate in Divinity at that time, and in '94, he received a Sacred Doctorate in Theology. He is the founder and Chief Executive Officer of Harrison Hale/Gordon Heights Community Action Center. He was born in Riverhead, Central Hospital, and he graduated from Riverhead High School, so I think it's very appropriate that we have him here today in Riverhead. He has received recognition from Congressmen, and over 20 proclamations from County Executives, County Legislators, Town of Brookhaven, all officials. He's been totally active in our community. He's established the following ministry: The Food and Clothing Pantry, the Cornerstone Care, where he's feeding the hungry, the Harrison Hale Scholarship Fund, the Brothers Rehabilitation Program, vocational schools and summer programs, the annual Feed the Children Project, and medical transportation service and an empowerment program. He's well-known in our community for his trademark phrase, that "The Gospel is the power of God." And I know, from knowing him for a number of years, that he has two forces behind him, one is God, and the other is an angel, his wife, Artice. So, Reverend, if you would join me up here, please.

BISHOP HALE:

God bless you and good morning. Would you be so kind as to bow your heads as we reflect on the goodness of God toward us during these times.

Father, in the name of your Darling Son, Jesus, who is blessed forevermore, we thank you for this day, for this is the day that the Lord hath made. We shall rejoice and be glad in it. Thank you for your loving kindness and your tender mercies, for they are new every day. We ask now for your divine intervention and your blessings upon these people who have been chosen to lead in their communities. God, grant them favor in the name of Jesus. As they come to do business, we ask you now, God, you would bless them with the spirit of voracity, integrity, in the name of the Lord Jesus. And even though we are different and have differences of opinion, we can agree to disagree, and, yet, let peace abide. Bless us with the spirit of wisdom and revelation in knowledge today. God, bless these darling children who came in the name of the Lord Jesus. And now, God, we ask you to look upon our men and women in the armed services who have given up their freedom, that we may enjoy ours. Remember their families, oh, God. Remember our President, remember our country. Remember Vivian Fisher, God, today, as she walks through the valley of the shadow of death in the loss of a loved one. We bless her today. We bless this entire branch, oh, God, and we bless this day. And God bless America, in Jesus' name I pray, thank God, amen and amen.

(Applause)

P.O. LINDSAY:

If everyone could remain standing. We received the unfortunate information just this morning that Sal Viloría, an Air Force Veteran and the brother of our Deputy Presiding Officer, Vivian Viloría-Fisher, passed away this morning. And, Vivian, our thoughts and prayers go with you and your family, and you being here is a sign of your dedication to the citizens of Suffolk County.

And, also, I would be remiss if I didn't ask everybody to remember our men and women that are in harm's way as we speak.

(*Moment of Silence*)

P.O. LINDSAY:

First, I'd like to thank the College for accommodating us. With us this morning is Dr. Pippins, the -- and George Gatta from the College, and Trustee Ernie Mattace. And I thank you for your hospitality, and allowing us to use this beautiful facility while our auditorium is being renovated.

And I also would like to thank Steve Clark, who is the Coordinator of Network Technology, that

helped in this effort to move County Government to this facility.

And with that, I have only a few cards of public comments. But I wanted to introduce Riverhead Town Supervisor, Phil Cardinale, who wants to welcome the Legislature to the Town of Riverhead. Good morning, Supervisor, and thank you very much for being here this morning.

SUPERVISOR CARDINALE:

Good morning to all of you. And you're right, Presiding Officer Lindsay, I am here for that sole purpose, to welcome this Legislature to the Town of Riverhead, the County Seat.

I was speaking with our Legislator, Ed Romaine, and I think this may be actually the first time the Legislature has sat in the Town of Riverhead. Although you are very close when you are at your facility across the River, you're in the Riverhead zip code, but you're not actually in the Town of Riverhead. So it is in that sense a momentous occasion that you're here, here with us, and I want to welcome you and urge you to return. The Town is, of course, the County Seat, and we are justly proud of that designation.

I also wanted to take the opportunity to thank all of you for the part you've played, and Dr. Pippins and George, and so many others, in establishing this beautiful facility, and now you've given it a new use. During the evenings, we often have dinners for the Chamber of Commerce, East End Arts. I've attended one from the Long Island Wine Council here. So now we've added to sustenance governance as some of the things that can happen in this space that you've create in our Downtown. So I want to thank you for creating this space as a part of what I expect to be the revitalization of Downtown.

We have great plans for the Downtown and we want to you to come back, and we invite you back, whenever you can get here, to the County Seat, and we hope to make it very comfortable for you. Now, I'm going to sit down and let you get to work, and I'm going to do the same back at the office, so thank you.

(Applause)

P.O. LINDSAY:

Thank you very much, Mr. Supervisor. We have a few proclamations. Legislator Ed Romaine will present proclamations to a four-member crew of Project Human Kind, a not-for-profit organization whose objective is to raise 3 million dollars to support the men and women who have dedicated themselves to our country while serving in the Armed Forces. The four men are Chris Cuddihy, Ronnie Desiderio, Denis Richardson and Roy Finlay.

LEG. ROMAINE:

I believe I'm joined by Ron and Chris --

MR. DESIDERIO:

Yeah, it's Ron and Chris.

LEG. ROMAINE:

-- right, today. These are two of the four men that put together Project Human Kind. In fact, Ron is --

MR. DESIDERIO:

I'm sorry, I just have to -- that's a subsidiary of it, of ORCA.

LEG. ROMAINE:

Of ORCA, right. And ORCA stands for Ocean Rowing Challenges America. Ron is actually the builder of Project --

MR. DESIDERIO:

No. Roy Finlay was the builder.

LEG. ROMAINE:

Roy Finlay, okay. Now I got it straight. Anyway, these four gentlemen put together a project to raise 3 million dollars.

MR. DESIDERIO:

There is -- I'm sorry. There is some error here.

LEG. ROMAINE:

Okay.

MR. DESIDERIO:

And I apologize, only because there's some conflict, if I can just interject.

LEG. ROMAINE:

Sure.

MR. DESIDERIO:

ORCA was actually put together to race a boat called the --

LEG. ALDEN:

Use the mike.

P.O. LINDSAY:

Step up to the mike. Thank you.

MR. DESIDERIO:

ORCA was actually put together to race a British ship called the {Lamanial} that had 14 crew members on it. It was independent of Project Human Kind. Human Kind is the new project that we're undertaking to build a six-man boat to race to raise the 3 million.

LEG. ROMAINE:

Right.

MR. DESIDERIO:

Sorry, I apologize.

LEG. ROMAINE:

Thank you again. But their efforts is to put together a crew to row across the Atlantic.

MR. DESIDERIO:

Which we already did.

LEG. ROMAINE:

Right.

MR. DESIDERIO:

But we're doing it again.

LEG. ROMAINE:

And they rowed across from the Canary Islands to the Caribbean, and now they're going from --

MR. DESIDERIO:

The Canaries, again, to the Caribbean.

LEG. ROMAINE:

To the Caribbean again. And by doing this, they have raised and will raise over the next five years 3 million dollars, which will go to the Wounded Warrior Project. And the great thing about this is these gentlemen are using their time, their effort, their energy to help raise funds for those who have served in our military and who have been put in harm's way.

So with that, I'd like to just issue a proclamation in which we honor Project Human Kind, and declare this as Project Human Kind Day in the First Legislative District, since we're in that District today. Gentlemen, thank you.

MR. DESIDERIO:

Thanks very much.

LEG. ROMAINE:

Okay.

(Applause)

P.O. LINDSAY:

Thank you. Thank you, fellas, and thank you to Legislator Romaine for bringing these gentlemen to us, even if you had them in the wrong boat.

Next is Legislator Dan Losquadro who will present a proclamation to the Shoreham-Wading River Girls Lacrosse Team, who are the 2008 Class Seat Champions.

LEG. LOSQUADRO:

Thank you, and good morning. If I could ask the Team to come on up. We'll embarrass you a little bit. Come on. I'm very proud to announce that this is actually the second straight State Championship for the Shoreham-Wading River Girls Lacrosse Team. And on their way, I wish I could brag that they beat somebody from another district, but they actually beat one of my own teams, Mt. Sinai, to win the County Championship. They beat Manhasset to become Long Island Champions, and defeated both Nanuet and Skaneateles to win the State Championship Title.

This has been a wonderful year for the Sixth Legislative District. Last night I was over at Rocky Point. The boys won the Class B Championship in lacrosse, and I'm going over to Mt. Sinai this evening. So I just want to say congratulations to this team. They did a wonderful job. And, yeah, if we could give them this round of applause.

(Applause)

And I want them to remember this feeling. Obviously, this team has been very successful and they're accustomed to this type of success, but they've shown us they have the perseverance and the dedication to accomplish anything. So this is not going to be the high point of your lives, as good as this feels. We expect great things from you. We know we're going to get great things for you. So congratulations again. I have a proclamation for the Team for the trophy case and I have certificates for each one of you. Thank you very much and congratulations again.

(Applause)

P.O. LINDSAY:

Thank you, Legislator Losquadro. Okay. I don't have any other proclamations, unless some of my colleagues have anything else.

With that, we'll start the Public Portion. First up is Ben Wright.

MR. WRIGHT:

Good morning. I'm here to make a statement as a representative of the Department of Public Works on Introductory Resolution 1023, which was modified on June 16th and passed out at the Public Works Committee with a four-to-three vote on June 17th. We feel that DPW requires input to the full Legislature.

The I.R. directs the DPW and the Sewer Agency to consummate the creation of Sewer District No. 4 - Galleria, with an annual typical property cost of \$600. DPW has contended for probably over two years that the original typical property cost of \$470 that was contained in a public hearing report and notification to the State Comptroller was in error because it lacked the spread cost. Those spread costs have been included as an appropriate and required cost element of the sewer district for over 25 years. The inclusion of the spread costs with respect to Galleria and its typical annual cost per year would be \$1,070 with those costs included.

Directing DPW and the Agency to consummate the district involves holding a public hearing, and that hearing would be based on a report prepared by the Department of Public Works and the Agency. We feel that we cannot professionally or ethically ignore the actual cost that we've estimated for the District, regardless of the Legislative directive. If the I.R. is adopted, the public hearing must have full disclosure on what DPW and the Agency has estimated the annual cost to be. The public hearing report cannot recommend consummation of the District if the statements that were received from the community and their representatives to date have indicated that, although they would like the district formed, the \$1,070 is too high.

The community has also complained about the service that they're currently receiving, and we feel that is in part attributed to the cost of that service. DPW's resources and responsibilities are part of the reason why our costs are higher. Additionally, the annual cost of \$600 per property is insufficient to support the operation and maintenance of the system without a subsidy, and that could lead to a deficit to be made up in following years and a precedent that would jeopardize the existence of the Assessment Stabilization Reserve Fund life expectancy. So DPW supports the dissolution of the district and the creation sometime in the future when more favorable conditions are available to the residents.

P.O. LINDSAY:

Ben, I don't have many -- many cards. I would ask if it's possible if you could stick around, because we can't question you on the Public Portion, but when the resolution comes up, I know there's going to be some questions about it.

MR. WRIGHT:

Okay.

P.O. LINDSAY:

All right?

MR. WRIGHT:

I'll be here, yes.

P.O. LINDSAY:

Thank you. Jeremy Samuelson.

MR. SAMUELSON:

Good morning. Jeremy Samuelson, Group for the East End. I'm here in reference to I.R. 1544. It is passed out of Committee and will be available for your consideration later in the day.

I just wanted to take a moment of your time to give you a very brief description of what we're up to and what we hope to accomplish here. My organization, an environmental nonprofit organization, has been working for 35 years throughout the East End, has volunteered its time and its effort and

its expertise to work with Southold Town, Greenport Village and Suffolk County to help residents and visitors to the North Fork utilize already preserved parcels by essentially recreating a trail system that we're calling the Bay to Sound Trails Initiative. It has an educational component. It would be used by local schools. It's an effort that is being supported by, not only a broad coalition politically, it's introduced by the County Executive and cosponsored by Ed Romaine. But, also, I'll just read you briefly a list of organizations that are similarly supporting this locally. They include Nature Conservancy, Greenport High School Environmental Club, Greenport Village Board of Trustees, Greenport Village Business Improvement District, Southold Town Board, Southold Town Department of Public Works, which has volunteered very generously to do the work that's required; in addition, Group for the East End, my organization, North Fork Audubon Society, and Long Island Greenbelt Trails.

Essentially, what we are asking for as Phase I here is \$35,000 to be funded through the 477 Program, the Quarter Percent Program, that would be used for a flora and fauna survey that would meet the SEQRA requirements that would be necessary for use of this parcel.

Essentially, in the early '70's, this area, Morris Woods, 325 acres this year contained an extensive trail system that basically was used by thousands and thousands of people each year. Unfortunately, a lack of funds meant that the system over the years degraded and eventually became a de facto dumping site. So what we're proposing to do is take a preserved area, which has a great deal of waste that's been deposited over years, remove that, restore it to its natural state, and turn this back over to the community as a natural resource for its use in educational and community programs.

For your review, just so that you have all of the relevant information, I have packets which contain two maps. They show proposed trails, as well as existing trails. And, in addition, they have a very brief, three-page project description, which we submitted along with the 477 package that was evaluated by the committee. In addition, we have included in the package letters of support from the various organizations that I mentioned before.

I would ask for your consideration here, just wrapping up. I think that this actually presents an opportunity for us to do -- to sort of fulfill the promise that we've made in preserving the lands. As you all understand very well, I know, it's not enough just to set aside these pieces of land, we also have to actively manage and maintain them. Through the Land Stewardship Initiative, which was passed by the voters last year in November, there is an additional program that allows us to use 477 money, Quarter Percent money, for not only groundwater protection, as has been the case in the past, but, in addition, for land stewardship initiatives, which also have a net gain for groundwater protection, but also to manage the resources we've already put the time and the effort and the money into preserving.

So, if I may, I'll just pass out these packets so that they're available to you for your review. Thank you so much for your consideration.

P.O. LINDSAY:

Thank you, Mr. Samuelson. Virginia Bolla.

MS. BOLLA:

Good morning. I thank you once again for giving me this opportunity to speak to you. I am Virginia Bolla. I'm the President of the Windcrest at Galleria HOA, which is in the anticipated Fourth Sewer District.

I would like to take this opportunity also to thank everyone for their cooperation in helping us get this resolution to this point. On June 17th, at the meeting in the Hauppauge Legislature, I expressed a sincere desire on behalf of our community of 187 homes to have serious consideration be made to waive the idea of the cost that was originally proposed to us, which was \$470. Be that an error, that whatever it is, that's what we started out with, understanding that in today's economic

times that this cannot happen. It still boggles the mind of the constituents of that -- that live in that community, that it could take four times the cost to operate, to have the County operate a sewer district that is now being operated at, you know, four times less.

In addition, it was suggested by the Department of Public Works, Mr. Ben Wright, that if we're not happy with that operator, that we select another operator. Unfortunately, for the people that live in Windcrest, we are trapped and we are caught between a very -- two very, very high walls. Number one, as part of the {PUD} and the Galleria, which is the -- one of the sponsors is Mr. DiCano, the DiCano Corporation, it's divided up in such a way that it's -- the Sewer District plant is owned and operated by Avalon Apartment Complex, which is also partnered with Mr. DiCano in terms of the development of that plant. We have absolutely no rights. We pay the bills, we see nothing, and we're just the victims of the poor service that they do, so we're trapped. Our only way out of this is to have the County take it over, where there is a fine line of how it's going to be operated, it's going to be taken care of. We're not going to have to worry about spillage and offensive odors, and we're going to be able to live and enjoy our homes the way we planned.

I would really like to say that somewhere between 1,070 and 470, there should be a number that can come up that will give us an opportunity to enjoy the benefits of having the County run our sewer district. And I would really like you to consider all aspects of it and I would -- I truly would like to see it not be dissolved. Thank you.

P.O. LINDSAY:

Mike Schekder.

MR. SCHNEIDER:

Schneider.

P.O. LINDSAY:

Schneider. Somebody put Schekder over the top of it, I don't know why.

MR. SCHNEIDER:

That's okay. Good morning. Thank you for the opportunity to speak this morning. My name is Mark Schneider. I'm the Attorney for Windcrest at Galleria Homeowners Association, Inc. We've spent a lot of time at the committee meetings discussing and dialoguing about the issue of whether to dissolve this Sewer District 4 or whether to create Sewer District 4. In fact, you should be aware that Sewer District 4, the Resolution 1023 before you is an amended resolution which increased the rate to the proposed 600 and change, which we believe is the fair and reasonable rate for the operation of the sewer district by the County. What Ms. Bolla was conveying to you was that it is inconceivable that it could cost the County four times more than a private operator to operate the plant.

I understand that the policy that's been set out there is to create these districts, not to dissolve the districts. This would be against the policy if we dissolved it. That's why you have before you a resolution to create the District. It is important that the District be created. The County -- we all acknowledge that the County will run the facility in a better manner. We also all acknowledge that we can't run the facility at the cost of -- not likely to be able to run the facility at the exact cost of a private operator, because, obviously, the County has better benefits, and whatnot, which is why we understand, the residents believe and understand that the rate would be a little bit more than what they're paying. But what they're paying was lower than the 400 that was proposed, and when you add soft costs -- I also find it hard to believe that the soft costs are also more than double what the actual number that was put in. We heard about a \$470 number, and then we've being told that the County believed that it should be 1,070. Well, that's almost another -- it's literally another \$600 in just soft costs alone.

We support this -- the Resolution. We'd like it to be passed, and we'd like the Sewer District to be

created. And, certainly, I'm here to answer any questions that anybody might have with regard on that. And now I understand there's also another community -- besides the Avalon residents, there's another community of 20-odd homes, which is also part of this proposed Sewer District as well. Thank you very much.

P.O. LINDSAY:

You're welcome. Debra Alloncius.

MS. ALLONCIUS:

Good morning, Chairman Lindsay, and Members of the Legislature. Vivian, AME sends their condolences, and anything we could do, to please let us know.

I am here to speak to the Legislature on I.R. 1369, the Medfone contract. At this point in time, AME had spoken to Mr. Lindsay several meetings ago and agreed to -- to take a look at it to the best of our ability and see if we can come up with a plan regarding that contract. We would like this resolution passed. We don't want to hinder the Department of Health in any way at this time as far as their functioning. We understand that it would bring chaos to the units. That's not my prime objective. I would like the time to work on it, and we agreed that we would. And I just think it's too important a bill to be tied up here again today.

I also stand in support, not just I, on behalf of Cheryl Felice and AME, we support the Suffolk County Community College in all aspects, and just hope to see those capital project resolutions passed today. Hate to see 28 million go down the drain. And any hindrance that may affect our accreditation to that crown jewel is not good for the County on the whole. Thank you, and have a good day.

P.O. LINDSAY:

Thank you, Debra. George Stankevich.

MR. STANKEVICH:

Good morning. I am a resident, property owner, and taxpayer in Suffolk County, and when I scan and read Newsday, I am fearful of our economic future. But I am much calmer when I realize that the Legislature, under the leadership of the Presiding Officer and Committeemen, are, in fact, using their initiative to investigate all other sources of economic development in this County. One of those is casino gaming, which can have a substantial beneficial impact on our County, if handled properly.

It's estimated that a Shinnecock Indian Nation casino in Suffolk County would generate over 500 million dollars per year in public benefits. Most federal casino compacts run for ten years. That is a 5 billion dollar positive impact for the County over the term of the typical compact.

One of the other interesting aspects of studying this type of economic endeavor is what is the impact of casino gaming on Long Island right now. One of the them is that Southold Town is getting run over from traffic going to the ferry to Foxwoods. Connecticut estimates that each year over 150 million dollars of Long Island money goes to Connecticut to the casinos. Over the ten-year period, you're talking a billion-and-a-half dollars of Long Island money going to Connecticut without any competition on our side of the water. So the spread over a ten-year period runs up to 7 billion dollars of impact that this type of economic development can have on Long Island, not to speak of the tens of thousands of jobs, well-paying jobs, union jobs, construction jobs. So I commend you for studying what the prospects are. Thank you.

P.O. LINDSAY:

Thank you very much, George. Adelaide Czerwonka.

MS. CZERWONKA:

Adelaide Czerwonka. I live in East Quogue. I've talked to the -- I've spoken with the Legislator previously, but now I don't know to present my problem, but I'm going to make it as quickly as I can

and give you what I have.

I live in a mobile home park in East Quogue since 1983. It's changed hands now to a Connecticut corporation in '95. And I do have a lot of problems there, because it is no longer for 55 and over. And the problems are, no matter how you try to communicate with them, you can't get to any communication. And they have unruly young adults who force their ways that they can do whatever they want to do.

I've been asking them to cut the trees, because when they put in new units across from me, instead of a double-wide, they put a triple-wide. That was in '96. They bulldozed, they smashed, they did everything to my unit, to their own property, and then they put in unruly individuals who then went to work in the nutrition center in Flanders, and they would have narcotics parties and everything. And when I called the manager at that time, they called the police that I was harassing the manager, because this was at 10 o'clock. I was served with papers. I had to go to court. At the same time, I was coming home on a Sunday on July 15th, just before the 9/11 happened, and a truck smashed me, a 20-year-old smashed me, cut all my ribs. I still have ribs, though.

I don't know how to talk. I need an attorney, and Legal Aid has interceded on one project, which was the trees. There are seven trees on the property. For the new units, they take down the trees. For my unit, they will not take it down.

I want to move. I want to get out. I cannot get out. I'm surprised I am standing here talking to you. I don't know how to address the issue, because they put in a disabled in the triple unit and I don't know what his affliction is. There's a bus that comes every day which hampers my function. Then the parents, sort of speak, rides up and down cleaning the street and playing in the street all day. You're not supposed to have trucks, you're not supposed to have this. I just can go on and on, but I'm going to stop now, because why do I have to pay all that rent for one person when they have five and six and nobody addresses the issue? And the main thing, they're in Connecticut. There is no -- then they tell you they have several places all over the United States. I asked for the -- where else are they in the United States. This is an SCC matter. There's cats running in and out. You can't talk to the Board of Health. It's like a slum.

I mean, it was for 55 and over, one person or two, and two vehicles and not trucks. I do not know where to go, what to do, and how to address the issue, and my thing is the money. I'm paying all that money, and even that rent freeze at my age, at 75, it doesn't do any good, because these people are getting some sort of social service help differently because of the disability and I don't know what the affliction is. He walks like a drunk, and the a bus comes in and out, and it's a pain. You don't mind kids, there are sicknesses, indeed, there's a reason, indeed, but this is out of line, and that's it.

I'm going to just leave one piece of paper, and if you can help me find a lawyer, do anything you can, I'll appreciate it.

P.O. LINDSAY:

Adelaide.

MS. CZERWONKA:

I want to move out.

P.O. LINDSAY:

Give it to the Clerk, and maybe -- Legislator Schneiderman is your --

MS. CZERWONKA:

I have one for him, too.

P.O. LINDSAY:

-- representative.

MS. CZERWONKA:

I've talked with his office, he knows.

P.O. LINDSAY:

Okay.

MS. CZERWONKA:

They're very good to me, they're very fine. They turn off the water. Every single holiday they turned off the water. I've talked to the Nutrition Center, everything. They've turned off the electric. The other people that were managing were good. If the water main break was broken, they would tell us, "It's coming on tonight, it will be continuing tomorrow." Not them, not them. I thank you.

P.O. LINDSAY:

Thank you, Adelaide.

MS. CZERWONKA:

Thank you.

P.O. LINDSAY:

I don't have any other cards. Is there any one else in the audience that would like to address the Legislature? Seeing none, I'll take a motion to close the public portion.

LEG. ROMAINE:

So moved.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Before we get to the body of our agenda, I have three items that are time-sensitive. The first one is ***1539, which is on Page 12, setting the date for the election in the Fifteenth Legislative District.*** We've been contacted by the Board of Elections. They would like us to pass this as early in the session as we can, because they'd like to get started on the process of their work to have a special election. So I'm going to make a motion to take 1539 out of order.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor?

LEG. MONTANO:

What page is that?

P.O. LINDSAY:

Opposed? Abstentions? It's on Page 12.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. 1539 is before us. I'll make a motion to approve.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

All right. We'll get that right over to Board of Elections. The other matter that is -- telling me is time-sensitive, we have two more Home Rule Messages from the State Legislature, as we discussed last Friday. This whole thing is still evolving. Evidently, it evolved a little bit differently over the weekend, and it's still the same issues, but different changes to the bill, and, therefore, we have to pass two Home Rule Messages. If we pass these Messages now, I believe that the County Executive's going to make arrangements to get them right up to Albany today, because I don't know when they're going to adjourn, today, tomorrow, whatever.

But the first one is *Home Rule Message Number 20*, it should be in your packet, *requesting the New York State Legislature to implement a budget reduction plan via a modified application fee recording documents in the Office of the County Clerk*. Maybe Mr. Zwirn or Mr. Brown could explain to us the difference between this Home Rule Message and the one we passed last Friday and why the necessity of it.

MR. ZWIRN:

Yes. Thank you, Mr. Presiding Officer. This changes the fee increase. The bill that we passed, the Home Rule Message that passed on Friday allowed the County to vote to increase the filing fee on the cover page from \$5 to \$25. This bill, which is live in Albany, goes from 5 to \$20, it reduces it by 20%. And this bill has a same-as, and this is the bill that's live before the Legislature now. This is the last day. And again, as I explained last week, this bill does not raise the fee in and of itself. That will be done by this Legislature if it sees fit going forward. This just gives us the opportunity to be able to do that at a later time to try to raise revenue for the budget in the coming year. So that's -- it does -- reduces it. The Home Rule Message that passed was from 5 to 25, and \$3 to \$5 a page. This goes from 5 and limits it to \$20.

P.O. LINDSAY:

All right. Before I open the floor to questions, I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. All right. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Ben, this is the bill that we've got in the pamphlet, and I see, I guess it's Clause 2 with the underlined language. That's language that's being changed or added?

MR. ZWIRN:

Yes.

LEG. KENNEDY:

Okay. I'll ask the question. I mean, I know it's not in there, but I'll ask anyhow. Is there an exclusion for first-time homebuyers in this bill.

MR. ZWIRN:

No. As we explained on Friday, there's no bill -- this goes to the CPLR, this goes to fees. There would have to be a special bill that would have to be passed and that bill is not before the State Legislature at this time. So we couldn't -- if you wanted to add that, this would be an entirely moot exercise.

LEG. KENNEDY:

8021, no, I know it in the CPL&R. Let me just go through the rest of the questions, then. There's some additional language here that I haven't seen before about treating a cover page in a manner associated with pages for the rest of the instrument. Have you spoken to the Clerk's Office? Do you understand what the fee structure is now as far as recording a cover page and the pages of a particular instrument?

MR. ZWIRN:

The Clerk has seen this legislation.

LEG. KENNEDY:

Has the Clerk provided any kind of opinion regarding this?

MR. ZWIRN:

No, because it's a fee schedule that will be set by the Legislature. That's who set the fees in the past and will set them going forward.

LEG. KENNEDY:

Yeah, but there's language in here that specifically now characterizes a cover page and how it is to be treated in accord with pages of an instrument. Right now a cover page is treated in a different -- well, up until November of 2004, a cover page was treated in a different fashion than pages of an instrument. So my question goes to how did that change since the time I left the Clerk's Office.

The other question I would have is, I'd ask about these -- this last line of text, "To the extent the County Clerk has placed an image of such a cover page on line, such County Clerk shall make a good faith effort to redact such information," redact what?

MR. ZWIRN:

Social Security information. This is the privacy clause that's been added which is what the clerks were asking for.

D.P.O. VILORIA-FISHER:

In the previous sentence.

LEG. KENNEDY:

Social security number. Actually, the language that I had seen that the Clerks from the State were looking for went to a whole slew of items, including dates of birth, including bank account numbers, a variety of other things. I guess my question to you is where did this language come from?

MR. ZWIRN:

I believe it came -- was added because of the Clerk's -- the Clerk's Association of New York State, they had asked for the privacy language to be added.

LEG. KENNEDY:

Okay. It's different than what I had seen. And I would say, at this point, my understanding is that a cover page is treated in a different fashion for the purposes of calculating costs for recording from an instrument other than per page, for what it's worth.

P.O. LINDSAY:

Legislator Montano.

D.P.O. VILORIA-FISHER:

And Romaine.

LEG. MONTANO:

Thank you. Ben, the bill that we passed on last Friday, was it?

MR. ZWIRN:

Correct.

LEG. MONTANO:

I don't have it in front of me, but, if I recall the language, the language was more generic in terms of County; am I correct? This bill speaks solely to Suffolk County, whereas I thought the Home Rule Message that we passed on Friday dealt with any County that wanted to opt in; is that accurate, or am I --

MR. ZWIRN:

No.

LEG. MONTANO:

All right. So what --

MR. ZWIRN:

That was the same -- it was Suffolk County specific --

LEG. MONTANO:

It was the same exact language as this?

MR. ZWIRN:

Correct, correct. But the bill that you had before you on that day -- actually, we never got that bill before you, because it wasn't noticed properly. We didn't have an opportunity to get it noticed, because that bill did not exist when we called for the -- we asked for the Special Meeting. That's how fluid things are. I mean, as you read yesterday, the Majority Leader is now stepping down. This is the last day that they're in Albany today, that's what we've been told. So the things have been very fluid and in flux, and is -- if this is adopted today, this will leave this building and go straight to Albany.

LEG. MONTANO:

No, I understand that. But what -- my question goes to the issue of whether or not the language of the bill dealt with all counties may opt to --

MR. ZWIRN:

No, no.

LEG. MONTANO:

Oh, okay.

MR. ZWIRN:

If we had -- if it was a statewide bill, we wouldn't need a Home Rule Message.

LEG. MONTANO:

All right. And I -- yesterday, I was glancing through Newsday. My understanding was that Nassau was passing a similar bill. Am I -- do you know anything about that?

MR. ZWIRN:

This bill is Suffolk specific, because we had a Senate sponsor.

LEG. MONTANO:

Okay.

MR. ZWIRN:

I don't know if Nassau got a Senate sponsor. They had an Assembly sponsor, but, at the last minute, the bill changed. Assemblyman Sweeney put in this bill. We got Senator Johnson's Office to do a same-as bill so we could be before you today.

LEG. MONTANO:

Well, what I'm getting at is the fee in Nassau is -- is it the same as the fee in Suffolk today based on the CPLR --

MR. BROWN:

Based on CPLR, yes.

LEG. MONTANO:

Based on CPLR, I think it would be.

MR. ZWIRN:

Yes.

LEG. MONTANO:

My question is, do you know today, because I -- I'm under the impression that Nassau met yesterday, and I got that from Newsday. Do you know if they passed a similar bill to allow them to increase the fees in Nassau?

MR. ZWIRN:

That I don't know.

LEG. MONTANO:

So our fees would be different under this bill, because this bill is specific to Suffolk.

MR. ZWIRN:

Possibly.

LEG. MONTANO:

What do you mean "possibly"?

MR. ZWIRN:

Will there be a movement to try to do this statewide? That's possible. We're not taking that chance, since we have same-as bill. But Nassau and Suffolk fees on a lot of things are very different. On our motor vehicle registration fees, they're much higher. I mean, there are a lot of differences between the counties. So this would -- if this fee -- if the fee is different, it would not be unusual.

LEG. MONTANO:

Right. But a statewide effort wouldn't take place today, because today is the last day of the session, even though they may stay there a couple of days; am I correct?

MR. ZWIRN:

Legislator Montano, your guess is as good as mine.

LEG. MONTANO:

They're coming home today?

LEG. EDDINGTON:

Between one and two.

LEG. MONTANO:

All right. All right, thank you.

MR. ZWIRN:

Thank you very much.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Notwithstanding my opposition, which I'll discuss briefly, I have some technical questions about this new request. Essentially, does this new request treat cover pages differently than other pages in terms of fees?

MR. BROWN:

Legislator -- I'm sorry -- Romaine, I have to say that you are more knowledgeable about that, since you were the County Clerk for so many years. I've done closings in the past. I know that there is a cover page. And I do not know how at present, as Legislator Kennedy eluded to, how cover pages are treated. Cover pages are not addressed in the current version of the CPLR. In this proposed bill, they are treated as an additional page. So since there is -- it's listed as an additional page, I would think that it would qualify for that \$5 per page charge.

LEG. ROMAINE:

It would cover that, okay. And I tend to agree with you. As you know, cover pages differ throughout the counties of the State. I believe Suffolk charges three, but there are counties that charge five, there are counties that charge ten.

Let me ask you this: It indicates in the Memorandum of Support that it prohibits a cover page from including Social Security numbers or date of birth, and allows the County Clerk to redact that information. But the bill itself says the County Clerk shall make a good-faith effort to redact that information. There seems to be a dichotomy between the bill and the Memorandum of Support for the bill. What does this bill do, vis-a-vis requiring the County Clerk -- and does this only apply to Suffolk, or does this apply to other counties in terms of the redacting of personal information?

MR. ZWIRN:

This bill is Suffolk specific, this particular Home Rule Message.

LEG. ROMAINE:

Then let me ask you this, and, Mr. Zwirn, you can answer this possibly better than Mr. Brown. The question then goes, first of all, you're going to change the fees. That's going to require software changes to the County Clerk's program. Is the County Executive prepared to support additional funding for those software changes, because everything --

MR. ZWIRN:

Yes.

LEG. ROMAINE:

-- in the Clerk's Office is computerized now.

MR. ZWIRN:

The answer is yes.

LEG. ROMAINE:

Okay. Then the next thing is, are you prepared to include funding to redact the personal information, the Social Security number, the date of birth, and any other personal information now that that becomes a requirement in Suffolk County? That's very expensive, by the way.

MR. ZWIRN:

The answer is yes.

LEG. ROMAINE:

Okay. Thank you very much for answering those technical questions. And I'll just end by saying, once again, I am opposed to this bill. I am opposed to this bill on broad philosophical grounds that, right now, as I've explained in things that I said when I was County Clerk for 16 years. The County Clerk's Office does not have user fees, it has abuser fees. And the difference is the Clerk's Office takes in -- last year, it took in a little bit less than when I was there, about 455 million dollars, and, yet, it costs about 6 million dollars to run that office. Do you think there's a difference between the cost of running that office and providing the service and the fees we're charging? There certainly is, and we're about to add to that fee, and this is going to have an impact on the real estate market. Well, it's not that much, it's a few dollars here and there, but that's the argument that has been made for every fee increase that we have. So we now have a County Clerk's that has a fee structure that far outstrips the cost of running that office. It, in fact, is a cash cow, not only for Suffolk, the MTA, the SONYMA, State of New York Taxation and Finance. It is a cash cow and it's a back door to raising revenues.

Some people have described this as a back-door tax. And there's no question that when you don't want to tax and you don't want to cast a vote on a tax, how much easier is it to cast a vote for a hidden fee, because it's hidden. You know, one day it's this and the next day it's that. Oh, well. And no one knows where to direct their anger. Well, we're casting a vote today on a Home Rule Message. And I've heard it said, "Well, it's only a Home Rule Message." It comes back to you. Well, why would you vote for it in the first place if you don't agree with the purpose of the Home Rule? I don't agree. I think it's going to be yet another burden on real estate at a time that the real estate industry is suffering. And, as Legislator Kennedy so astutely pointed out, there is no exclusion for first-time home buyers. So, you know what, we're in the middle of a potential recession, led by the real estate. Let's Jack up the fees. I don't think it's the wisest public policy. I'm going to be voting no on this. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

I'm glad you made your position clear. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, I concur, that this is absolutely the wrong bill at the wrong time. I wonder if my colleagues had been reading the news. Even today, Reuters is reporting for April a 15.3% drop in housing prices across the country. What this bill does is it changes from the last version, which was a 500% increase in fees, to a 400% increase in fees. We all know that the real estate industry is one of the major sectors of our economy for the people who sell real estate, to all of the people who do construction on additions and new homes, to all the related industries, from the banking industries to the surveyors and appraisers, on and on and on, a huge sector of our economy.

Now, certainly, if we all were to agree that real estate is in decline, we would be looking for ways to stimulate that industry. And probably the first idea somebody would throw out is why don't we reduce the fees? So you can't possibly tell me that increasing the fees for filing a mortgage is

somehow not going to hurt this industry. It's like kicking the body while it's down on the ground. It's the wrong thing to do at the wrong time.

We need the revenues that the real estate industry provides to us through sales tax revenues, through job creation. And, certainly, as more jobs are lost, we don't want to be seen as having contributed to the downfall of this very important industry. So I'm going to continue to vote against this. This is not the right approach. We're going to pay for this a lot more than we save in additional revenues in what we lose in real estate activity and how the County views this body as not working in the interest of the economy of Suffolk County. I'm sorry.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah. Hi, Ben. Just quickly, noting that the maximum amount that we could charge for per page has gone from 25 to 20, the State seemed to give us the impression that 15 was where they are looking at, at least that's the impression I got from you guys when you discussed this. Are they settling on 20? Is 20 a more realistic price that we're going to be able to move to, or --

MR. ZWIRN:

That's the number that they're --

LEG. HORSLEY:

What is the thinking?

MR. ZWIRN:

That's the number that they have suggested by the State legislation that is now pending in both Houses.

LEG. HORSLEY:

So that is what the County Executive will come back to this body and say, 20 is the number?

MR. ZWIRN:

Well, if we get passed today and --

LEG. HORSLEY:

If we get passed today.

MR. ZWIRN:

And we get passed the -- we get it up to Albany and they give us the authority to move forward, then, at some point, we'll be coming back and we'll take a look at what we think we need in revenues and that's -- but it's very likely it would be 20.

LEG. HORSLEY:

Okay. So, 15 is no longer a number?

MR. ZWIRN:

No, 15 is not on the table.

LEG. HORSLEY:

Got it. Okay, thanks.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I have a question for Counsel. I was not here for the Special Meeting last week and so I'm trying to catch up a little bit. George, when we have the opportunity to have a resolution before us regarding these fees, how much flexibility will we have, because I've heard questions regarding the cover page being counted as another page, new homebuyer relief from these fees. Will we be able to address those when the resolution comes before us?

MR. NOLAN:

No, there really is no flexibility. The State is authorizing us to go from five to twenty, and from three to five, but that's our option. We can't pick a number in between.

D.P.O. VILORIA-FISHER:

Okay. We have to go to the maximum?

MR. NOLAN:

Yes. That's the way I read it, yes.

D.P.O. VILORIA-FISHER:

Okay. I thought that Ben said that this allows us, but we don't have to do it, so I thought we had flexibility.

MR. NOLAN:

We don't have to adopt a Local Law increasing the fees. That is our -- we don't have to do that. But if we do choose to raise the fees, we have to go to the numbers that are in this legislation.

D.P.O. VILORIA-FISHER:

And because the cover page is in the legislation, we then must include the cover page as well?

MR. NOLAN:

I think that is correct. We've got to go to the -- do the 20 and then go from three to five, if that's what we want to do, or leave it the way it is. Those are our options.

D.P.O. VILORIA-FISHER:

Would it be permissible for us to have an exemption for new homeowners, new homebuyers?

MR. NOLAN

Not on our own, the State would have to give us the authority to do that.

D.P.O. VILORIA-FISHER:

Okay. Thank you, George.

MR. NOLAN:

You're welcome.

LEG. KENNEDY:

Vivian asked the question about the exemption. We can't get it.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Okay. Is everybody ready to vote? All right. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:
Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. BARRAGA:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. HORSLEY:
(Not Present)

LEG. NOWICK:
Abstain.

LEG. KENNEDY:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Ten.

LEG. HORSLEY:

Yes. Tim, yes.

MR. LAUBE:

Make it 11.

P.O. LINDSAY:

Okay. The other Home Rule Message is, again, in your packet. *It's Home Rule Message 21. It's requesting New York State Legislature to amend the General Municipal Law, the Vehicle and Traffic Law, the State Finance Law, and the Criminal Procedure Law in relation to establishing Traffic and Parking Violations Agency in the County of Suffolk.* And, for the purposes of discussion, I'm going to make a motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Vioria-Fisher. And I'll start with Mr. Zwirn. Could you -- we passed similar legislation last week and this is another change?

MR. ZWIRN:

Right. This is the bill that is pending before the Legislature. Again, this is a bill that will require us to come back. It gives us the authorization, if the Legislature and the County Exec decide to move forward and set up a Traffic Violations Bureau. Nassau County has one, there are a number of counties that do. This will give us an opportunity to do it, to handle our own -- a certain number of our own tickets and retain the revenue from those own tickets. This was a bill that was passed earlier, Home Rule Message by the Legislature. But those bills, the Senate and Assembly Bill, are no longer alive up in Albany. This is the bill that is presently before the Legislature and will be dealt with today.

P.O. LINDSAY:

Okay. Thank you. Legislator Alden.

LEG. ALDEN:

Ben, under this bill, if we did a -- the cameras at the intersection, would that be covered, because it is a V&T Law.

MR. ZWIRN:

We would have -- we would have to have a Traffic Violations Bureau in place in order to take those.

LEG. ALDEN:

And then we could do that?

MR. ZWIRN:

Yes.

LEG. ALDEN:

Okay, good. So this is similar to what they do in Nassau County?

MR. ZWIRN:
That's correct.

LEG. ALDEN:
Okay. And just for the record, did you call Nassau and see, because I did. They take in approximately 20, 22 million dollars, and it costs them about 2 million dollars to run the parking -- not the parking, but this Traffic Violations Bureau.

MR. ZWIRN:
It would seem to be something that would be in everybody's best interest.

LEG. ALDEN:
Exactly. Thank you.

P.O. LINDSAY:
And just to clarify something, Nassau passed a resolution yesterday, a Red Light Camera Bill, they've been hot on it, but they have a Traffic Violations Bureau, had it for many years. One kind of goes into the other, because without the Traffic Violations Bureau, we can't get the revenue, you know. Legislator Romaine.

LEG. ROMAINE:
Thank you, Mr. Presiding Officer. A few questions for our County Executive Representative. First of all, I want to say that I'm supportive of this concept, have voted for it in the past, because it doesn't change the fees, it simply allows the County to collect the fees; is that correct, Mr. Zwirn?

MR. ZWIRN:
Yes.

LEG. ROMAINE:
Okay. I see also that the County Executive under this bill will appoint a person to serve as the Executive Director of the Suffolk County Traffic and Violations Agency or Bureau, fortunately, subject to the confirmation of this body. What do you anticipate the staffing and the cost to be of a Traffic Violations Bureau if we established it in Suffolk County?

MR. ZWIRN:
That will have to be determined. It's not inexpensive, the startup costs are not inexpensive. We might look to the State to get some help doing that, maybe some space. But we would like you to take the first step today, and then before we come back and try to establish it, all the fiscal impacts will be discussed.

LEG. ROMAINE:
Do you know if the proposed Executive Director will be a Civil Service appointment in terms of meeting minimum qualifications?

MR. ZWIRN:
I don't even think we've gotten that far.

LEG. ROMAINE:
You haven't gotten that far. All right. Suffice it to say, I support this effort, because this is an effort to bring revenue to Suffolk without raising fees, it simply gives us the ability to collect it. Big difference than the other Home Rule Message. Thank you, Mr. Zwirn. And thank you, Presiding Officer.

LEG. ALDEN:

Okay. I don't see anybody else. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Seventeen.

MR. ZWIRN:

Thank you very much.

P.O. LINDSAY:

Okay. We can go to the agenda now. We're going to start on Page 6, Resolutions Tabled. Oh, the *Consent Calendar*, excuse me.

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion on the Consent Calendar by Legislator Viloría-Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Now we can go to the Consent Calendar.

D.P.O. FISHER:

No, now we can go to the Tabled Resolutions.

P.O. LINDSAY:

Now we can go to tabled, right, okay. First is *1129 - A Local Law establishing crime prevention requirements for scrap metal processors*.

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Schneiderman.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Losquadro.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Eddington.

LEG. EDDINGTON:

I'm going to support the tabling motion this morning, because I've been informed from the State Officials that there is an Assembly and a Senate sponsor for a scrap metal bill on the State level by the -- by both the -- Crystal Peoples, Assemblywoman from Buffalo, and Senator Dale Volker from Buffalo. Buffalo has been experiencing not quite as bad a situation as us, but they have decided to

take immediate action. And there is two amendments. The last one, 69J, is the preemptive of all Local Laws, so it will basically nullify any laws that we pass here on scrap metal. I think the State is taking effective action to deal with a problem that's statewide, countrywide, and certainly specific, Suffolk County, so I commend the Assembly and the Senate sponsors. So I will support the tabling.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1181 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program for the South Bay Street Property, Town of Babylon.

LEG. HORSLEY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1369 - Requesting Legislative approval of a contract award for centralized appointment scheduling services for the Department of Health Services.

LEG. COOPER:

Motion to approve.

LEG. FISHER:

Motion.

P.O. LINDSAY:

Motion to approve 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:

Is anybody here from the Health Department? If not, maybe Ben could go on the record for the County Executive's Office. And through the Chair, Ben. Through the Chair, this is 1369, and I'm sure that you are aware of some of the conversations I had with representatives from the Health Department. They gave me the assurance that in that contract there is a clause that allows us to cancel it with 30 days notice.

MR. ZWIRN:

Yes.

LEG. ALDEN

They also said they were going to proceed with looking at alternatives and not just let this go away. So I actually want to commend Ms. Bermel and Mr. Miner. They're basically the first two people from the Health Department that actually verified this company actually exists and they were doing something so I feel a little bit more comfortable and able to at this point support this for a short period of time. We're going to pass this, but I really think that there's a lot more work that has to be done because this can actually be done a lot better. I also just -- now I see Ms. Bermel's here. Did the Health Department receive any communication from this company that indicated that they were terminating their services as of any specific date?

MS. BERMEL:

Margaret Bermel Health Department. The contract actually terminates on June 30th, but we have not received any communication from the company indicating that they desire to terminate. They are -- they are anticipating continuing and they are hopeful the resolution will pass today.

LEG. ALDEN:

But they didn't indicate that, had this resolution not passed today, they were terminating services on July 1st, or your Department did not receive any communication as to that?

MS. BERMEL:

Well the contract terminates on June 30th.

LEG. ALDEN:

Well, the contract terminated on January 1st.

MS. BERMEL:

And there was an extension of the agreement through June 30th.

LEG. ALDEN:

Who signed the extension?

MS. BERMEL:

The County Executive's Office. I signed it as a representative of the Department, the vendor signed it, and the County Attorney's Office signed it.

LEG. ALDEN

As a six-month extension or a month-to-month extension of a one-year contract?

MS. BERMEL:

It was -- initially, it was a three-month extension, and then there was another three months. When the resolution first failed in March, it was extended then through June for another three months.

LEG. ALDEN:

So there was two three-month extensions.

MS. BERMEL:

Correct.

LEG. ALDEN:

Okay. And you haven't prepared another extension?

MS. BERMEL:

We have not. We are hopeful that the resolution will pass today, so that would authorize us to enter into an agreement effective July 1st.

LEG. ALDEN:

But again, the company did not indicate in any communications with your department, that you're aware of, that they were going to terminate service as of July 1st?

MS. BERMEL:

We have not received any communication to that effect.

LEG. ALDEN

Okay. Thank you. And you just -- and I hate to speak for you, but I did have the conversation with Mr. Miner. You are dedicated to looking at alternatives to this contract?

MS. BERMEL:

We are. We are anticipating including this as an option in the efficiency study, which we will be issuing an RFP for shortly for the Health Department -- Health Centers. So we will -- we will include a review of the Telephone Scheduling System in that RFP.

LEG. ALDEN:

Then I will just repeat my praise and, really, congratulations for staying on an issue. And, actually, you're the first people from the Health Department to get back to my office on this issue in about three-and-a-half years, so thank you very much for doing that.

MS. BERMEL:

You're welcome. Thank you, Legislator Alden.

P.O. LINDSAY:

Anybody -- yeah, Legislator Romaine.

LEG. ROMAINE:

Just one quick question for Mr. Zwirn, if I may. You, Mr. Zwirn, I know you represent the County Executive today. Without the passage of this bill at the Legislature today, will this program be discontinued if it's tabled today?

MR. ZWIRN:

I believe that's the plan, yes.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:

Anybody else? Okay. I'm going to try and do it by a voice vote. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. If everybody would stick with me now, we have a number of tabled budget amendments having to do with the Capital Program, and I think mostly to do with the College Capital Program. There's a lot of paperwork that's been passed out and it might become a little confusing. We'll just take them one at a time. If anybody has any problems, you know, we'll deal with them one at a time.

First is ***Budget Amendment Number 4 - Amending the proposed 2009-11 Capital Budget and proposed 2009 Capital Budget.*** Ms. Vizzini, what is Budget Amendment 4?

MS. VIZZINI:

Amendment 4 concerns the renovations at Kreiling Hall on the Ammerman Campus. In this resolution, we've advanced 3.48 million dollars from 2011 into 2010 to expedite the renovations at Kreiling Hall. This is the -- these renovations are necessary after the new Science and Technology area and general classrooms are constructed.

P.O. LINDSAY:

Okay. My question is, if this resolution fails, the 3,480,000 is still in the '011 schedule?

MS. VIZZINI:

That's correct.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

It advances it one year.

P.O. LINDSAY:

Okay. I'll make a motion to table.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Opposed.

MR. LAUBE:

One opposed? Sixteen.

P.O. LINDSAY:

Okay. Budget Amendment 5. And, again, I'm going to ask Ms. Vizzini to, please, give an explanation.

MS. VIZZINI:

Budget Amendment 5 concerns the renovations to the Sagtikos Building at the Grant Western Campus. This capital project is not in the proposed '09-2011 Capital Program. This resolution would restore that project with funding in the amount of \$400,000 in 2011, and 5.7 million dollars in subsequent years, half of which will be funded by the State of New York.

P.O. LINDSAY:

Okay. With that, I am going to make a motion to amend Budget Amendment 5 and offer a motion to approve by reprogramming the \$400,000 for planning from 2011 to subsequent years, and to restore the 6.1 million in subsequent years, 400,000 for planning, 4,800,000 for construction, and 900,000 for furniture. And this project, of course, is eligible for 30 -- 50% State Aid.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

I have a second by Legislator Viloría-Fisher. On the question? Legislator Beedenbender.

LEG. BEEDENBENDER:

I was just going to ask, what motion are we talking -- are we just talking about the motion to amend or --

P.O. LINDSAY:

Making a motion -- I can do it in one?

MR. NOLAN:

Yes. Do the amendment first.

P.O. LINDSAY:

All right. What Counsel is suggesting is we handle the amendment first. So we'll have to take two votes, and if the first vote passes and the second vote fails, then the whole thing is moot. All right? So I'm making a ***motion to amend the Budget Amendment 5, reprogramming the \$400,000 for planning from 2011 to subsequent years.*** And do I have a second? By Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay. So we'll handle it in two ways. Legislator Romaine.

LEG. ROMAINE:

Yes. What you're doing is you're moving the 400,000, which is now scheduled for 2011, to subsequent years, which would take it out of the existing Capital Program, which is a 2009 to 2011 Capital Program.

P.O. LINDSAY:

The \$400,000 was originally in subsequent years. It was accelerated under this budget amendment --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- to not only restore the project, but to accelerate the money. I'm moving it back to where it was originally, but restoring the project.

LEG. ROMAINE:

And when you mean originally, was that in the requested or recommended portion of the Capital Budget?

P.O. LINDSAY:

In our original -- go ahead, Ms. Vizzini.

MS. VIZZINI:

The project is in our adopted '08-2010 Capital Program, but it is not in the recommended '09-2011 at all.

LEG. ROMAINE:

What about the requested?

MS. VIZZINI:

It was requested. My recollection, although Lance will verify that for you, the request was to have the planning money in 2011 and the remainder of the project in subsequent years. The amendment to what's before you would restore the project to the '09-2011 Capital Program, but all of the funding would be in subsequent years.

LEG. ROMAINE:

So it would diverge from what was adopted in the 2008 Capital Program; is that correct?

MS. VIZZINI:

No. It would -- it would parallel, mirror what is in the '08 --

LEG. ROMAINE:

What we adopted last year.

MS. VIZZINI:

Yes.

LEG. ROMAINE:

It would mirror what we adopted last year. I want to be very clear about that.

MS. VIZZINI:

Yes. Yes, subsequent years, last year. The request, as far as the formal Capital requests to the Budget Office and Budget Review, was also for subsequent years.

LEG. ROMAINE:

So this does not diverge from what the College requested?

MS. VIZZINI:

The College did ask for some cost escalation. This amendment before you, in its current and its amended form, does not reflect the cost escalation.

P.O. LINDSAY:

Just to simplify, it keeps the project alive --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- in the Capital Program. It doesn't accelerate the money or add any money to it.

D.P.O. VILORIA-FISHER:

Jay Schneider is --

P.O. LINDSAY:

Yeah, but Legislator Alden is on the list first.

LEG. ROMAINE:

Okay.

LEG. ALDEN:

I thought that last year we put planning money in for '11.

MS. VIZZINI:

I checked all the discontinued and they were all in subsequent years.

LEG. ALDEN:

Good, okay. So it pretty much follows what we did last year.

MS. VIZZINI:

Correct.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a technical question for Counsel. And I don't have a problem with amending it in the way that the Presiding Officer is suggesting, but can the Presiding Officer amend a bill of which he's not a sponsor? That's a question --

MR. NOLAN:

On the floor, yes, he can.

LEG. SCHNEIDERMAN:

Okay.

MR. NOLAN:

That's been the practice, yeah.

P.O. LINDSAY:

And that right isn't only reserved for the Presiding Officer, its reserved for all of you.

LEG. SCHNEIDERMAN:

Anybody can.

P.O. LINDSAY:

Yes. Legislator Romaine.

LEG. ROMAINE:

I'm sorry. Just to continue where I left off, I have some concern about this, because I believe the College was expecting this money to be forthcoming, and it's the basis of, I believe, an application for State Aid. I believe this would impact it, the acceptance of State Aid, this would impact the progress of the project and leave it up in the air.

I'm not so sure I can support this amendment. I prefer the original resolution out there that

provided funding and the planning money for 2011, as it was originally requested, and I believe what was originally requested in our 2008 adopted Capital Budget. So I have a problem, because we seem to be changing things on the floor, and there's very little opportunity for my colleagues to evaluate or understand what those changes mean or how it impacts the College, because we're past the public session, we have no opportunity to ask the College their opinion of how this will affect it. And, you know, before I cast a vote, I'd like to cast an informed vote. So I'd like to know how this is going to impact the College budget, how this is going to impact State Aid, what this is going to do to their construction plans. Maybe we could have someone come up from the College and address this.

P.O. LINDSAY:

Okay. I'd be happy to entertain any questions you might have of an official of the College. Simultaneously, Legislator Losquadro has asked for a short recess, that this can be discussed in respective caucuses. So I would be happy to do both. Who do you want to speak to, Legislator Romaine? Who would you like to come answer, Chuck Stein?

LEG. ROMAINE:

I think those questions can be asked during our recess, because I can go right across and speak to Mr. Stein --

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

-- or the President, or Mr. Gatta, so --

P.O. LINDSAY:

Well, maybe they could just answer it on the record, first.

P.O. LINDSAY:

Legislator Vilorio-Fisher would like it answered on the record.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. George Gatta is going to answer.

MR. GATTA:

Budget Amendment 5 is linked to Budget Amendment 9 in that the action that you take on 9, which is the new Learning Resource Center at the Grant Campus, necessitates the action on the renovations to the Sagtikos Building.

As the Legislature may know, many of you have visited the campus, the current library, which was set up temporarily some 15 years ago, is in the Sagtikos Arts Building. Once the new building is constructed, that temporary space will be vacated, will be located in the new building, and we will need to renovate that space in Sagtikos Arts for general instructional space, office space and other uses. So, if we delay the planning money for that space, then we will have space that will be sitting idle when it's vitally needed.

As you know, enrollment at the Grant Campus has grown significantly over the past seven or eight years. And if we look at growth going forward, we anticipate probably the greatest growth at that campus. So delaying planning the 400,000 in Budget Amendment 5, putting it in subsequent years, which is -- you know, we don't know what year that is, we might be in the position where we have space that's sitting vacant when it would be, you know, very important to have it -- have the plans ready to go to do the renovation as quickly as the new building is done.

P.O. LINDSAY:

Okay. Legislator Romaine do you have any other questions for Mr. Gatta.

LEG. ROMAINE:

No. I think he convinced me of the unsoundness of this amendment. Thank you.

P.O. LINDSAY:

Legislator Alden.

D.P.O. VILORIA-FISHER:

Wait a minute.

LEG. ALDEN:

George, just --

D.P.O. VILORIA-FISHER:

George, come back.

LEG. ALDEN:

-- while you're up there, you indicated a link between this and Number 9 or 10.

D.P.O. VILORIA-FISHER:

Nine.

LEG. ALDEN:

Nine.

MR. GATTA:

Number 9, yes.

LEG. ALDEN:

Difference between subsequent years and putting it in 2011 is one year, so if we moved ahead with Budget Amendment 9 and we found it was running ahead of time, next year in the Capital Budget it would be just as easy to put planning money in for '011 -- is that right, '011 or '11?

P.O. LINDSAY:

Eleven.

LEG. ALDEN:

Eleven? So, it would be just as easy to put -- I know, I don't want to be incorrect in front of the College. I graduated from this College and I'll end up getting criticism. But, anyway, it would be just as easy for us to amend the budget even next year and put the planning money in for '11 or even '10, if a project -- if Number 9 would move ahead at, you know, like lightning speed or quicker than we anticipated going. So I don't think it's fatal to that project having the planning money in, even in subsequent years, because we're only talking about '12 rather than '11.

MR. GATTA:

I certainly understand the -- your position. And, with all due respect to the Legislature, subsequent years at times becomes an amorphous hole, and giving the project a specific year and a finality, '11 to start and then subsequent years, knowing that it might get advanced. It's just the uncertainty of having it stuck in subsequent years for what could be a number of subsequent years; that's our concern.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Hi, George. I seconded the motion, because it was my understanding that the language of the amended version is consistent with what the College had requested and what was in our budget in '08; is that correct?

MR. GATTA:

That is correct.

D.P.O. VILORIA-FISHER:

And relative to Legislator Romaine's question, which was if we vote on the -- on Budget Amendment -- on this Budget Amendment, we would be jeopardizing the State Aid, and it was my understanding that we wouldn't be jeopardizing the State Aid.

MR. GATTA:

Well, there are a couple of issues that have changed since we submitted our requested budget. We've mentioned a number of times that the College has been working very hard over the past four or five years to have these projects funded and we've never had State funding for them. It wasn't until April 15th or -- April 15th or thereabouts that we were fortunate enough to have the funding for the first time including -- included for Budget Amendment 9, the Learning Resource Center at the Grant Campus, approved by the State Legislature, so that is new. A second issue is there were seven community colleges in the SUNY system that received no funding. While we're in the project -- while we're in the State's program, there is competition for those dollars. And so since the money is available now, since the need is great and has been great for a number of years, you heard from the students directly at the last meeting of the Legislature of the tremendous need for space, for learning labs, for computers, for students who don't have internet access at home that need that service and that tool, that educational tool on campus, the need for meeting room space, for study rooms, and for all those other reasons, in addition to having been cited by our accrediting agency for deficiencies in those areas, that's one of the reasons why we have requested, and this was subsequent to us submitting our Capital request, which was back in December -- Chuck, was that when we just submitted it?

MR. STEIN:

January.

MR. GATTA:

January. So it was three months after that that we finally had the State funding. That's why we requested that it be advanced, so that we can take advantage, and there is no jeopardy going forward.

D.P.O. VILORIA-FISHER:

There is no --

MR. GATTA:

Well --

D.P.O. VILORIA-FISHER:

If, we were to make this subsequent years, are you suggesting that this funding might be in jeopardy?

MR. GATTA:

When I'm suggesting is that there is a competition. We can't be certain.

D.P.O. VILORIA-FISHER:

So we're not certain that we are in the State --

MR. GATTA:

No, we are certain.

D.P.O. VILORIA-FISHER:

The State --

MR. GATTA:

We are certain that we are in the State's Capital Program, that the funding is there.

D.P.O. VILORIA-FISHER:

So we're not jeopardizing that funding if we put this in subsequent years. That's -- I'm just trying to get an answer --

MR. GATTA:

I understand --

D.P.O. VILORIA-FISHER:

-- a direct answer to what Legislator Romaine had asked.

MR. GATTA:

I don't --

D.P.O. VILORIA-FISHER:

I know that you'd rather not have it in subsequent years --

MR. GATTA:

Right.

D.P.O. VILORIA-FISHER:

-- but he had a specific question, which was, if we have it in subsequent years, that we might be jeopardizing the State funding, and I just want to know if that's a fact.

MR. GATTA:

It's my understanding that as long as it's in the Capital Program, it is not in jeopardy.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. George, I was going to -- I've been following the discussion here, trying to understand the actions we would take on this and the five-year State Capital Program, and if we consent to this tabling, if we forgo or forfeit something that's in that five-year plan right now.

MR. GATTA:

No, we don't forfeit anything that's in the plan right now.

LEG. KENNEDY:

Okay. We're going to contemplate some other items subsequent to this that are directly related in that five-year plan. But this funding here is not specifically noted in that plan now?

MR. GATTA:

This funding? Yes, it is. It's in the -- it's in the newly-adopted State plan. The action that was just taken on Budget Amendment 4, and then I would ask Chuck to correct me if I'm incorrect, but the funding for the renovations to Kreiling Hall is, I believe, in the current five-year Capital Program, and by tabling that, that funding, by having tabled that, that funding could be in jeopardy.

P.O. LINDSAY:

How is that?

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

How is that? The only thing we tabled is not to accelerate it, it's still in the program. Nobody took that out of the program. Nobody took that out of the program, it's in there.

MR. GATTA:

I understand. SUNY, and Chuck can explain this probably better than I, SUNY has changed the way they allocate funds within the Capital Program. It's a five-year Capital Program. We are now in the last year of the current Capital Program, and the funding for Kreiling Hall is in that Capital Program. SUNY will only advance the money and bond when they have an appropriating resolution from the sponsoring entity for the College, in this case, the County. Therefore, if other Colleges come forward with appropriating resolutions for projects and it's the last year of the program, we don't have certainty that this funding will hang around forever until the County funds it.

P.O. LINDSAY:

But you could say that about any program in the out years, whether it be '10, '11, or subsequent years.

MR. GATTA:

Well, the difference is that Kreiling Hall is in the current five-year plan, which ends this year. These other projects are in the new program.

P.O. LINDSAY:

But it always was in -- when it was programmed, it was always programmed for -- what is it '11?

MR. GATTA:

Chuck can you lend some additional detail here?

MR. STEIN:

Yes. Good morning. We've actually, over the last few years, been mentioning this in our requests, that the Vice Chancellor for Community Colleges had directed the Community Colleges to move on whatever projects were in their current Capital Program, which is the State's current Capital Program, which ends in 2008. For the last couple of years, in every submission that we've made, we've pointed out what the Vice Chancellor has stated, and the fact that if the local sponsor does not provide us with the appropriating resolution, we will -- the State has the opportunity to listen to other colleges that have appropriating resolutions, but have not been funded. So, they have said to the Community Colleges, "Speak to your local sponsors about moving forward." We did it two years ago when we got the memo, we did it last year, we're doing it this year. This is the last year of the State's five-year plan. I can't speak for the State, I'm just saying what for the last three years has been brought before the County and the position that they've taken. That's all I can say.

P.O. LINDSAY:

Are you done? Legislator Beedenbender.

LEG. BEEDENBENDER:

I have a question. I guess, George, you're standing up there. One of the things that I've had some difficulty with, I think we're actually talking about the Sagtikos Building at this point, is the Sagtikos Building where the library is now; correct?

MR. GATTA:

That's correct.

LEG. BEEDENBENDER:

And later on, we'll consider a resolution to build a new library.

MR. GATTA:

That's correct.

LEG. BEEDENBENDER:

All right. And I plan on supporting that, because I think we do need a new library. But what I'm struggling with is why a building that will probably not be built until 2011, 2012, maybe 2013, why we need to budget for the renovation of where the library is now. Essentially, it's in Sagtikos Hall, but we need to budget for the renovation of that building when it won't even be vacant for four or five years. So I know it's in the State Aid, and that's been the reason that we've gotten, but I would urge my colleagues -- we do, at least for the moment, still have some say in this in the sense that we -- the College did get it into the State Aid project, but nobody on this Legislature has approved that as part of something we're going forward. I'm not saying it won't be necessary for classroom buildings later, George, but is there -- I guess, what's your response to that, because that's what I struggle with. I want to build a new library, because we need a new library, but why do I need to fund the renovation of where it is now before we even have a plan for the new library?

MR. GATTA:

Well, actually, the Legislature has given its blessing, has approved, has included that Learning Resource Center in the Capital Program a number of times over the past three or four years, so it's not something that's new. The Legislature has solidly supported it. If you look at Budget Amendment 9 where we do -- we're asking for planning money in '10, meaning construction could begin in '11. It might be the beginning of '12 or the middle of '12 that that library could be complete. So then, when you look at Budget Amendment 5, when we're asking for planning money in '11, it takes a year to do the planning in '11. Therefore, you could start the work sometime in '12, once you vacate this space. So I think we're just looking at it a little differently. We're trying to do it concurrently or as close as we can concurrently, rather than consecutively and have that space sit vacant when it's needed.

LEG. BEEDENBENDER:

And is the intention classrooms?

MR. GATTA:

It's a combination of classroom, instructional space, and there may be some office space, yes.

P.O. LINDSAY:

Legislator Losquadro, do you still want a short recess?

LEG. ALDEN:

Yeah, just a couple of minutes.

LEG. LOSQUADRO:

Yeah, please.

P.O. LINDSAY:

All right. A short -- we'll try and keep it at five, all right?

LEG. LOSQUADRO:

Yes.

[*THE MEETING WAS RECESSED AT 11:16 A.M. AND RESUMED AT 11:36 A.M.*]

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

P.O. LINDSAY:

Okay, Mr. Clerk, I apologize for the delay. Would you call the roll,
Please.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Here.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

Just to recap where we are, we're on an amendment to Budget Amendment No. 5. Does anybody else want to talk about it? Seeing none -- we have a motion, Mr. Clerk, to approve and a second?

MR. LAUBE:

Yes.

P.O. LINDSAY:

The Budget Amendment, correct?

MR. LAUBE:
That's correct.

MR. NOLAN:
The amendment to the amendment.

P.O. LINDSAY:
Right. Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. COOPER:
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:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

MR. LAUBE:

Fourteen (Opposed: Legislators Barraga, Montano & Romaine).

P.O. LINDSAY:

Okay. Now we're up to Budget Amendment 5 as amended. I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. I'll call the roll again.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

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. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

15 (Opposed: Legislators Barraga & Beedenbender).

P.O. LINDSAY:

Okay, Budget Amendment No. 6. I'm going to make a motion to amend Budget Amendment No. 6 by reprogramming all funds to subsequent years as follows; a million dollars for planning from 2007, 2010, \$14,750,000 for construction and \$2 million for furniture from 2011. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Any questions? Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I just want to make sure that I understand the resolution as put forward. This building, which is slated for the Eastern Campus, is now going to go from 2010 and 2011 to SY?

P.O. LINDSAY:

The building, the gymnasium was in subsequent years.

LEG. KENNEDY:

Uh-huh.

P.O. LINDSAY:

The -- it has been in our prior Capital Program. The County Executive left it out this year, so there was no funding for it at all. The amendment, as offered at our last meeting that was tabled, restored the project to the program and accelerated the money, and my budget amendment restores the project but doesn't accelerate the money.

LEG. KENNEDY:

Restores the project and restores the project, but in SY or in a specific year?

P.O. LINDSAY:

In SY where it was originally.

LEG. NOWICK:

That's what it was.

LEG. KENNEDY:

Okay. All right.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Again, this is a question for Budget Review. This amendment essentially does -- why is this -- how does this amendment differ from the content of the resolution itself? How does this change the resolution?

MS. VIZZINI:

The resolution includes planning money of \$1 million in 2010 and 16.75 million predominantly into construction and some equipment in 2011.

The amendment would put the total 17.75 million in subsequent years.

LEG. ROMAINE:

And by subsequent years, let's have an explanation so everyone understands what subsequent years means.

MS. VIZZINI:

Subsequent years is the two year period following the three year Capital Program. So this program is '09 to 2011, we'd be talking 2012, 2013.

LEG. ROMAINE:

So you're putting it out of the Capital Program for the 2009-2011 Capital Program, you're pushing it out and it's in subsequent years. Having been a student of County government for some time and having operated a department that depended on Capital funds, I knew when projects that we needed got shifted to subsequent years, more often than not they disappeared into the vapors of the world never to be seen or heard again, and it only required tremendous perseverance to try to resurrect them because it's like out of site, out of mind. And this is clearly what -- I'm fearful of what's happening by pushing it off to subsequent years and taking it out of the existing Capital Program.

You don't have to -- its just an opinion. Thank you.

P.O. LINDSAY:

It wasn't in the existing program, it was in subsequent years.

Anybody else? No. Okay, roll call on the budget amendment.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen (Abstention: Legislator Kennedy - Opposed: Legislators Barraga, Montano & Romaine).

P.O. LINDSAY:

Okay. And on the resolution as amended, Budget Amendment No. 6, I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. We might as well do a roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Pass.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

MR. LAUBE:

Fourteen (Abstention: Legislator Kennedy - Opposed: Legislators Barraga & Beedenbender).

P.O. LINDSAY:

Okay. Budget Amendment No.8. Ms. Vizzini, could you explain what 8 is, because we have more paper here than --

MS. VIZZINI:

Eight has to do with the college, it's a new project, the infrastructure college-wide. This new project was included in the proposed Capital Program with \$8 million shared with funding by the State in subsequent years. Based on recommendations from the Budget Review Office as well as a request from the college, this amendment would add \$6.2 million to more accurately reflect the cost of the anticipated infrastructure improvements and it advances the funding from subsequent years to 2011.

P.O. LINDSAY:

So it's an addition to the program, it's for accelerated costs.
Is it in the State program, the additional costs?

MS. VIZZINI:

It's eligible; I'd have to defer to the college in terms of what's in the State plan.

P.O. LINDSAY:

Someone, George, can you answer that for us?

MR. GATTA:

No, it currently is not in the State Capital Program.

P.O. LINDSAY:

Thank you. I'll make a motion to table.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. Anybody on the issue?
All in favor?

D.P.O. VILORIA-FISHER:

I just have a question for George.

P.O. LINDSAY:

Go ahead. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

This is for either someone from the college or for Gail. Gail, as I'm looking at the resolutions, it says this project is eligible for 50% State aid, so.

MS. VIZZINI:

That's not the same as --

D.P.O. VILORIA-FISHER:

As being --

MS. VIZZINI:

We the State, here's your money.

D.P.O. VILORIA-FISHER:

Right, it's not in the program yet. So we're looking at advancing the money to 2011, and when is the next five year program being put together on the State level? So, I mean, we're eligible, but what is the likelihood of it being in the next five year program?

MR. GATTA:

There's a chance of getting a special appropriation and we've gotten -- if we use the new Science and Instructional Building on the Ammerman Campus as an example, that structure, approximately \$32 million, in that range, that funding was all secured through a special legislative appropriation at the State level, so there are possibilities. And before when I spoke about other community colleges not having any projects in the program, the State is constantly reprioritizing based on the commitment of local sponsors to fund projects. So having this in the Capital Program gives us a much better chance of securing State funding.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Legislator Alden?

LEG. ALDEN:

Through the Chair to Budget Review. In the Working Group, I believe that this money was indicated for eleven to provide a little bit of a buffer; in the event that a Capital Program became more expensive than we had anticipated, we wouldn't cheapen the buildings. Is that what this was originally?

MS. VIZZINI:

We did discuss the merits of the project. However in the Working Group the Omnibus did not reflect any changes to this particular program. This amendment moves the money forward but also increases the amount in the program by \$6 million.

LEG. ALDEN:

But isn't the intent to have money there in case a project is more expensive that you don't, you know, cheapen the roof or cheapen a heating system or cut corners?

MS. VIZZINI:

To some extent, but this is so they could do the scope of work. This is for -- this is a college-wide project --

LEG. ALDEN:

Right.

MS. VIZZINI:

-- for infrastructure improvements, so if you consider the magnitude of what they're going to do.

LEG. ALDEN:

So it was or wasn't in the proposal that we looked at as a Working Group?

MS. VIZZINI:

The project is in the proposed Capital Program, the Working Group looked at it but we didn't make any definitive changes to it.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Quick question. The fact that this is advanced to the 2011 Capital Program doesn't mean it's going

to get done, it means that eleven months and two weeks from now we'll be voting on the 2010 Capital Program and we can decide whether we're going to have that in or not. It means that a year after that we'll be voting on the 2011 project and we can decide whether we're going to have it in or not. We get multiple things -- by putting something in a Capital plan doesn't mean it's going to get done, unless we actually vote for that and then we actually appropriate it. So there's multiple steps that we have to take. Putting this in doesn't mean anything, it simply singles our intent and allows the college to pursue the opportunity to see if they can get a special appropriation of matching State funds.

I don't know about you, but I certainly think the infrastructure of the college at some point, probably on an ongoing basis, has to be updated and renewed. This is an opportunity to say to the college, "Go ahead, see if you can get a special State appropriation and then we'll make a decision in 2009 or in 2010 whether we want to include it in the program or not, and then we'll make a subsequent decision whether we're going to appropriate this money or not and then we'll make a subsequent decision whether we're going to bond the money or not." So we have multiple bites at the apple. By putting this in really doesn't signify anything except giving the college an opportunity to pursue funding. Just my view of the world, understanding how capital programs operate..

P.O. LINDSAY:

Your view of the world is always valuable, Legislator Romaine.
Anybody else? We have -- what's before us, what motion?

MR. LAUBE:

You have a motion and a second to table.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Thirteen.

LEG. ALDEN:

Thirteen what?

P.O. LINDSAY:

Thirteen for tabling.

LEG. ALDEN:

Thirteen to table? I don't know about that.

P.O. LINDSAY:

You want a roll call?

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Call the roll.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

MR. LAUBE:

Eleven (Opposed: Legislators Alden, Romaine, Schneiderman, Losquadro, Montano & Viloría-Fisher).

P.O. LINDSAY:

Okay, Budget Amendment No. 9. Again, I would like to make a motion to amend Budget

Amendment 9 by reprogramming all funds to subsequent years as follows; 1.6 million for planning from 2010, 25 million for construction from 2011, and 5.8 million for furniture to 2011.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper.

LEG. BEEDENBENDER:

What was the motion?

P.O. LINDSAY:

Motion to amend Budget Amendment 9. Nobody on the question? Okay.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Who --

LEG. KENNEDY:

Over here.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I am somewhat uncertain as to whether or not this building is included in the State Education's '09 through '013 funding program. If somebody from the college can give us an indication on that, I would appreciate it.

MR. GATTA:

Yes, it is.

LEG. KENNEDY:

It is.

MR. GATTA:

Yes.

LEG. KENNEDY:

Okay. Then not having been part of the Capital Project Working Group, I guess to the chair or to BRO, can I ask what was the Working Group's recommendation with this particular building as far as a recommendation?

P.O. LINDSAY:

Well, the original recommendation was not to have it in the Capital Program.

LEG. KENNEDY:

Well, that was the Capital Budget as submitted by the County Executive's office, correct?

P.O. LINDSAY:

Right. And the Working Group recommended that we go along with the County Executive's recommendation as far as the college was concerned.

LEG. KENNEDY:

Okay. But my understanding, Mr. Chair, is that there was an extensive amount of discussion that ensued both with the Working Group and the Community College and other Legislators, and there was a willingness, I believe, to try to go ahead and send the signal that needs to be sent to State education that, in fact, we are of the mind to go forward with this project.

P.O. LINDSAY:

That's why we're restoring it to the Capital Program, that's what we're attempting to do now.

LEG. KENNEDY:

Even though we are restoring it to subsequent years?

P.O. LINDSAY:

It's where it was in the original -- in the original plan, we're not accelerating the money, we're restoring the project.

LEG. ALDEN:

Legislator Kennedy?

LEG. KENNEDY:

Yeah.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just a quick interruption.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Last year's budget we passed had this in in subsequent years, that's what the Presiding Officer is saying.

LEG. KENNEDY:

Okay, Mr. Chair. I thought that some of the actions that we were taking were to a year specific, either 2010 or 2011, I guess that's my misunderstanding.

P.O. LINDSAY:

No. My intention was to restore the three projects to the Capital Program but not to accelerate them.

LEG. KENNEDY:

Okay. All right, thank you for the explanation, Mr. Chair.

P.O. LINDSAY:

Anybody else? Okay, roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen (Abstentions: Legislators Kennedy, Montano & Romaine - Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. I'll make a motion to approve Budget Amendment No. 9 as amended.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Abstain.

MR. LAUBE:

Just the one?

MS. ORTIZ:

Kennedy abstained.

MR. LAUBE:

Legislator Barraga, you're abstaining?

LEG. BARRAGA:

No, opposed.

MR. LAUBE:

Oh, you're voting no. That's 15 (Abstention: Legislator Kennedy - Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay, and the last one is Budget Amendment No. 10. Ms. Vizzini, could you be so kind to explain 10 for me? It's lost in the paper here. Here it is.

MS. VIZZINI:

This is a modest change. This project, the partial renovation to Peconic Building is included in the proposed Capital Program in 2010 for 1.4 million. What this amendment does is simply reschedules \$160,000 in 2010 from the category of "construction" to the category of "furniture and equipment"; it's tantamount to a correction of sorts.

D.P.O. VILORIA-FISHER:

Motion; I'll make a motion to approve.

P.O. LINDSAY:

Okay, Legislator Viloría-Fisher makes a motion to approve; for purposes of discussion, do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. So it doesn't really change the funding in '10 at all, it just changes it from one category to another.

MS. VIZZINI:

Exactly.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, Legislator Kennedy, they tell me you want to take a motion out of order?

LEG. KENNEDY:

Yes, Mr. Chair.

P.O. LINDSAY:

Make a motion.

LEG. KENNEDY:

If we could, I'd ask if we could make a motion to take 1023 out of order.

P.O. LINDSAY:

What page is it on?

LEG. KENNEDY:

I think it's on page 12.

D.P.O. VILORIA-FISHER:

I think it's on page 10.

LEG. KENNEDY:

Page 10? It's a resolution that addresses the formation and establishment of rates for galleria welcome.

P.O. LINDSAY:

Okay, we have a motion to take 1023 out of order.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1023-08 is now before us, ***Directing the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of Sewer District No. 4 - Smithtown Galleria (Kennedy)***.

LEG. KENNEDY:

I'm going to make a motion to table, Mr. Chair, if we can. I believe there's still some dialogue that needs to be had with the Department of Public Works, but I have some constituents who are here who spoke earlier.

P.O. LINDSAY:

Okay.

LEG. COOPER:

Second.

LEG. ALDEN:

I'll second the table.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1023 stands tabled.

LEG. KENNEDY:

Thank you, Mr. Chair.

P.O. LINDSAY:

Okay, if we go to page seven of the regular agenda.

Budget & Finance

IR 1559-08 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (County Executive). Do I have motion?

LEG. STERN:

Motion.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Stern.

Any discussion?

LEG. LOSQUADRO:

Why is it discharged? Explanation as to why it was discharged without recommendation.

P.O. LINDSAY:

Legislator Losquadro? Take the mike and explain your question, please.

LEG. LOSQUADRO:

I don't sit on that committee, I was just wondering why it was discharged without recommendation.

P.O. LINDSAY:

Would the Chairman like to answer that?

LEG. MONTANO:

Because we didn't have consensus on the bill. But I'm going to ask for an explanation, I'll ask Counsel to provide an explanation on this while I get the bill.

MR. NOLAN:

This is a resolution or a type of resolution the County does from time to time to throw out -- to close out Capital Projects. I would defer to the Budget Review Office to explain in further detail what that means and what it involves.

MR. LIPP:

There's --

LEG. MONTANO:

You asked a question, right, Legislator Losquadro? If I may, Mr. Chairman. Do you have the bill in front of you there? There's an attachment -- there's an addendum to the -- excuse me?

LEG. LOSQUADRO:

No, it's not, that's why.

LEG. ROMAINE:

That's the problem.

LEG. MONTANO:

Yeah, that's the problem. The problem was the addendum, that's why it was discharged, I believe, without recommendation. Why don't I pass you and you can ask the questions from there.

P.O. LINDSAY:

Would you like, Legislator Losquadro, to skip over this and give you time to look at the attachment?

LEG. MONTANO:

Yeah, I think that's maybe a good idea.

MR. ZWIRN:

If I might?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I just want to comment. One of the questions, I believe, that was raised at the committee meeting was this was a whole list of projects, and in some cases we were closing out the entire project and no money had been spent and we didn't have an adequate explanation. And we raised a number of questions, I think Mr. Zwirn took notes, I don't know if he has the information today, but we raised a number of questions about several projects in the sense that what was happening with these projects, why were they being closed out, why was some of the money only partially expended, or in some cases never expended, and we needed answers and no one had the answers at the meeting. We didn't want to hold up --

P.O. LINDSAY:

Okay, let's see if we have some answers.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

Mr. Zwirn?

MR. ZWIRN:

Mr. Presiding Officer, Carmine did a summary of the projects and sent it to Budget Review Office.

LEG. ROMAINE:

Okay.

MS. VIZZINI:

There was an attachment.

P.O. LINDSAY:

Just open your arms, the pass is coming.

MS. VIZZINI:

Based on the questions in committee meeting, I e-mailed again and contacted Mr. Chiuiano. We did have a conversation and I would suggest that he go over with you what the -- what the methodology was to put together this list. You also --

LEG. ROMAINE:

Can we get it?

MS. VIZZINI:

Yeah, I'll e-mail it to you.

LEG. ROMAINE:

I need a list, because I had questions about the original list but I don't have -- I don't carry all the resolutions.

MR. ZWIRN:

I'll give Legislator Romaine a list.

P.O. LINDSAY:

Okay. What I'm going to do is I'll skip over it and we'll come back to it later in the meeting.

LEG. ROMAINE:

Photocopies for all Legislators so that we can review it.

P.O. LINDSAY:

Yep. Legislator Alden.

LEG. ALDEN:

Just one note, too. Legislator Romaine, the Chairman of Public Works was actually -- he developed the list of things that should be closed out. I happen to be a cosponsor of that legislation and it looks a little bit like this, but not exactly, it was done with a little bit more -- well, as far as I'm concerned --

LEG. ROMAINE:

Well, this -- you know, obviously in another day and age this would be called bill-napping, but we've seen that done repeatedly; a Legislator will put in a bill, the County Executive will take that bill, change it a little bit and then put it in as himself so he can control the Legislative agenda.

MR. ZWIRN:

Is that like cosponsoring bills?

LEG. ROMAINE:

That's exactly like cosponsoring.

MR. ZWIRN:

Well, we know the author of that.

LEG. ROMAINE:

However, what I'd like to do -- and by the way, I believe that Legislator Beedenbender had done a studious review and I was prepared to support his resolution, but this resolution raises more questions than it answers. If we could have the attachment so maybe after the lunch break we'll have those attachments, we could discuss this to some degree of alacrity. Thank you.

LEG. ALDEN:

We'll skip over it and go to lunch.

P.O. LINDSAY:

We're going to skip over that and give them a chance to digest the list.

MR. ZWIRN:

We weren't throwing Budget Review Office under the bus this time.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

But Carmine was responding to an e-mail, that's why he sent it.

P.O. LINDSAY:

Okay. So we'll skip over 1559 and we'll come back to it later.

1586-08 - A resolution authorizing the County Executive to enter into and execute an agreement to provide administrative support to the Suffolk County Tobacco Asset Securitization Corporation (County Executive). Now, maybe Counsel could explain this. This is not approving tobacco securitization. It is -- there's a separate corporation that's been formed and this also authorizes the County Executive to give technical support to that; am I correct?

MR. NOLAN:

Correct; clerical services, administrative services and the County can seek a charge-back from the corporation for those charges.

P.O. LINDSAY:

Everybody understand?

LEG. ALDEN:

You have a figure?

MR. NOLAN:

No, we don't. Well, the resolution doesn't have a figure of whatever it is we can seek to recover the money.

P.O. LINDSAY:

Okay. I'm going to make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed?

LEG. ROMAINE:

Discussion.

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

A discussion, Legislator Romaine.

LEG. ROMAINE:

How much are we planning -- this resolution authorizes the County Executive to enter into an agreement and execute such to provide administrative support; is there a cost of this administrative support?

P.O. LINDSAY:

That's what was just asked.

LEG. ROMAINE:

Oh, okay.

P.O. LINDSAY:

We don't have an exact number.

LEG. ROMAINE:

So we're going to vote for a resolution to authorize expenditures whose number we don't know. Okay, I just want to make that clear for the record because it seems maybe I'm missing something here. Usually I don't vote for those types of things.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Yes. Mr. Zwirn, do you have --

MR. ZWIRN:

It's for clerical and administrative fees because there are no employees of the LDC, so if they need somebody to make photo copies or do some clerical work --

P.O. LINDSAY:

It's minimal.

MR. ZWIRN:

It's minimal.

LEG. KENNEDY:

Mr. Chair?

LEG. ROMAINE:

Do we have a minimal amount, not to exceed amount, something like that? Usually when it's open-ended they throw in a "Not to exceed" clause; how come that isn't in this resolution?

MR. ZWIRN:

Look, you have County Executive Steve Levy watching over this. If they can get, you know --

LEG. ROMAINE:

Now I'm nervous.

MR. ZWIRN:

Steve is the only County Exec who asks for change of a penny, so I think you're pretty safe.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, this LDC has a meeting scheduled shortly?

P.O. LINDSAY:

They have been meeting.

LEG. KENNEDY:

Okay. And you are a member of the LDC?

P.O. LINDSAY:

No, I'm not.

LEG. KENNEDY:

You are not?

P.O. LINDSAY:

Terry Pearsall from my staff is a member.

LEG. KENNEDY:

Okay. But there is another meeting scheduled, coming up shortly?

P.O. LINDSAY:

Thursday at two o'clock.

LEG. KENNEDY:

Okay. Is there minutes or some other type of thing that goes on with these meetings? Do we have a transcriber or do we have -- I'm just trying to understand some of what might be the costs that emanate from it..

P.O. LINDSAY:

We've been using Legislative Stenographers.

LEG. KENNEDY:

Oh, is that right?

P.O. LINDSAY:

Uh-huh.

LEG. KENNEDY:

Okay, we definitely want a bill for that then, yeah. Thank you,.
Mr. Chair.

MR. ZWIRN:

That means we'll get Legislator Romaine's support now.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

There's just some language here that I don't understand, perhaps Counsel can help. In the fourth WHEREAS, I believe it's the fourth WHEREAS, there's language about filing of such franchise; are those filing fees very high? I'm just trying to get a handle on what the costs are that we would be incurring. And what does that refer to; .
I'm not sure what that language means.

P.O. LINDSAY:

I think -- well, we had to file the papers in order to make it an official corporation with the State, and I think Ms. Bizzarro might have a general idea of the cost of those filing fees. Ms. Bizzarro, do you know what those filing fees are, roughly?

MS. BIZZARRO:

I don't; I don't think they're very, very high. But again, I just might alert you that it's -- the County would be sending the bill to the STASC, to the LDC and the LDC would be paying the County back for any costs incurred. I don't know if that's completely --

D.P.O. VILORIA-FISHER:

But where do they get their money from?

LEG. LOSQUADRO:

Selling bonds.

D.P.O. VILORIA-FISHER:

I know, but they're not selling bonds yet.

MR. ZWIRN:

No, we'll have to keep a tally.

MS. BIZZARRO:

Yeah. I mean, we'll send bills and then when they accumulate money then they will send the money to us. I don't know all the ins and outs and I don't know if they've yet accumulated any funds to run the LDC.

P.O. LINDSAY:

Well, they couldn't accumulate any funds until we --

D.P.O. VILORIA-FISHER:

Until we approve that they can sell bonds.

P.O. LINDSAY:

-- approve them.

MR. ZWIRN:

Right.

P.O. LINDSAY:

And in the event --

D.P.O. VILORIA-FISHER:

But if we don't approve --

P.O. LINDSAY:

In the event if we don't approve it, they are incurring some expenses which --

D.P.O. VILORIA-FISHER:

And we've paid for it.

P.O. LINDSAY:

Yeah.

D.P.O. VILORIA-FISHER:

Okay. Because, you know, what we're presupposing is that we're going to approve the tobacco securitization and that's the way that they're going to raise money and we don't know if they're going -- you know, if this is not a predetermined approval.

MR. ZWIRN:

That's correct.

D.P.O. VILORIA-FISHER:

So we would be incurring the expense if that's not approved.

MR. ZWIRN:

Right, but as we stated earlier, it's not big expenses. We're trying to keep it very under control.

D.P.O. VILORIA-FISHER:

It's just that we have no idea what -- you know, I thought filing for franchises was an expensive thing, but I don't know.

MR. ZWIRN:

I don't think that filing with the Secretary of State to file the corporate --

D.P.O. VILORIA-FISHER:

I have no idea what the range is.

MR. ZWIRN:

Filing the corporate papers, I --

LEG. MONTANO:

That's not expensive.

MS. BIZZARRO:

It's minimal.

MR. ZWIRN:

It's minimal, it's not a lot of money.

LEG. MONTANO:

It's paying the franchise.

LEG. NOWICK:

It's hiring the attorney to file the papers.

D.P.O. VILORIA-FISHER:

Okay, hiring the attorney to file the papers.

P.O. LINDSAY:

Okay. Legislator Romaine, do you have another question?

LEG. ROMAINE:

Yes. Let me just understand this, and I'm trying to understand this. We want to sell the tobacco -- we want to secure the rights to sell the tobacco settlement after the current County Executive leaves office. So we can sell those future years off, which will create structural deficits in those future years, and we want to sell the tobacco because we need money now. So it's like the commercial that J.G. Wentworth runs; "Need cash now? Have a structured settlement? Call 1-800." So we're called the 1-800 number, but to do that legally, we have to set up an LDC. Okay. The

Legislature has approved it, I didn't go along with that, I abstained on that because I didn't think that that was the best thing. Okay.

The LDC has no money. Someone makes a decision, however, to provide them clerical support so they can transcribe, the Legislature. However, the reason we set up the LDC is so we can have an arm's length transaction to take place between the LDC and the floating of the bond, but the Legislature is giving them all the clerical help to take the minutes. I know I didn't vote for that; I wondered how that happened. And now the LDC is incurring expense, people want to charge-off to the LDC. Why? Because if we vote for this, we're essentially saying, "Hey, we're going to vote for the bonds anyway because that's the only way they're going to pay us back." We have no Not-to-Exceed Clause, we have no estimated expense, but they're going to get money, and they are going to get money, but by floating these bonds they get a little bit of that action. And we want to get -- we want to provide them. They would be better right now to provide a separate, outside agreement to provide whatever clerical or administrative help they need without having the County do it, because that arm's length transaction all of a sudden looks less like an arm's length and more like a bear hug, because we are part and parcel of this and any charade that we're setting up an LDC to provide an arm's length seems to go out the window now.

There's also discussions that I've heard in County Government that a vendor was picked even before we set up the LDC, even before we had the Tobacco Securitization, and that vendor was well-known to everyone or most of the Legislators around this table. And that was discussed of who that vendor would be; in fact, that was discussed last year on who that vendor would be, and that was discussed by a former Chief Deputy County Executive on who that vendor would be.

So here we are now and we're asking that we provide County services to the LDC, but, of course, the reason we set up the LDC is for that arm's length. My suggestion to the LDC is act like an LDC. Don't act like a function of County Government, don't act like an arm of County Government; go out and hire the services from someone other than the County.

And my strong suggestion to the Presiding Officer is not to provide stenographic services from the Legislature for the LDC, let them hire those services. If they don't have a budget and we want this to function, then let's vote for a budget. Give them the money on a not-to-exceed basis. This is a resolution I don't believe I can support. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. MONTANO:

Abstain.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Fourteen.

LEG. MONTANO:

No, it's not.

MR. LAUBE:

Romaine --

LEG. MONTANO:

I abstained.

MR. LAUBE:

Oh, Vivian Fisher.

LEG. ALDEN:

I'm opposed.

LEG. MONTANO:

I thought there were three no's or two no's.

MR. LAUBE:

I've got --

MS. MAHONEY:

There were three abstentions.

LEG. MONTANO:

Excuse me?

MR. LAUBE:

That's thirteen then (Opposed: Legislator Alden - Abstentions: Legislators Montano, Romaine & Viloría-Fisher).

LEG. MONTANO:

Thirteen, right.

MR. LAUBE:

I didn't see Legislator Viloría-Fisher.

LEG. MONTANO:

All right.

P.O. LINDSAY:

Okay. I believe Legislator Horsley wants to take something out of order.

LEG. MONTANO:

Gee whiz, we're going to be out of here soon, huh?

LEG. HORSLEY:

Thank you, Mr. Presiding Officer. Yes, I'd like to take 1516 and 1517 which is authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to provide access to Tanger Outlet Services. I'd like to have them, both of those taken out of order, and the reason being that the company representatives are here and we're hopeful that we would not have to have them stay here the entire day.

P.O. LINDSAY:

What page are they on?

LEG. HORSLEY:

That is page eleven and it's three and four down.

LEG. D'AMARO:
Second.

LEG. MONTANO:
What numbers were those?

P.O. LINDSAY:
1516 and 1517.

LEG. MONTANO:
Are we going to do them separately?

P.O. LINDSAY:
Okay, I'm going to have to do them one at a time.

LEG. HORSLEY:
Sure.

P.O. LINDSAY:
IR 1516-08; we have a motion to take 1516 out of order.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1516-08 is now before us, it's *authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to provide access to the Tanger Outlet Center at the Arches in Deer Park, New York to provide bus service (County Executive).*

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Horsley, seconded by Legislator D'Amaro.

LEG. ALDEN:
Explanation.

P.O. LINDSAY:
Explanation asked for by Legislator Alden. It sounds self-explanatory, but get an explanation.

LEG. ALDEN:
Okay; you think it's self-explanatory?

P.O. LINDSAY:
Well, just to allow our buses onto their property, no?

LEG. HORSLEY:
Right.

LEG. ALDEN:

Is that what this does; this allows our buses on to their property?

P.O. LINDSAY:

Yeah, just like we have a bus route that goes to the Smithaven Mall, the South Shore Mall, this will allow our buses to have a stop inside the mall.

LEG. D'AMARO:

Save gas.

P.O. LINDSAY:

Am I correct?

LEG. STERN:

Yeah, if I may, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

You are correct, these are -- these are existing bus routes that already serve the area, that already serve the communities in the area, that already go down the roads running right in front of the development. This would merely allow those buses to drop off and pick up on the property.

LEG. ALDEN:

Okay, good. Then what size buses are these and what's the stop-count on them? And is this going to effect the number of buses that we have to have there? Do we have to buy new equipment that would be substantially larger in volume? You know, any of those things, and that's what I wanted to get at.

LEG. STERN:

Mr. Shinnick was at committee and we asked him about the bus routes serving the area and they are essentially the same routes that serve the area now.

LEG. ALDEN:

What's their guesstimate, I guess it would be, of ridership then; is this going to increase it, decrease it? Do we have the proper equipment to service this?

LEG. HORSLEY:

As far as I know, there was no increase in the --

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I'm sorry, in the bus itself. I'm sure that it will increase the numbers of people using the bus route which is a good thing.

LEG. ALDEN:

Well, Legislator Horsley, with all due respect, it's a good thing unless it costs us another two or \$3 million to go out and buy four or five pieces of equipment to service additional ridership, which we really don't get paid for. All these rider -- everything that we do in Suffolk County is subsidized. We

don't have routes that actually pay for themselves; if we did we would have private operators on them, but we don't. So we pay the operators to go and operate a bus service. So I really would like to know if there's an estimate done by anybody as far as ridership on this and how it's going to effect the people in Suffolk County.

LEG. HORSLEY:

This is not a motion to buy new buses here, Mr. Alden.

LEG. ALDEN:

Well, again, then maybe I'm mistaken.

LEG. HORSLEY:

You are.

LEG. ALDEN:

If we authorize putting buses in there, are we going to go and buy the equipment if the ridership goes up by 500% or 200%, what do we do then?

LEG. HORSLEY:

We'll have to -- we'll cross that bridge when we get to it. I don't anticipate that that would happen.

LEG. ALDEN:

So you don't think that there's going to be additional ridership on this line.

LEG. HORSLEY:

Oh, I think they'll be additional ridership, but I don't think we're going to be needing additional buses.

LEG. ALDEN:

And who testified to that? Do you have a sufficient background in transportation to tell me that I'm not going to be voting for --

P.O. LINDSAY:

Okay, stop the cross-talk. Make your statement and let's move on.

LEG. ALDEN:

Well, I'm asking a question; did somebody come down from the Department of Transportation, from our -- so that would be our Public Works, and assure us that we're not going to end up with more equipment costs and that the equipment that we have right now is going to satisfy the need for this? There's got to be an estimation on this.

P.O. LINDSAY:

I believe that the people that were at the committee meeting said those numbers were not presented, to answer your question.

LEG. HORSLEY:

Right.

LEG. ALDEN:

Oh, okay, then -- thank you. They weren't presented, that's fine.

P.O. LINDSAY:

Okay. Do you want to --

LEG. NOWICK:

No, I was simply going to say if there were so many people that were going to use the bus to go

shopping, then probably, Legislator Alden, we would get a bite at the apple in order to vote on purchasing another bus; would I be correct? I'm not sure.

P.O. LINDSAY:

From what I understand of the committee meeting, right now the bus passes by where this mall is going. So it's a matter of dropping the people off at the curb --

LEG. NOWICK:

Correct.

P.O. LINDSAY:

-- and they have to walk a couple of hundred yards into the mall or having the bus come in the parking lot, drop them off at the door.

LEG. NOWICK:

And if the volume was so increased, we would then get a chance to vote on purchasing another bus.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

I hope. Thank you.

P.O. LINDSAY:

Okay, we have a motion and a second on 1516. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Abstention: Legislator Alden).

P.O. LINDSAY:

1517-08 - Authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to accommodate overflow parking from the Tanger Outlet Center at the Arches in Deer Park, New York (County Executive).

MR. LAUBE:

This is to take it out of order?

P.O. LINDSAY:

There's a motion to take it out of order.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded by -- who made the second?

LEG. MONTANO:

I did.

P.O. LINDSAY:

Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1517 is now before you.

LEG. HORSLEY:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Explanation.

LEG. D'AMARO:

It's self-evident.

LEG. ALDEN:

What?

LEG. D'AMARO:

I'm kidding.

LEG. ALDEN:

I get that one. No, that was good, actually. No, no, no, not good for the answer but, I mean -- I appreciate it.

MR. NOLAN:

Right, this authorizes a license agreement between the County and Tanger allowing them to run -- come on to the Deer Park Railroad Station property, run a shuttle service and to have some overflow parking there.

LEG. ALDEN:

I saw some requirements for additional insurance, but is there any compensation for the use of that property as a parking facility? Because I'm just going back to the old days at the town, when you went to build something like this, a shopping center, you needed parking and you needed to look at your high flow, so that would be holidays. And what the agreement looks like it does is address a high flow, but it also allows a private entity to profit from parking that was built to accommodate the public. So I'm just wondering if there's any -- is there any rent being charged back or any --

MR. NOLAN:

I don't see that in the agreement that's attached to the resolution.

LEG. ALDEN:

All right, so an explanation of this would be that the people that are building this outlet center are going to be using our parking facility for no charge; is that fair to sum it up that way?

MR. NOLAN:

That is the way it looks.

LEG. ALDEN:

Okay. Thank you.

LEG. MONTANO:

If I may, on the motion?

D.P.O. VILORIA-FISHER:

Legislator Montano.

LEG. MONTANO:

Yeah. If I remember in committee, my understanding was that this was a section of the station that is, I guess, grass and that people are using it for parking anyway and that the company was going to pay at their expense for purposes of putting the parking lot in; is that correct, Mr. Beedenbender? You're the chairman of that committee, is that -- that was my understanding at the committee.

LEG. ALDEN:

But it doesn't say it in the agreement.

LEG. BEEDENBENDER:

My understanding --

LEG. MONTANO:

I understand that, but what I said was that that was my understanding at the committee and that's what was testified to; that's what I heard and I want to make sure I heard it correctly.

LEG. BEEDENBENDER:

My understanding is your understanding.

LEG. MONTANO:

Okay.

D.P.O. VILORIA-FISHER:

And it looks like they're also providing a shuttle from that parking area --

LEG. HORSLEY:

That's correct.

D.P.O. VILORIA-FISHER:

-- to the shopping. That's according to one of the WHEREAS', right.

MR. NOLAN:

Yes, that's free.

D.P.O. VILORIA-FISHER:

That's part of the license and that's free.

LEG. MONTANO:

Okay.

D.P.O. VILORIA-FISHER:

Okay? Are there -- yes, Legislator Alden.

LEG. ALDEN:

Just to be real clear, though. I read the resolution and I looked at the backup which is the agreement and it doesn't state that in the agreement. So the agreement states pretty much the way I summed it up, that they're going to use our parking field and they'll be able to run a shuttle service for no compensation. Although there are requirements that I agree with for additional insurance holding us harmless, but there is no agreement or no portion in that agreement that states that they have an obligation to do anything like that.

LEG. MONTANO:

Anything like what, Cameron?

D.P.O. VILORIA-FISHER:

Actually, my reading just says -- Legislator Alden, I understand what you're saying. In the legislation it does say that, "The County is amenable to providing a license to the developer", and that's in a WHEREAS clause; correct, George?

MR. NOLAN:

It's a license.

D.P.O. VILORIA-FISHER:

And it's a license that we would provide for them to run the shuttle.

LEG. ALDEN:

But also use our --

D.P.O. VILORIA-FISHER:

So it would be separate from the agreement.

LEG. ALDEN:

But also use our property.

D.P.O. VILORIA-FISHER:

I'll let George answer that.

LEG. ALDEN:

It doesn't say they're going to improve our property but it just says that they're going to use our property; not improve it, just to use it.

D.P.O. VILORIA-FISHER:

Did someone else want to say something?

LEG. MONTANO:

If I may?

D.P.O. VILORIA-FISHER:

Certainly, go ahead.

LEG. MONTANO:

No, I just want to be clear because Legislator Alden brings up a good point. My understanding of this, pursuant to the testimony, was that they were going to pay for the improvements.

LEG. HORSLEY:

Yeah.

LEG. MONTANO:

And I believe Legislator Alden is saying that is -- that's not in the agreement. Counsel, is he accurate in that? But that -- just to be clear, my -- the testimony that was presented by the company was that this would be at their cost, and I just want to make sure that that's what we're dealing with whether it's in the agreement or not. I don't know if maybe we should ask the County Attorney to step forward on this, but it's a good point. If it's not in the agreement then, you know, I have some questions, but my clear impression from the testimony and the representatives of the company was that they were going to do this at their expense, and I just want to make sure that there is no equivocation with respect to that testimony.

D.P.O. VILORIA-FISHER:

Okay. Ms. Bizzarro, are you coming up with --

LEG. BEEDENBENDER:

Madam Chair?

D.P.O. VILORIA-FISHER:

Okay.

LEG. BEEDENBENDER:

The representative from the company is here.

LEG. MONTANO:

Oh.

D.P.O. VILORIA-FISHER:

Okay, George, may I have her come to the podium?

MR. NOLAN:

Sure.

D.P.O. VILORIA-FISHER:

Okay, can you please state your name for the record?

MS. PETRASEK:

Yes, ma'am.

D.P.O. VILORIA-FISHER:

Thank you.

MS. PETRASEK:

Good afternoon. My name is Raffaella Petrasek and I'm with Blumenfeld Development Group which is a member of Deer Park Enterprises.

It may be unclear in the agreement, Sir, but we have agreed to expand the Deer Park Train Station parking area. We're actually expanding it to include an additional 520 spaces, that will be at our expense. And we will also be providing a free shuttle between the Deer Park Station and the outlet center.

LEG. ALDEN:

May I respond?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

I'm done.

LEG. ALDEN:

Forgive me, but I'm an attorney -- and I'm not really asking you for forgiveness. But unfortunately, if it's not in the agreement there's no legal obligation to have you perform anything.

MS. PETRASEK:

We have no objection, Sir, if you would like to have the agreement clarified or amended. We have already made those agreements with the County. If that's a clarification --

LEG. ALDEN:

Actually --

MS. PETRASEK:

-- we'd be happy to do that.

LEG. ALDEN:

When I vote on something and the agreement is in there --

P.O. LINDSAY:

Why don't you make a motion to table, then, if she's willing to put it in writing?

LEG. ALDEN:

That would be nice.

P.O. LINDSAY:

So make a motion.

LEG. ALDEN:

I was just going to vote against it, but I'll make a motion to table.

P.O. LINDSAY:

Well --

LEG. KENNEDY:

Second.

MS. PETRASEK:

Sir, we actually have -- we've already made those agreements with the County, it was in the agreement. If you read it, it talks about improvements to the station area.

LEG. ALDEN:

But that's for like, you know, if you want -- number one, you had to make it handicapped accessible; but number two, there would be like an overhangs so people would have a waiting area; that's all it speaks --

MS. PETRASEK:

That's the -- there are amenities that are referred to in the agreement.

LEG. ALDEN:

But that's all it speaks to.

LEG. MONTANO:

Put me back on the list.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Are you done, Cameron?

LEG. ALDEN:

Yeah, I'm done.

LEG. MONTANO:

I'm sorry; which agreement are you referring to? Because we have a parking agreement and license in front of us.

MS. PETRASEK:

Correct.

LEG. MONTANO:

I haven't gone through it fully, but Legislator Alden is pointing out that what you're speaking to is not in this agreement. So what agreement -- you just said that you've already agreed to that in the agreement; what agreement are you referring to?

MS. PETRASEK:

I'm referring to the parking agreement and that we've agreed in concept to provide it. I believe it's provided in the WHEREAS clauses.

LEG. MONTANO:

What WHEREAS clauses?

MS. PETRASEK:

In the recitals, I apologize.

LEG. MONTANO:

All right. Counsel? Lynne, you're there; is that the agreement that's -- in other words, is the agreement she's referring to the same agreement that's before us today, or is it a different agreement?

MS. BIZZARRO:

It's the same agreement. I have a copy of it right here.

LEG. MONTANO:

Okay. And where are the recitals are you referring to?

MS. BIZZARRO:

I can't answer that.

LEG. MONTANO:

I'm sorry, the representative?

MS. PETRASEK:

The agreement -- it says, "To implement a shuttle service" in the fifth, and also we were going to expand parking.

LEG. ALDEN:
Where does it say that?

LEG. MONTANO:
Yeah, that's what --

MS. PETRASEK:
Let me find it.

LEG. ALDEN:
It's paragraph three, Duties and Obligations?

MS. PETRASEK:
It refers to the amenities and the replacement of the expansion of the parking.

LEG. MONTANO:
What page are you on?

MS. PETRASEK:
I'm on page -- what page of the agreement.

LEG. MONTANO:
Or what paragraph? Well, here they're numbered 276, 277, etcetera.

MS. BIZZARRO:
Paragraph three.

LEG. MONTANO:
Paragraph three, Duties and Obligations?

MS. BIZZARRO:
Correct.

LEG. MONTANO:
Let me ask you this. Do you have or have you made, or I'm sure you have made an estimate of what this is going to cost; am I correct?

MS. PETRASEK:
We have, sir.

LEG. MONTANO:
And what is --

MS. PETRASEK:
And those plans have been submitted to County DPW for their review.

LEG. MONTANO:
And what is the estimate of the cost that you are going to incur for doing this? Approximately, I don't need --

MS. PETRASEK:
Approximately a couple of hundred thousand dollars.

LEG. MONTANO:
A couple of hundred, all right. And that's already been submitted to the Department of Public

Works.

MS. PETRASEK:

Yes, the plans for the expansion, yes.

LEG. MONTANO:

And that's your understanding of what this agreement covers.

MS. PETRASEK:

Correct.

LEG. MONTANO:

What you submitted to DPW.

MS. PETRASEK:

Correct.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I'm still perplexed, though. You say you're going to expand the parking lot?

MS. PETRASEK:

Yes.

LEG. ALDEN:

Okay. Then you agree, it doesn't say that in this agreement, right?

MS. PETRASEK:

It's a -- from our perspective, it's a requirement that the County has passed on to us.

LEG. ALDEN:

But not in this agreement.

MS. PETRASEK:

It is associated with this agreement, yes.

LEG. ALDEN:

Associated with but not in this agreement. Okay.

P.O. LINDSAY:

Okay. Mr. Clerk, what motions do we have before us?

MR. LAUBE:

You have a motion to table by Legislator Alden, I don't have a second yet, and you have a motion to approve with Legislator Horsley and Montano.

P.O. LINDSAY:

Okay. Legislator Kennedy, you wanted to second the tabling?

LEG. KENNEDY:

Yes, I did, Mr. Chair. And if I can, I just have a question for DPW; I see that we have Mr. Laguardia here.

P.O. LINDSAY:

Tom Laguardia, could you come forward? There's a question that you might not be able to answer but he's going to ask it anyway.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Good afternoon.

LEG. KENNEDY:

Hi. The question I have is have you seen any of the submissions from the developer yet? Do you have any kind of an idea as to what's been put forward? Does it conform to what we usually look at as far as expansions of County parking facilities? Are there any standards set there? How far along are we with this process?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

I have not seen any of the plans yet, Legislator Kennedy.

LEG. KENNEDY:

Okay. Do you know if it's somewhere there in Public Works?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

No, but I can check and find out.

P.O. LINDSAY:

Okay?

LEG. KENNEDY:

All right. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. We have a motion to table and a motion to approve; the tabling goes first. Let's see if we can do it quick because it's getting close to lunch. All in favor of tabling? Opposed? I'm opposed.

LEG. HORSLEY:

Opposed to tabling.

(*The following Legislators indicated opposition by a raise of hands: Legislators D'Amaro, Stern, Horsley, Nowick, Viloría-Fisher, Lindsay, Eddington, Losquadro, Beedenbender, Browning, Schneiderman & Romaine*)

MR. LAUBE:

Hold on, I'm just going around. Keep them up. You have six to table.

(*Actual Vote: 5-12-0-0 In Favor: Legislators Montano, Alden, Barraga, Kennedy & Cooper).

P.O. LINDSAY:

Okay, the tabling fails. Motion to approve. All in favor?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On -- I thought we were beyond that.

LEG. ALDEN:

No, just so --

P.O. LINDSAY:

Go ahead, go ahead.

LEG. ALDEN:

Just so I'm real clear that we're giving a license agreement to someone who actually needs additional parking --

MR. LAUBE:

Five to table.

LEG. ALDEN:

-- but they had their project approved and it's for a shopping center. So now they have to come to the County, the County is going to give them additional parking, they're saying that they're going to pave but it's not in the agreement. I just wonder about the whole process here, how they even got approved in the first place if they don't have the proper amount of parking. So I'm really disappointed that, number one, the people in Suffolk County who probably built this parking lot in the first place, they're going to be, in essence, subsidizing a private corporation. So I just wanted to put that on the record.

P.O. LINDSAY:

Okay, it's on the record. Back to the vote; all in favor? Opposed?

*(*Opposed said in unison*)*

Abstentions?

MR. LAUBE:

Fifteen. Fourteen (Opposed: Legislators Alden, Barraga & Kennedy).

P.O. LINDSAY:

Being that we have four clocks in this room with four different times, I'm hungry so I'm going to take the one that says 12:32. We stand recessed until 2:30.

*(*THE MEETING WAS RECESSED AT 12:32 P.M. *)*

*(*THE MEETING WAS RECONVENED AT 2:33 P.M. *)*

P.O. LINDSAY:

Mr. Clerk, call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

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. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:
Okay. All right, we have the **Public Hearings**. Mr. Clerk, have the Public Hearings been properly advertised?

MR. LAUBE:
Yes, they have.

P.O. LINDSAY:
Okay. First up is ***Public Hearing on the 2008-2009 Suffolk County Community College Budget***; and I have one card, Charles Stein.

MR. STEIN:
First I'd like to offer my condolences, Vivian, on your loss. Thank you for this opportunity which allows me to personally provide my comments addressing the Suffolk County Community College

Operating Budget for 2008 -- 2009.

The college community labored over the preparation of the Operating Budget for 2008-2009 recognizing the financial landscape confronting the State and the County. The college made tough decisions in presenting its budget with no increase in County support, no new positions and the lowest percentage expenditure increase in memory.

I appreciate that the County Executive has noted the efforts of the college in holding down expenses and submitting its budget in a manner which recognizes the County's fiscal constraint. I'm also thankful for the cordial discussions I've had with Fred Pollert regarding certain budgetary issues.

It was refreshing to see that the County Executive's recommended budget sought to increase certain expenditures in equipment supplies and employee benefits. While it is welcome, the concern that I have is that the proposed reduction in revenue results in the need for use -- to use reserves to balance the budget. As a general rule, relying on the use of reserves instead of a reoccurring revenue source is not in conformance with sound fiscal practice and further deteriorates the college's reserve funds below the nationally recognized level. By continuing to follow this practice which was criticized by the Middle States Review Team, the college will face a more significant problem in the following budget year when the use of reserve funds will have to be replaced by a reoccurring revenue.

Our budget was carefully considered and significant restraint was incorporated by the college administration and the Board of Trustees. The use of reserves, as noted above, could cause difficulty with the Middle States Accreditation Team that will be scheduling another visit to the college following our report due September 1st of 2008. The Budget Review Office of the Legislature will be reviewing the Executive's recommended budget. We have and will continue to provide information to BRO and look forward to further discussion of the college budget and BRO's recommendations at the meeting of the Economic Development, Higher Education & Energy Committee at the end of July. Thank you.

P.O. LINDSAY:

Thank you, Mr. Stein. I don't have any other cards on the college budget. Is there anyone else in the audience that would like to address us on the college budget? Seeing none, I'm going to make a motion to recess being that we have another hearing scheduled on the college budget.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Next up is *Public Hearing on IR 1054-08 - a Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers (Eddington)*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to recess.

P.O. LINDSAY,

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1174-08 - Approving rates established for Davis Park Ferry Company (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, where are we, Budget Review, with this?

MS. VIZZINI:

The report was issued June 18th. I believe -- I would defer to George, but according to the Charter we need 15 days from the issue of the report.

MR. NOLAN:

We have to recess this public hearing.

P.O. LINDSAY:

I'll make a motion to recess.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1272-08 - A Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1343-08 - A Charter Law to change the Legislative Term of Office (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1358-08 - A Local Law to reduce the emission of pollutants from the County diesel-fueled motor vehicles (Cooper). I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1457-08 - A Local Law to adopt a Full Cost Disclosure Policy for Land Acquisition Resolutions (Alden). I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator Alden?

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

Motion to close, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1499-08 - A Local Law to require that Probation Department employees use County vehicles while conducting County business (Losquadro). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Losquadro?

D.P.O. VILORIA-FISHER:

He's not here.

P.O. LINDSAY:

Do you know whether he wants to close it or recess it? I'll make a motion to recess. Do I have a second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1503-08 - A Local Law to reduce paperwork requirements for volunteer not-for-profit organizations (Losquadro).

I have no cards on this subject. Is there anyone in the audience who would like to speak on this

subject? Seeing none --

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

Motion to close, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1506-08 - A Local Law to prohibit deceptively colored handguns (Eddington). I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1538-08 - A Local Law to establish E-Verify requirements for occupational licenses (Cooper). And I have a card on this; Andrea Callan.

MS. CALLAN:

Can I take a pass?

P.O. LINDSAY:

Pass, okay. Thank you, Ms. Callan. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Losquadro & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1576-08 - A Local Law to increase the application fee for occupational licenses (Presiding Officer Lindsay). We don't have any cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

LEG. BARRAGA:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Losquadro, Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1577-08 - A Local Law authorizing a program to waive item pricing requirements (Presiding Officer Lindsay). And I have several cards on this subject; first is Thomas K. Cullen.

MR. CULLEN:

Good afternoon, Presiding Officer Lindsay and Ladies and Gentlemen of the Suffolk County Legislature. My name is Tom Cullen, I am Vice-President of King Kullen Grocery Company with headquarters in Bethpage, New York, a family-operated and controlled company for over 78 years, America's first supermarket. I stand before you today to testify in support, please, for -- it's Resolution 1577. King Kullen operates 54 stores on Long Island and Staten Island. We currently operate 29 stores in Suffolk County and apply approximately 3,000 persons in Suffolk County.

I am here today to ask for your support for Resolution 1577-08, a Local Law authorizing a program to waive item pricing requirements. I can testify to the merits of this resolution since a similar law was enacted in Nassau County approximately five years ago; and in my paper there it says three, I was corrected today on the way out, it's five years ago. The Department of Consumer Affairs of Nassau County supports the item pricing bill and has been very pleased with its success. It not only works for retailers, it works for the Department of Consumer Affairs and it works for consumers.

King Kullen, and I can testify because I deal with customer relations, has never had a complaint from consumers on the removal of item pricing stickers on the individual products. You should note that New York State law still requires unit price per measure on every item in every supermarket in the State of New York. So every individual item has a unit price per measure sticker in front of it saying what the price is, what the price per measure is and that is the indicator to the consumer.

The bill you are considering today is a waiver; it's not a right, it's a waiver. We have to earn this right. It is a waiver for retailers who hold themselves to a 98% accuracy level for item pricing by computer technology that we have employed in our stores. It is my belief that the consumer benefits by the retailer being held to a 98% accuracy level for item pricing, the highest accuracy level in America. The Food Industry Alliance has gained the support of our local unions who believe this benefits not only the consumers but also the members of our workforce. This deal -- excuse me, this bill is a clear step in the right direction for using today's technology to benefit our customers. I ask for your support to adopt Local Law 1577, authorizing a program to waive item pricing requirements. And of course I will take any questions if anyone has any for me.

P.O. LINDSAY:

Does anybody -- yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

How are you, Mr. Cullen?

MR. CULLEN:

Very well.

LEG. SCHNEIDERMAN:

I was around, not at this body, but involved with the New York Public Interest Research Group when the original law went through with some of these item pricing requirements, and it was a consumer protection initiative to make sure that people knew what they were -- you know, the price of what they were paying for. I don't really want to turn back the clock so much, but times do change. Can

I ask, in your stores, do you have a way for the consumer, you know, in each aisle or near each aisle to check a price before they actually go --

LEG. NOWICK:

No.

LEG. SCHNEIDERMAN:

-- to the check-out counter; like a scanner of any kind?

MR. CULLEN:

I can tell you in Nassau County, where this bill exists and has existed for five years, it's a requirement of the law. So we are required to have a -- not at check-out but a scanner available where people have without the store -- in fact, our newer stores, we've actually placed them throughout the store, they're individual like little computers where you just walk up and it has a little scanner bar and you can scan the product.

And in reference to -- you know, there are only a few states -- there are only a couple of counties left in the State of New York, one is Suffolk and the other one is Westchester and the other one is New York City that requires item pricing, if I'm not mistaken. When the law took effect in Nassau County, of course part of the bill requires that we have a scanner designated so people can go up and scan and item to see it.

LEG. SCHNEIDERMAN:

Right.

MR. CULLEN:

But I can clearly tell you the thing is that -- remember, this is not something that comes mandatory. We have to prepare ourselves to reach the threshold of 98% so we can earn the right to take off item pricing. With our computers today, the way it exists today is we have to have the unit price per measure with just a little plastic piece which goes on the shelving --

LEG. SCHNEIDERMAN:

Right.

MR. CULLEN:

-- in front of every item, every SKU, shelf-keeping unit. We have to have that to identify its size and its price per measure and of course the price we sell it at and description of the item; that is State law. What Suffolk County has is a law which requires item pricing. Item pricing is a law which requires you put an individual sticker on every item, a little white sticker which puts the price of -- hypothetically, let's say it's 99 cents. What we are asking for is the right to take that off meaning that we meet the threshold of 98% accuracy with our scanners to our shelf pricing, and that is where the Consumer Department comes in to check and see if we've done it.

LEG. SCHNEIDERMAN:

No, I understand that, that it's got to be a lot of labor to put all those little price tags on, particularly if the prices change, and we know the prices of food have been changing with the cost of oil changing. But does this law -- and I haven't actually read the bill yet. Does it have the requirement for the scanners to be in place for the consumers or --

P.O. LINDSAY:

There's test scanners in the bill.

LEG. SCHNEIDERMAN:

There are, it requires that.

P.O. LINDSAY:

Yes.

MR. CULLEN:

Yes.

LEG. SCHNEIDERMAN:

To get the waiver you must have test scanners.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Nope, I'm good now.

P.O. LINDSAY:

No? Okay. Anybody else? Thank you, Mr. Cullen, for coming down.

MR. CULLEN:

Thank you, Mr. Lindsay. My pleasure. Thank you for allowing me to testify today.

P.O. LINDSAY:

Brian Fitzpatrick? Hello, Mr. Fitzpatrick.

MR. FITZPATRICK:

Good afternoon. My name is Brian Fitzpatrick, I'm a Senior Director for the Great Atlantic and Pacific Tea Company, otherwise known as A&P. Our Headquarters are in Montvale, New Jersey. In Suffolk County we operate under the A&P banners of Waldbaum's and Pathmark stores. We operate 40 stores in Suffolk County employing a little bit over 4,600 associates and do annual sales greater than \$850 million.

I'm here today to support the item pricing waiver bill and we're very pleased to see Suffolk County taking a look at this bill again. We have five years, like the King Kullen organization, we have five years of lessons learned in the Nassau County bill and are confident that we've -- that we'll do what we need to do in Suffolk County as well to have that same accuracy for our consumers. It's the right thing to do for our business and we hope that you decide to pass this legislation.

Just a couple of the steps that we've taken already in our stores. We have the price-checkers in our Nassau County stores and will certainly, as a part of this bill, make sure that our stores in Suffolk County are -- have the same technology. We look to maintain our scan-error policy which is if an item scans higher than the price of the shelf, the customer will still get it for free. We have dedicated standard integrity associates in the store that scan between 1,500 and 2,000 items every single week to maintain that 98% level, field spot audits from our field teams three times annually and as our stores are remodeled and come on-line, they are upgraded with wireless technology, similar to what the King Kullen organization does with those price checkers around the store. Certainly this will help us provide greater service and remain competitive. Thank you for your support today.

P.O. LINDSAY:

Does anybody -- Mr. -- Legislator Eddington has a question, Mr. Fitzpatrick.

LEG. EDDINGTON:

You know, I just want to compliment you on your support. In 1963 when I started my career with the A&P that lasted eight years, that was my job and I hated it. It's taken 45 years to get rid of it, I'm glad. Thanks a lot.

MR. FITZPATRICK:

Okay.

P.O. LINDSAY:

And thank you for enlightening some of the younger people at the horseshoe that A&P stands for Atlantic and Pacific Tea Company, not many -- probably a lot of them didn't know that.

MR. FITZPATRICK:

Yeah, we get a Jeopardy question on that one.

P.O. LINDSAY:

Yes, absolutely.

MR. FITZPATRICK:

Thank you.

LEG. EDDINGTON:

The Great Atlantic.

P.O. LINDSAY:

Right, the Great Atlantic and Pacific. Okay, Robert Hempson.

MR. HEMPSON:

Good afternoon. My name is Robert Hempson, I represent Stop & Shop Supermarkets. Again, I'm here to express our support for the item pricing exemption law.

As you know, it's been in effect in Nassau County for five years. And during that period of time, our stores have had 170 inspections with a 99.5% accuracy rate, thus enabling each store to receive the waiver. The lack of item pricing provides the store with the opportunity to spend more hours, more labor, ensuring price accuracy throughout the store and I think this would be a benefit to our consumers in Suffolk County as well.

The exemption will also give us an opportunity, with the price accuracy scanners that are very popular with the consumer, where they can -- if they want to verify a price throughout the store in locations that are conveniently located for them, they can just check electronically a price and it will verify that what they saw communicated on the shelf tag that it is, indeed, that price. So with all things considered, the Nassau -- the consumers in Nassau County have been very supportive, we've had no issues with consumers at all. And I think when you look at it from the perspective of putting a sticky gummy label on the products and then having to scrape it off and remove it, it creates a negative with regard to the integrity of the product itself and this would provide a cleaner product and a cleaner product for them to bring home.

P.O. LINDSAY:

Mr. Hempson, just a question, if you're done.

MR. HENSON:

Yep.

P.O. LINDSAY:

Besides the cleanliness issue, actually this system would be more accurate, don't you stand more of a chance of having an errant label somewhere on the shelf rather than with this system?

MR. HEMPSON:

You know, that was one of the points I was going to make. When the clerk is changing the unit price on what could be several hundred units and they miss one, that consumer gets up front, it scans at a different retail and then there's a problem with price accuracy and customer perception on price accuracy. By not having the label where inadvertently an item could have been in a different part of the store, returned to that shelf, we eliminate that. So consumer perception on our price accuracy escalates dramatically when those miscellaneous price tags are not removed.

P.O. LINDSAY:

Thank you. Does anybody else have any questions? Thank you very much, Mr. Hempson.

MR. HEMPSON:

Thank you.

P.O. LINDSAY:

Patricia Brodhagen.

MS. BRODHAGEN:

Good afternoon. My name is Pat Brodhagen with the Vice-President of Public Affairs for the Food Industry Alliance of New York State. I feel like, just as Legislator Eddington brought up his history, that I should ask for a show of hands sometime as to who has a supermarket experience in their background; I mean, it's a lot of us, isn't it?

I grew up in a little country store in Wisconsin, so it's always so interesting to me how many people go back to one of their first jobs being in the supermarket industry.

P.O. LINDSAY:

I was a bottle boy in a King Kullen store, that was before deposits, you know?

MS. BRODHAGEN:

I love it.

P.O. LINDSAY:

Before the machines where you used to take them back and give the people a nickel or two cents

MS. BRODHAGEN:

Yeah, it is such a common experience. Yeah, we should take an official poll some time. Anyway, this afternoon I am here to appear on behalf of the Food Industry Alliance as 130 plus members stores in Suffolk County in support of Intro Res No. 1577, to establish a program whereby stores can qualify for a waiver from item pricing requirements. In addition to the gentlemen you've heard from, our premier numbers out here in the County, King Kullen, Waldbaum's, Pathmark and Stop & Shop who, by the way, taken as a group probably represent between 90 and 100 supermarkets and many, many good jobs. Our members also include the IGA Stores, the Shop-Rites, the AME stores, the METs, the Bravos, the C-Towns and a host of other independent operators as well, and I want to express on their behalf, too, that they fully support this proposal.

I don't think there's much more for me to add to what you've heard.

We now do have five years of experience in neighboring Nassau County. And even though there are some Upstate Counties that have waivers, the Nassau County experience is really relevant because it's metro; similar population, similar number of stores and so it really has given us a good five years of experience to see how this works. And, you know, I stay in touch with the Weights & Measures officials in all of the counties where I work and in Nassau County, it's true, they've been very pleased with what this bill has done for them and what it's done for stores because, frankly, we

believe that our stores are better operators as a results of it. It has spawned technology improvements and efficiencies and better customer service, improved operations, and so it's really been a win/win/win. And we are very pleased to see Suffolk County moving in this direction and we urge your support and thank you very much.

P.O. LINDSAY:

Thank you. Does anybody have any questions for Ms. Brodhagen?
Thank you very much.

MS. BRODHAGEN:

Thank you.

P.O. LINDSAY:

That's all the cards I have on this subject. Is there anyone else in the audience that would like to address us on 1577. Seeing none, I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, that concludes our Public Hearings for today.

I'd like to make a motion setting a date for the following Public Hearings of July 28th, 2008 at 10 AM in the Rose Caracappa Auditorium, Hauppauge, for the 2008-2009 Suffolk County Community College Budget. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay. I'd also like to set the date of the following Public Hearings of August 5th, 2008 at 2:30 PM in the Rose Caracappa Auditorium, Hauppauge, New York; IR 1605, a Local Law amending County Legislature's Organization Meeting date requirement; IR 1608, a local Law to add hardship caused by military deployment as a basis for Section 215 conveyance; IR 1644, a Local Law authorizing the sale of the County of Suffolk's rights to receive payments under the Master Settlement Agreement with various tobacco companies and the related Consent Decree and Final Judgment to the Suffolk Tobacco Asset Securitization Corporation; and IR 1645, a Charter Law to implement a two year Rolling Debt Policy under the 5-25-5 law to mitigate budgetary shortfalls. And I think -- is that it? That's it. So I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay? Before we get back in to the agenda, under --

D.P.O. VILORIA-FISHER:

Tim, I was behind you.

P.O. LINDSAY:

-- Item 11 on our agenda, which is one that's hardly used but we have a portion in the agenda that's open to public officials to come and address us, and with us today we have Trustee David Berger from Southold Town.

MR. BERGER:

Thank you very much. In addition to my role as Dean of this facility -- and by the way, we're very happy to have you here today and thank you for coming, we look forward to having you here in August -- I have another life where I'm a Trustee in Southold Town. And I just wanted to take a second to compliment, because I know compliments are very rare around here, compliment the Department of Public Works for Suffolk County and the great job they did this year with dredging on the east end of Long Island. They really stepped up to the plate when we had some very difficult times and made the effort to get dredging done on the east end, it was greatly appreciated. The economic impact that boating has on the east end community, particularly in Southold Town between recreational as well as commercial fishing, is quite significant. And keeping those creeks open is very important to the economy in Southold Town.

I also want to in particular thank Legislator Romaine for helping last year, but also more recently with actually getting through the Army Corps of Engineers some emergency requests for dredging a couple of interfaces out there in Southold Town. Legislature (sic) Romaine was very helpful with that as well as Senator Bishop's -- sorry, Congressman Bishop's Office, Senator Clinton's Office also were very helpful with that also. So thank you very much.

LEG. ROMAINE:

If I may?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

I just want to compliment Dave in his role as Trustee of Southold Town. He did a yeoman's job, he stayed on top of it, he made a lot of projects that were questionable happen. And my role was very small, his role was very large, he did a great job. I'm sure one of my other colleagues, Vivian Fisher, is grinding her teeth when she thinks about Stony Brook Harbor. But dredging is important to the boating industry and the marine industry is a multi-billion dollar industry between Nassau and Suffolk and it's important that we keep our waterways open.

Dave, thank you for all your help. Thank all the Trustees, your President, Mr. King, thank him again, Jimmy King, and all the Trustees, but you carried the load. Thank you again.

MR. BERGEN:

Thank you, Ed. Thank you.

P.O. LINDSAY:

Thank you, Mr. Berger, for your hospitality as well as your comments.

MR. BERGER:

Thank you.

P.O. LINDSAY:

Okay, we do not have difficult agenda, let's see if we can get through it. Page seven.

Consumer Protection

1476-08 - Adopting Local Law No. 2008, a Local Law to amend the qualifications for electricians and plumbers (Presiding Officer Lindsay). I'll make a motion to approve.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro. Any questions on this?

LEG. MONTANO:

Yes, I have some questions.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

May I?

P.O. LINDSAY:

Go right ahead, Legislator Montano.

LEG. MONTANO:

Yeah, you said that -- in the bill, I took a look at it, it says that this would up the qualifications from five years to seven years as is done -- and I don't have it in front of me, but "neighboring jurisdictions"?

P.O. LINDSAY:

Right.

LEG. MONTANO:

Could you -- could someone explain that to me, which neighboring jurisdictions?

P.O. LINDSAY:

Sure. First of all, this legislation came to us via the Occupational Licensing Board for both plumbers and electricians that are industry people that help us with assessing qualifications for these trades in order to test them and they actually draft a test. And for many, many years they've been trying to establish a reciprocal license with Nassau County to make it easier on the employers that they don't have to get multiple licenses. Suffolk County is relatively easy, I know as an electrician you only need one license; in Nassau County, you need 21 in Nassau County, every little town. And there has been an effort to come up with one unified Long Island license to make it easier to operate, and one of the stumbling blocks is that in Nassau they require seven years experience before you can take the test and in Suffolk we only required five. So that was the rational for coming to us from their licensing board. Any other questions? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

1520-08 - Approving the reappointment of Leonard Borger as a member of the Suffolk

County Home Appliance Repair Licensing Board (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?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1521-08 - Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive). Can we do same motion, same second, same vote; all right with everybody?

LEG. NOWICK:

Yes.

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1522-08 - Approving the reappointment of Michael Daly as a member of the Suffolk County Electrical Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1523-08 - Approving the reappointment of Robert J. Kohlmeyer as a member of the Suffolk County Electrical Licensing Board (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1524-08 - Approving the reappointment of Lee Eysman as a member of the Suffolk County Electrical Licensing Board (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

Discharged By Petition

P.O. LINDSAY:

Next one, ***1438*** was discharged by petition, ***Adopting Local Law No. 2008, a Local Law to strengthen motorist protections from unwarranted price increases by unscrupulous motor fuel distributors and service station operators (Horsley).***

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

Can I have an explanation, either from the sponsor or from Counsel? Sponsor, go ahead.

LEG. HORSLEY:

Yeah, this law increases the fines to wholesalers and distributors that are caught to be over-charging.

LEG. MONTANO:

Okay.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Wayne, everything else stays the same?

LEG. HORSLEY:

Everything else stays the same.

LEG. ALDEN:

Good. Thanks.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

LEG. ROMAINE:

Would the Clerk, please list me as cosponsor on that bill, please?

MR. LAUBE:

Yes, sir.

LEG. ROMAINE:

Thank you.

Economic Development, Higher Education & Energy

P.O. LINDSAY:

1482-08 - Authorizing use of property at Gabreski Airport by the Kiwanis Club of greater Westhampton (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do we have a second?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1568-08 - Appointing Elizabeth Custodio as a member of the Suffolk County Industrial Development Agency (IDA) (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1575-08 - Amending Resolution No. 911-2007, setting fees for Francis S. Gabreski Airport to include fees for promotional events (County Executive). Do I have a motion?

LEG. HORSLEY:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Who made the motion? Legislator Horsley, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy).

Environment, Planning & Agriculture

P.O. LINDSAY:

1180-08 - Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (Island in Narrow Bay North of Smith Point County Park) (Town of Brookhaven) (SCTM No. 0200-988.30-02.00-001.000) (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Is this the new program; this is the new Quarter Cent Program?

P.O. LINDSAY:

Ms. Vizzini, can you answer that? No, it shouldn't be. It's probably the old program, right, Multifaceted?

MS. VIZZINI:

The old program.

P.O. LINDSAY:

It's the old program.

LEG. ALDEN:

Any reason why we did it out of that program and not the new one?

MS. VIZZINI:

I don't know.

P.O. LINDSAY:

Is there someone here that can answer that? The County Executive's Office.

LEG. BEEDENBENDER:

Mr. Chairman? Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

If I remember correctly from the committee, I think that this was another -- an older program, not this year's Multifaceted; I think the BRO had said something about that.

MR. NOLAN:

Yeah, I think Commissioner Gallagher said that it was 2007 monies from Multifaceted.

MR. ZWIRN:

That's where we have been taking the money from. We have been very careful to use Quarter Percent money and use money that was appropriated back in 2007.

LEG. ALDEN:

Can I just --

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And Ben, maybe you can answer this, but wasn't there an analysis done that if we don't use that money -- because that comes out of the General Fund, whereas the New Quarter Cent Program there's a dedicated stream.

MR. ZWIRN:

That's correct.

LEG. ALDEN:

So when we buy something under the old program, it kind of -- the impact on our budget is more than if we buy something out of the new program.

MR. ZWIRN:

Yes, but what we did in '07 is that we appropriated additional money that we're now -- we over appropriated, so we're using some of that money up now so we can use it up. It was done by accident because at the end of the year we were rushing to try to get some projects closed, some did, some didn't. We over appropriated so we're using those funds now.

LEG. ALDEN:

Is there a lot more of that money?

MR. ZWIRN:

I don't think there's much left anymore.

LEG. ALDEN:

Okay, thanks. Thanks, Ben.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine & Montano).

P.O. LINDSAY:

1498-08 - Reappointing Joseph Gergela as a member of the Suffolk County Soil & Water Conservation District (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. ALDEN:

Cosponsor.

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

LEG. COOPER:

Cosponsor, please.

D.P.O. VILORIA-FISHER:

Cosponsor, Tim.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

1525-08 - Amending the 2008 Operating Budget and 2008 Capital Budget and Program by accepting up to 75% Grant funds in the amount of \$3,953,349 from the New York State Department of Agriculture and Markets (Grant C800654) to the Suffolk County Purchase of Development Right Program for the acquisition of development Rights (County Executive). Do I have a motion? I'll make a motion to accept the money.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1527-08 - Authorizing acquisition of land under the Old Suffolk County Drinking water Protection Program [C12-5(E)(1)(b)] for the McDonnell Property - Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-511.00-05.00-077.000)(County Executive).

LEG. BROWNING:

Motion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1528-08 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation - for the Lecky and Randall Property - Stony Brook Harbor Headwaters - Town of Smithtown (SCTM No. 0801-006.00-02.00-023.000)(County Executive).

LEG. NOWICK:

I will make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1529-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] and the Suffolk County Multifaceted Land Preservation Program for the Lecky, Randall and Leighton Property - Stony Brook Harbor Headwaters - Town of Smithtown (SCTM No. 0801-004.00-02.00-006.001 p/o) (County Executive).

LEG. NOWICK:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion by Legislator Lynne Nowick and seconded by --

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Legislator Kennedy. And it begs to ask, it must be adjoining property, same owner; is that why the names are the same?

LEG. NOWICK:

Yeah, it was two pieces.

LEG. ALDEN:

A different program.

P.O. LINDSAY:

A different program but same owners.

MR. ZWIRN:

We took it out of funds that were in the Smithtown account. We had to break it up because we exhausted the funds that had been in the old --

LEG. KENNEDY:

Five years, that's it, you're out now?

MR. ZWIRN:

That's correct. One property we were able to do that way, that's why it's done in two separate programs and they broke up the property.

P.O. LINDSAY:

And this is properties for affordable housing?

MR. ZWIRN:

I don't think so.

LEG. ALDEN:

Yeah, the whole thing.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1530-08 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation - for the Ruth Allan, LLC Property - Forge River Addition - Town of Brookhaven (SCTM No. 0200-750.00-03.00-004.000)(County Executive).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1531-08 - Authorizing the acquisition of Farmland Development Rights under the new Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Sieminski Property - Town of Riverhead (SCTM Nos. 0600-069.00-02.00-016.004 p/o, 0600-069.00-02.00-018.000 p/o and 0600-094.00-01.00-005.000). (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1532-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Chandler Estates Addition) Town of Brookhaven (SCTM No.

0200-046.00-03.00-023.000) (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. I'll second it for information purposes. Maybe --

LEG. LOSQUADRO:

You want an explanation?

P.O. LINDSAY:

-- the sponsor could explain it a little bit. I thought we bought the Chandler Estate a long time ago.

LEG. LOSQUADRO:

We did. At the time, prior to my tenure, an out parcel remained at the edge of the property. At the time the owner was not interested in selling it, it's just a three-quarter acre parcel. The house has fallen into disrepair. As part of the conditions of a potential acquisition, we would obviously demolish the structure and that would be factored into the appraisal cost, but we now have a willing seller and we can complete our holdings of that parcel.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Fifteen (Abstention: Legislator Alden - Not Present: Legislator Montano).

P.O. LINDSAY:

1544-08 - Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with planning for the Bay to Sound Integrated Trails Initiative - Land Stewardship Project (CP 8713)(County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Second by -- no.

LEG. D'AMARO:

No, I have a comment.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper, and Legislator D'Amaro has a question.

LEG. D'AMARO:

Yes, thank you. I had a question for the Budget Review Office first. Can you tell me, this transfer of funds or inter-transfer of funds going from the 477 Fund down into a Capital Project, is this an existing Capital Project or this a Capital Project being created in light of the transfer coming in from 477?

MS. VIZZINI:

There was no money in the -- in this particular Capital Project 8713 in '08. So this takes the cash from Water Quality in the Operating Budget and transfers it to the vehicle of the Capital Program, so it allows for more time for the expenditure.

LEG. D'AMARO:

Was there funding in the project in the Capital Budget as adopted in later years, or was it not funded at all through the budget, the Capital Budget?

MS. VIZZINI:

No, he's asking if 8713 is an existing project. I think it's a new project for this purpose, but we'll double check that for you.

LEG. D'AMARO:

Was it in the 2008 Budget, Capital Budget? So this is amending the Capital Budget and creating a new Capital Project by accepting a transfer from the 477 Fund?

MS. VIZZINI:

Correct.

LEG. D'AMARO:

So the 477 Fund which has some specific parameters as to how you can use those funds, which is cash, it's not going to be bonded, it's coming in to create this Capital Project. Do we know where the Capital Project was originally proposed from, or maybe is that more appropriate to ask to the County Executive's Office?

MS. VIZZINI:

Perhaps they can get you an answer more quickly than the computer is coming up.

P.O. LINDSAY:

Ben, do you have an answer to this? We're trying to figure it out.

MR. ZWIRN:

No, my understanding is this is a new program, but it does have to go through the Water Quality Review Committee. This is \$35,000 to do planning and we're getting an in-kind contribution from Group for the East End to work with us as well. The project itself is about \$185,000. I can go through the description of the project for you, it's fairly lengthy. It's a --

LEG. D'AMARO:

Well -- I'm sorry. My understanding of the project is it's going to be mapping.

MR. ZWIRN:

Yes.

LEG. D'AMARO:

There's going to be some garbage removal from large acreage we're talking about. This is probably already owned by Suffolk County.

MR. ZWIRN:

As Carmine suggested, it's from the Land Management part of the New Quarter Percent Drinking Water Program, this is part of the Land Stewardship. And the program will be mapped by the New York Natural Heritage Staff, they're going to be doing the work. But you're right, this is for cleaning up the sounds, fragmities removal and monitoring, invasive species inventory and mapping by The Nature Conservancy and Student Conservation Association and Plant and Natural Communities Inventory and mapping by New York Natural Heritage staff.

LEG. D'AMARO:

Ben, do you know, under this Capital Project, is the Department of Public Works doing the work itself or are we simply funding another group or organization to do the work?

MR. ZWIRN:

I believe we're funding another organization to do the work.

LEG. D'AMARO:

And do you know if there's any contribution to this from the towns or any other jurisdiction, do you know off-hand?

MR. ZWIRN:

No, the only contribution that I'm aware of is the in-kind contribution from the Group for the East End.

LEG. D'AMARO:

So we're creating a new project and funding it to cut trails, primarily to cut trails through some County-owned land.

And the thing I -- the point I want to make about this is I don't understand, you know, why we're going to a budget meeting in a budget crisis on Thursday and on Tuesday we're voting for \$187,000 to cut trails for County use and, I mean, in a perfect world we'd want to do all of these things, but I just can't understand how it is that we're setting that as a priority here and now; it just doesn't seem to make sense to me.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Ben, I know that when we had the extension of the Quarter Percent --

LEG. LOSQUADRO:

Your mike's not on.

D.P.O. VILORIA-FISHER:

Sorry. When we had the extension of the Quarter Percent, that we did include some of that to be allocated for stewardship. But I wonder, is that part of the program also -- is there also a requirement for that portion of the program to go before the Water Quality Review Board?

MR. ZWIRN:

My understanding is that this did go before -- all the 477 projects did.

D.P.O. VILORIA-FISHER:

Okay, just as all the other 477 --

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

And there was approval?

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

And you mentioned the removal of invasive species; do you know what kind of percentage there is? Because I do know that part of the thrust in doing this was to get control of some of the invasive species that do impact heavily on the quality of our waterways. We can see what happened in the Forge River because of the invasive species creating an anaerobic environment in those waters. How much of this is going to the removal of invasive species?

MR. ZWIRN:

That I don't have an answer to. If you want, I mean, if you want to table this one cycle and come back at the beginning of August.

D.P.O. VILORIA-FISHER:

I would feel more comfortable tabling it. Because I agree with Legislator D'Amaro, that if we are just, you know, cutting trails, I can't see that that's a water quality issue. But if, in fact, we're looking at the removal of fragmities, you mentioned fragmites which is a very virulent invasive, then it's justified. So I'd like to see the report from the Water Quality Review Board and just get more information on what -- I know The Nature Conservancy has done good work on this, I'd like to see.

MR. ZWIRN:

I don't have -- I certainly don't have a problem with that.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Ben.

P.O. LINDSAY:

Legislator Kennedy, do you still want to speak on this?

LEG. KENNEDY:

My questions are pretty much the same, Mr. Chair.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

If it's going to be tabled, I would be interested to hear what the response is.

LEG. D'AMARO:

Then I'll offer a motion to table if that's --

P.O. LINDSAY:

Motion to table by Legislator D'Amaro, seconded by Legislator Kennedy.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, if we're tabling it to try to figure out what the water quality component is, I think we're holding an arbitrary condition upon this. The New Quarter Penny Program and the stewardship requirement does not require that that stewardship have any relationship with water quality. There's nothing wrong with trail maintenance or cutting new trails, those will qualify under that program. So if that's the reason, I think that's unfair to hold it up for that.

D.P.O. VILORIA-FISHER:

May I just respond to that?

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Viloría-Fisher and then Legislator Kennedy.

D.P.O. VILORIA-FISHER:

I understand that that's part of the stewardship component of the Quarter Percent monies. I am agreeing -- on the base -- with Legislator D'Amaro on the basis of prioritizing the monies during a tight budgetary cycle. And that, in fact, if it's not just the trails but a great portion of it, including something that is very time sensitive which is the control of invasive species that you can't put off, then it would sway me in the direction of supporting it because it's a higher priority. But if it's only recreational trails, which I know are important, we need to use our open spaces and use them wisely, but I don't believe that during a difficult budgetary time that would be my priority.

LEG. SCHNEIDERMAN:

If I may. One thing that may help is if we could develop a plan amongst us in terms of how we want to apportion this money, since there are so many allowable uses now. We've argued in the past over what percentage of 477 funds should go into salaries versus brick and mortar, now we have these new areas including stewardship. It might help us to figure out how much is going to go and how we might apportion it County-wide to make sure that the stewardship money is going where it needs to go. So I don't have a problem with looking at this from a larger perspective, but it does qualify under the program. I just didn't want to see it held up to see if it would qualify.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I would offer as some of my rationale to support the tabling that Legislator D'Amaro put forward is attempting to go ahead and to get some consistency as we look to apply funding through this program.

The tributary project up in Smithtown that this body supported about two-and-a-half years ago, a critical component was about a 33% contribution by the Town of Smithtown to the overall amount appropriated. Of the 140 acres that are being remediated, about 75% of that acreage is County acreage. So notwithstanding the fact that a significant portion was our own property, we looked for and got hard contribution from the town. Now, granted that was remediation of a stream bed, that wasn't cutting paths. But I think it's important that we get an equal set of criteria to get supplied each time we look at an initiative under this project.

I also agree with you that we need some well-defined criteria for the Groundwater Quality Committee which I most recently was at along with the Commissioner and some other folks. And at it, we talked at length about whether or not groundwater remediation and/or surface water remediation were legitimate criteria to seek funding for projects for. So I think there's a variety of criterias that are out there that get brought forward and I think it's just important that we get some consistency across the board for each and every project that gets brought forward, either by one of us or by the administration. That's my objective.

P.O. LINDSAY:

Okay. I know Legislator Romaine wants to speak, but I would just advise everybody to look at the next four or five resolutions that are all 477 resolutions that are probably more within the category of clean water maintenance. Legislator Romaine.

LEG. ROMAINE:

Yes, I just want to answer a couple of questions. First of all, one of the things that we get as Legislators is, "Why are you buying that open space? What use is it going to be? Who's ever going see that space?" This is an opportunity for us to spend some money to make -- to clean up this property. And in case you're saying, "Well, 477 money to clean up property?" There's a map that each of you have that talks about the dumping of the litter, the roadside litter, the dumping that has been done, the tires, the obstruction debris, the old municipal dump, etcetera, that would be cleaned up by this. Obviously, an invasive species inventory and mapping would be done, removal of fragmities would be done, the removal of all this dumping that has been dumped on public property that we have an obligation to clean up.

And then there was a question raised, "Why is the County doing this alone with 477 money?", and I will reference a letter of March 24th, 2008, from Jim McMahon, someone I've known for many years who's the Director of the Department of Public Works for Southold where he says, "The Department of Public Works has the men and equipment to aid in the construction of trails, kiosks, boardwalks, small parking areas as well as help with debris removal." So the Town of Southold is willing to work with the County in this program.

Then there's a question of is this an adequate use of 477 money?

Well, that almost begs the question, I think anything that helps the environment and doesn't provide staffing which we have spent tons of 477 money on, I don't know how many ponds get cleaned up or how many dump sites get cleaned up or how much groundwater is affected because we spend -- we decided, "Oh, wow, we have this pot of money, let's do staffing." So anything that doesn't do staffing that actually does a fiscal project such as cleaning up Greens River in Sayville, I'm in favor of. I think that this will do a good job, this is something that the Group for the East End supports, this is something the local municipalities out there support. I think it meets the requirement.

And then the question is do we do it or do we allow the dumping to continue on County property and just turn our blind eye and say, "Yeah, we bought the property, but you know what, we're not going to do stewardship. We're not going to manage the property. If people dumb or they throw tires on the property or they litter the property, we're not going to do anything about it." This gives us an opportunity to clean up the property, it gives us an opportunity to do an inventory of the property, it gives us an opportunity to get rid of some of the invasive species on the property, it gives us an opportunity to eventually hopefully build a trail that will connect the sound to the bay that the public can enjoy some public properties. Because we talk about buying a lot of public properties that the public never has access to. So for all those reasons, I think it's worth considering. Thank you.

P.O. LINDSAY:

Legislator D'Amaro and then Kennedy.

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

LEG. D'AMARO:

Just very briefly. Of course, the East End Towns are on board, we're paying for it. You know, it's easy to be on board with a project like that, obviously, you know where we're just going to take a Capital Budget that we lay out at the beginning of the year and we're going to just amend it, throw some money into it, not do the work ourselves. We're not going to examine if we could do the work cheaper ourselves. All right? And then on top of that, we're creating an entire new Capital Project to do this, to cut trails through property that we've already paid for and that we've already bought.

I mean, obviously, we all in here support the land preservation programs, we've -- I know I vote for them consistently, all right, and I do support them, but I have to draw a line somewhere when it comes to expending taxpayer funds. We're using 477 funds, creating a new capital project in the middle of the year to cut trails through County-owned land, and I just don't think, at least for me, that's extremely high on my priority list, okay, especially when we debate selling health plans, we debate selling nursing homes, we're debating whether to securitize tobacco. And these are all very

controversial and tough medicine for everybody sitting here, but here we are. You know what, show me a project and I'll give you the money for it, and we're not going to question it, we're not going to even ask, you know, whether or not we should be going down this road. Maybe this is the first project for many more to come where we start saying no. You know, who's going to start speaking for these taxpayers? And that's where I'm coming from.

LEG. ROMAINE:

Through the Chair, if I may.

P.O. LINDSAY:

I'll put you on the list. I've got two other people.

LEG. ROMAINE:

I just -- two seconds. Legislator D'Amaro, you're absolutely right. If this is your first no of many nos, and you're establishing a consistent review of policy, and you're about to vote no on -- or every capital project or many capital projects, let me know. I could endorse that, if this is a policy change. But I've voted for many capital projects on the West End, and I haven't looked at their geography to determine whether they're valid or not. But I thank you for giving me a heads-up of some of your voting record to come. Thank you.

P.O. LINDSAY:

I'm not going to let it go back and forth.

LEG. D'AMARO:

I don't want to respond to that.

P.O. LINDSAY:

Do you want a score sheet telling me he's the master? Nah, you don't want to do that.

LEG. D'AMARO:

I just want to -- I also want to note for the record that, you know, Mr. Zwirn earlier said, you know, the County Executive asks for change from a penny. And I also question why the County Executive's Office is putting forward proposals like this when on -- yesterday, I received an E-mail telling me to come to yet another meeting to talk about the budget crisis in Suffolk County. And I think that we need some more scrutiny of this legislation and these types of bills that are coming in that are -- I don't care what fund you're taking it out of, we're paying for it with taxpayer money. You can't have it both ways. You have to be consistent. You have to start taking a closer look at these projects and how we're paying for them. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Two questions. One, what are we talking about? How much is being appropriated for this, to BRO?

MS. VIZZINI:

Thirty-five thousand.

P.O. LINDSAY:

Thirty-five thousand dollars.

LEG. KENNEDY:

Thirty-five thousand?

D.P.O. VILORIA-FISHER:

For planning.

LEG. KENNEDY:

Okay. Through the Chair, then, to Legislator Romaine. If we could get an idea what the value of the staff time is that's been committed towards this. Although it may not be a hard match, sometimes, when we're looking at contribution from the towns, they're willing to go ahead and make equipment, staffing, hours. Do you have any idea what the --

P.O. LINDSAY:

I think Mr. Zwirn might have it, but --

D.P.O. VILORIA-FISHER:

That's what I asked for.

MR. ZWIRN:

If I could just add one --

P.O. LINDSAY:

Go ahead.

MR. ZWIRN:

I think I can end the debate. We're going to withdraw the bill.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

The County Executive has asked me to -- this bill will be withdrawn.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Resubmit that bill with my name on it, please.

LEG. KENNEDY:

I withdraw my motion.

P.O. LINDSAY:

So you still want to speak, Cameron? No, no.

LEG. SCHNEIDERMAN:

I'll sponsor it.

P.O. LINDSAY:

I'm only kidding. *1545 - Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with a Long Island Native Grass Initiative-Land Stewardship Project.*

LEG. SCHNEIDERMAN:

Motion.

LEG. ALDEN:

Let's give him a chance. Withdraw?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I basically want to, I guess, incorporate by reference my remarks to the prior bill. Just to reiterate again, I question the timing, I question the expenditure.

In Committee, we were told that this is a -- this is a small project, it's not an overly expensive project. But, nonetheless, we heard testimony about, you know, taking grass seed and flying it to another state to have it processed and then bringing it back. I just really, again, question the priority of why we're going through these expenditures at a time like this. I don't see this as a high priority, at least for me. It's the same comment I had to the prior bill.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

The reason why I am supporting it is I did call Carrie Meek Gallagher. She said it's, you know, the 477 money, it's pay-as-you-go. These are -- you know, this is for projects that are necessary. They were doing a pilot program at Wertheim, and, you know, this is for wetlands, you know, management that they've been doing. You know, she's convinced me that it needs to be done.

LEG. VILORIA-FISHER:

Mr. Chair.

P.O. LINDSAY:

Yeah. I have Legislator Alden and then Viloria-Fisher. Do you want to fly the grass seed Down South?

LEG. ALDEN:

Well, actually, I was going to mention, I didn't even know it was being flown down there. I thought it was like to South America, but Down South is better than South America.

But just in answer to what Legislator Browning, this program used to be a pay-as-you-go. It is no longer a pay-as-you-go.

LEG. BROWNING:

He says pay-as-you-go.

LEG. ALDEN:

No, this is not a pay-as-you-go. This whole program was changed to the Quarter Cent. So this is

paid for by a stream of money that will come in off of sales tax. Was there some money left over in the 477 Account? Yes. But to replenish that, you have to pay, because that's going to be done by capital projects from now on. So it's not a pay-as-you-go project ever again.

P.O. LINDSAY:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Yes. Dan Losquadro and I both sit as members of the Soil and Water District, and this is a very innovative project in this grass seed, using native grasses. It really is a long view on the protection of our native grasses and native flora here. It's an important project and I wouldn't want to lose it. A lot of work has already been done on it by members, staff of the Soil and Water District, and it's very worthwhile use of 477 money.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Legislator Viloría-Fisher said essentially what I was going to say, and I was just -- just want to reiterate the importance of this. We hear so often about the non-native species, and we talk about revegetation. To have a seed bank such as this, as we're establishing, is very important to us for the habitat of Long Island.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I would concur with Legislator Viloría-Fisher and Legislator Losquadro. However, I want to point out that Lou D'Amaro, Legislator Lou D'Amaro has made an interesting point. All of these resolutions, as the Presiding Officer points out, are taking 477 money and switching them to Capital money. So, if that is the objection, then it must be objected to all.

Again, the amount was 35,000 for the Bay -- Sound to Trail -- Sound to Bay Trails. This is 22,000, not a lot less. The one after that's 111,000, the one after that is 181,000, so we're talking about some serious money. I would simply say, yes, it may not be pay-as-you-go, because it's Quarter Percent, but it's dedicated money. I believe it can only be used for this purpose. It can't be used for other purposes. But, again, I will refer back to Legislator D'Amaro's point of the fiscal thing and I'll wait to see if people are voting no as they vote on the remaining, because that's a standard that some Legislators will use.

As far as the fiscal crisis is concerned, I know that that varies each and every day. I know we're going to end this year in a surplus. I don't know where or what units of government we simply stop doing because we may have a fiscal crisis. And I think Legislator D'Amaro has opened an excellent point for us to discuss. What part of government do we want to stop doing simply because this potential fiscal crisis? I don't know. It's my third year here. Every year, if it's Spring, there's usually a fiscal crisis. I think it's more real this year. But, in the past, County Executive has always come in around March and has these cost-cutting measures each and every year. Each and every year we wind up with a large surplus. I'm not going to say that is true this year, because I think the economic climate nationwide has changed. But the bottom line is when and what functions of government do we start saying no to? And do we do it by function? Do we do it across the board? That's a debate we all should have. Thank you.

P.O. LINDSAY:

Legislator -- before I call Schneiderman, do you want to withdraw this one, too?

MR. ZWIRN:

Yes. Let me just make a point.

LEG. NOWICK:

Yes.

MR. ZWIRN:

When the 35,000 -- we're going to withdraw it. But the \$35,000 for the first one --

LEG. VILORIA-FISHER:

No, don't withdraw it.

MR. ZWIRN:

Yeah, we need -- when Legislator Romaine talks about -- I mean, I know he likes to spend money, but the fact is, is that the \$35,000 he complains that that's going to be -- we don't want to spend money on salaries. Well, the \$35,000 that was in the previous bill is for salaries. It's not for County employees, but it's going to be given to some other group and it's going to pay their salaries. So it's going towards salaries. Somebody's going to cut the trails. And, in this particular case, the County Executive, if they ask you, that he's going to withdraw this bill, I.R. 1545, I.R. 1557 and I.R. 1558.

LEG. SCHNEIDERMAN:

I would prefer --

LEG. VILORIA-FISHER:

Tim, I want to reintroduce this one as the sponsor.

LEG. SCHNEIDERMAN:

I would like to vote on these bills, if it's possible.

D.P.O. VILORIA-FISHER:

Yeah, I'd like to vote on the bills.

LEG. SCHNEIDERMAN:

People spent a lot of effort on this.

P.O. LINDSAY:

You're going to have to reintroduce --

D.P.O. VILORIA-FISHER:

Tim, I'd like to reintroduce this one.

LEG. SCHNEIDERMAN:

I'll be happy to put my name as the sponsor on all four of these bills. I know I was the next on the list, that if I could have a moment of the Legislature's time.

P.O. LINDSAY:

Go ahead.

LEG. SCHNEIDERMAN:

These bills went through committee and the Environment Committee. Although Legislator D'Amaro didn't support them, they went through with the -- all the other members supported. We had the presentations. In this case, the applicants, I thought, did an extraordinary job in defending the need for this money, the seed bank. It's not -- they're not flying the seeds south. The seeds -- I believe the bank is being set up in New York City. It's going to make our own maritime grasses and native grasses available for restoration projects here on Long Island. It's -- to me, it's crazy to not move forward with this.

D.P.O. VILORIA-FISHER:

Right.

LEG. SCHNEIDERMAN:

It's been through the Soil Board, it's been through the Water Quality Board. Why do we have all these people sitting there, reviewing these projects, and making recommendations, to get here and to kill these projects? So this is dedicated funds --

P.O. LINDSAY:

Reintroduce the bills.

LEG. MONTANO:

Point of order.

LEG. SCHNEIDERMAN:

I will. I'm just going to ask Mr. Zwirn if the County Executive would reconsider withdrawing these bills so we could vote them?

MR. ZWIRN:

No.

LEG. MONTANO:

All right. Let's move on.

P.O. LINDSAY:

He withdrew the bill.

LEG. SCHNEIDERMAN:

Because I believe the votes are there to pass these bills.

P.O. LINDSAY:

Okay.

LEG. VILORIA-FISHER:

I asked the Clerk to -- I mentioned to the Clerk that I want to reintroduce this bill on the seed.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

As the sponsor.

P.O. LINDSAY:

J.R. 1581 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007, Tremont Avenue property - Town of Brookhaven.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion. Motion by Legislator Eddington.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor?

D.P.O. VILORIA-FISHER:

Where are you?

P.O. LINDSAY:

Opposed? Abstention? Page 9.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Top of Page 9.

MR. LAUBE:

Oh, 17, 17.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

1497 - Amending membership of the Suffolk County Welfare to Work Commission.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1540 - Amending the adopted 2008 Capital Budget and Program and appropriating funds for the provision of an Electronic Medical Records System at the Jail Medical Unit in both Riverhead and Yaphank Correctional Facilities.

LEG. ROMAINE:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

In the negative.

MR. LAUBE:

Seventeen.

LEG. BARRAGA:

In the negative.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution, 1540A, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

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. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1561 - Directing the Suffolk County Department of Social Services to ensure satisfactory housing accommodations for all public assistance recipients.

LEG. BROWNING:

Motion to approve.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Seconded by Legislator Beedenbender.

LEG. ROMAINE:

Explanation by Counsel.

P.O. LINDSAY:

Okay. Legislator Romaine wants an explanation.

MR. NOLAN:

This resolution states that the Department of Social Services, if they receive from a Town Supervisor or a Village Mayor a list of accommodations, ten accommodations in their jurisdiction, that they believe are in violation of applicable building codes, zoning codes, and they also believe that they are DSS houses, that they could forward that to the Department of Social Services, and DSS will then contact the owners of the facility, if they are, in fact, DSS houses, stating that the violations must be remedied within 20 days, and, if they're not remedied, they are going to assist the client to move to a different location. However, the client can decline that assistance to be moved to a different location.

LEG. ROMAINE:

Let me -- you went through this quickly. There seem to be a lot of aspects of it. I'd like to ask some questions.

Okay. First of all, true or false, Social Service housing is not known to people? We cannot tell, nor does Social Service maintain a list that they can hand out to people, "This is Social Service housing"; is that correct?

MR. NOLAN:

That's correct, and that's the position of the Department --

LEG. ROMAINE:

So we're asking --

MR. NOLAN:

-- taken with other legislation.

LEG. ROMAINE:

We're asking Town Supervisors and Town Mayors, we have 31 Mayors and 10 Supervisors, to guess that, one, the house could be a Social Service house, and two, that it might have code violations; is that correct?

MR. NOLAN:

Well, this is a point that came up in Committee.

LEG. ROMAINE:

Yes.

MR. NOLAN:

I believe it was Legislator Kennedy who posed the question, how will the local jurisdictions know that? The Commissioner testified that they might receive that information from extraneous sources, third party sources.

LEG. ROMAINE:

Let's pretend -- pretend I'm Supervisor of Brookhaven and I have a list of 600 homes.

LEG. BEEDENBENDER:

Pretend.

LEG. BROWNING:

Let's not pretend.

LEG. ROMAINE:

Six hundred homes that might be Social Service housing where there is potential code violations. How many am I allowed to give to Social Services.

MR. NOLAN:

According to the resolution, ten at one time.

LEG. ROMAINE:

Ten?

MR. NOLAN:

Just ten at one time.

LEG. ROMAINE:

And what's considered one time? I mean, when's the next time after the first time? How long do I have to wait?

MR. NOLAN:

The resolution doesn't state.

LEG. ROMAINE:

It doesn't state. That's left to the imagination. Let's go beyond that. Social Services then checks out to see, in fact, that they are Social Service homes; is that correct?

MR. NOLAN:

They'll have to make that determination, yes.

LEG. ROMAINE:

They'll have to make that determination. Do they let the jurisdiction, the Mayor or the Supervisor, know that ten homes -- "You're only allowed to give us ten at a time, but of the ten you gave us, three are actually Social Service and they are this one, this one, or this one"; do they let the Towns or the Villages know?

MR. NOLAN:

That's not spoken to in the resolution.

LEG. ROMAINE:

What would you suspect? You submit it and you'll never hear from it again. It's like you'll never get a response from Social Services.

Now, supposing that they are Social Service homes. Social Services is obligated to do what again, to check to see, in fact, if there are code violations in that Social Service home?

P.O. LINDSAY:

Legislator Romaine, if I might.

LEG. ROMAINE:

I'm trying to understand.

P.O. LINDSAY:

I know that, but I think, rather than grilling our Counsel --

LEG. ROMAINE:

No, no. I'm walking it through the --

P.O. LINDSAY:

Yeah, but Legislator Browning, who is -- whose I think she might have some of the answers to some of the questions, if you're --

LEG. BROWNING:

I have the answers, because I know that this is something that we've been working on for quite sometime, and working with, in my case, Supervisor Foley. I can tell you we can give them ten a day, and I have been giving him a number every week of homes. They do submit them. No, we cannot tell -- the Town cannot be told that they're DSS homes. However --

LEG. ROMAINE:

Okay.

LEG. BROWNING:

-- if they get a list of ten home and DSS gets that list, they determine which homes are DSS, if any.

LEG. ROMAINE:

And they let the Supervisor know that --

LEG. BROWNING:

If any.

LEG. ROMAINE:

-- three of the --

LEG. BROWNING:

They do have DSS -- they do have DSS Inspectors who, in turn, can go and will go --

D.P.O. VILORIA-FISHER:

Okay. One at a time.

LEG. BROWNING:

-- with Town of Brookhaven Inspectors to inspect the homes.

LEG. ROMAINE:

All right. Now, let me --

LEG. BROWNING:

And that's what's being currently done. We're just solidifying it with legislation.

LEG. ROMAINE:

Let me walk through this again. If a Town spots code violations, whether they're Social Service homes or not, do they have the right to go into those homes?

LEG. BROWNING:

They never have a right to go into your home, just like nobody can walk into yours if you choose not to let them in.

LEG. ROMAINE:

Okay. So, what is Social Services going to do if Supervisor Foley, let's say, sends in -- okay, on this day I'm allowed to send in ten, here's ten. Social Services gets that list, they check it out. Some of these homes are Social Service homes. What does Social Service do next, do they send someone out to inspect that home?

LEG. BROWNING:

Yes, they can.

LEG. ROMAINE:

Okay. They can or they must?

LEG. BROWNING:

They can.

LEG. ROMAINE:

I don't understand.

LEG. BROWNING:

They can and they will, and they have been.

LEG. ROMAINE:

The legislation provides that they will send an inspector out?

LEG. BROWNING:

That's the intent.

LEG. ROMAINE:

Okay. An inspector goes out, he says, "Yeah, you're right. I'm not a Town Building Inspector, I'm from Social Services, but there's code violation here." What happens next under your bill?

LEG. BROWNING:

If there's a code violation under DSS -- with DSS under New York State Law, they're only allowed to withhold funding from that home if it's a 143-B, which is health and safety standards. That's the only time that money can be withheld.

LEG. ROMAINE:

And they will withhold money from the landlord? What do they do --

LEG. BROWNING:

If they find health and safety, they will withhold.

LEG. ROMAINE:

What do they do in terms of the tenant that is in there, that's living in substandard conditions, and unsafe, unhealthy conditions?

LEG. BROWNING:

They can offer assistance to the tenant, that they will help them to find better housing. However, just like you, nobody can force you to move from your home. They can choose to stay there if they wish.

LEG. ROMAINE:

So they can -- and what form does that assistance take, and is that money provided for currently in the budget? You're saying they can offer the tenant -- let's say the tenant says, "Yeah, I want to move, this is a rat trap, I want to get out of here." How much money do they offer them for relocation, and is that money in the budget?

LEG. VILORIA-FISHER:

Legislator Browning, I think Mr. Zwirn might have a response to that.

LEG. BROWNING:

Okay. Sorry, Ben, I didn't see you.

MR. ZWIRN:

No. The money is in the budget. The problem, and the reason that this bill -- we've ask asked for this bill, and we're glad to have Legislator Browning as a cosponsor, is that if you want to turn -- if you want to do 600 homes at one time and throw people into the streets, and put them back into motels having utter chaos, and moving children without a home, without a roof over their head, you can go Legislator Romaine's way, even though it was in violate of the State Law, because there are certain privacy laws, whether Legislator Romaine likes it or not, which preclude us from telling who lives where. But, if we get a list, we are trying to address the problem in a very proper and humane way, and Social Services has determined that if you give them lists in groups of ten, that they can move people and find alternative housing, as opposed to having to take huge groups of people and moving them and having to put them back into motels, which we have worked so hard and been so successful at being done with, so that people will have a home environment, as opposed to living in a motel. So, this is a humane bill. It is a bill that DSS can work with. It is a legal bill. Unlike some of the other bills that have -- you know, makes people feel, this one can work, and that we'd hoped that the Legislature would support it.

LEG. BROWNING:

And I -- can I answer?

LEG. VILORIA-FISHER:

Okay. We're building up a long list here, and Legislator Romaine still has the floor.

LEG. ROMAINE:

Yeah. I just want to wind up by saying, first of all, I hate when people characterize my opinion. I'll be happy to offer it to you, I'm never shy about that. But, suffice it to say, I'm going to make a prediction. I believe, first of all, this bill will probably pass. And secondly, I doubt if this bill will ever affect one unit of Social Service housing. This bill is not an effective bill. What I think Social Service should be doing, and the same thing I advocated 20 some-odd it years ago, is that Social Services should have an affirmative obligation to inspect the homes before they put tenants in them. They know these homes. They shouldn't be relying on the Towns, they shouldn't be burdening the Towns. We know Social Services. Social Services afflicts about 12 to 15 communities in this County: Wyandanch, North Amityville, North Bay Shore, Central Islip, Brentwood, East Patchogue, Gordon Heights, North Bellport, Riverhead, Riverside, just a few communities, Huntington Station. That's where they're concentrated.

When we pay taxpayers' dollars to slum landlords who don't have COs -- we don't even ask, "Do you have a CO?" Don't have rental permits. We don't ask whether they have rental permits. And, when we don't do preliminary inspections of these units before we move tenants in, we are culpable. I had a bill, it was defeated earlier by this Legislature, and I have another bill that's been tabled to death by this Legislature that would address those issues. You can either continue to throw County taxpayers' dollars at slum landlords and force those on Social Services to live in slum conditions, and force those people who aren't Social Services, who have houses on the streets where Social Services have these units, to have their home values devalued and neighborhoods affected, or you can pass a bill that, in my view, will not solve the underlying problem.

It's time for the County to step up to the plate. If they're concerned about substandard housing, it ain't Section 8, because they're all required to do housing quality inspections, it's Social Service housing. We either can address the problem or we can ignore the problem and pass something and say we did something and call it a day. But I'd like to know, if we pass this, and I believe the votes are there, unfortunately, to pass this measure, that if you see a dozen homes affected in this County in the next year, I'd be amazed, and that's a high figure. You're not going to be addressing the problems that we have with code violations, the lack of COs, the lack of rental permits, you're just not going to be doing this. And I know this effort is because I raised the additional effort. And if you think I'm going to stop with my resolutions, I'm going to ask each Town Board to come on board. I know Riverhead is prepared, I believe we can get Brookhaven on board, and the Towns are going to be saying, "You know the bill you got, it don't work." We want a bill that has some teeth. We want Social Services pre-inspecting the units before they put tenants in substandard conditions in rich slum landlords and destroy neighborhoods. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, I respectfully, strongly disagree with my colleague. And I think, Colleague, Legislator Romaine, I think this bill, I mean, if you read it, the first Resolved Clause says that, "Upon notice from a Suffolk County Town Supervisor or Village Mayor containing any list at any one time of up to ten housing accommodations that are in violation of applicable building codes." So I think the difference in approach is Towns in this County are responsible for building codes and violations, and if they find a house, or a list of ten houses they believe is in violation, they will send it to Social Services, who will cross-check. And if we have recipients there, we can offer them the opportunity to assist them to find another place that would not be in violation of the building codes. If you adopt Legislator Romaine's strategy, then Suffolk County would be taking over that responsibility for the Towns. And I think this is a legal way to work with the Towns to ensure that people, our most vulnerable people that are on Social Services that need our help, and for whatever reason, can find places to live and don't end up in motels where they're cooking on hotplates and six people live in one room, and there's no common areas and there's nothing for them to do. This is a humane way to approach a vulnerable population of our County, help revitalize some neighborhoods, and get Social Service recipients out of -- out of houses that are not up to standard. The Towns identify the buildings, we cross-check, and we do our best to move people out. That is a humane approach, and

I can't understand how it's viewed as anything else. It's not a capitulation, it's not giving up, and it's legal.

And I believe my name is listed as a cosponsor, at least I hope it is.

LEG. ROMAINE:

It is.

LEG. BEEDENBENDER:

All right. And I would strongly request that my colleagues support this bill. This is a way to step forward and say that we are addressing the problem in a humane manner that both reflects our need to help the people in our neighborhoods, and our need to help the people on public assistance. Thank you very much.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Section 8 actually requires a pre-inspection before they put people into housing. But my question would be, and, Ben, I guess you're up at the microphone, so I'll direct it to you, when we take somebody and we need to get housing for them, do we actually ask if the unit that they're going to go into, if there's an inspection on it, or if there's a rental permit, or if it's a legal rental property?

MR. ZWIRN:

Honestly, I don't know.

LEG. ALDEN:

So --

P.O. LINDSAY:

Could I just clarify something? People --

MR. ZWIRN:

They find their own place.

MR. ZWIRN:

Yeah. Some of them are placed by Social Services, some find their own units and bring the monthly bill, and if they qualify, they can get a subsidy from Social Services. It isn't -- because I got into this same thing in my district, and some -- and, you know, it was an illegal apartment house. And some of the people were being paid by Social Services, but Social Services didn't place them there.

LEG. ALDEN:

But that actually gets to my point, because I think it was about 12 or 14 months after I was elected the first time, some people died in my Legislative District and they were on Social Services. They were renting the upstairs and they were renting the basement in the house. And I was kind of surprised at that time that Social Services didn't require either a rental permit or some type of an inspection to make sure that they were in a safe environment prior to giving them money to rent that, because we are facilitating them to go into some kind of living quarters. And I know none of us want to see somebody in an unsafe living area or living situation.

So I'm a little bit surprised that this addresses like after the fact, and then I think it still leaves us open for maybe some kind of horrific event where somebody goes, gets money from the County to pay for their rental on Social Services and ends up in either a basement apartment, where there's no exit in case of a fire, or in an attic, or even some other situation that is dangerous. So, I guess, Lynne just came up there.

MS. BIZZARRO:

I just figured if I can address, Presiding Officer --

P.O. LINDSAY:

Go ahead, Lynne.

MS. BIZZARRO:

-- Legislator Alden's concerns, is that we can't deny rent just because somebody doesn't, say, for example, have a CO. We can deny rent for only certain reasons, dangerous, hazardous or detrimental to health, then we can withhold rent. So just going there and maybe seeing that they don't have, you know, everything, like, for example, like a CO for a deck, or, you know, you're talking about certain living conditions, that does not all qualify for us -- for DSS to be able to withhold rent under the State Law.

LEG. ALDEN:

Right. But my point would be that there are people in Suffolk County that, still, they live in attics and they live in basements. There are people that are living in units that don't have the fire alarm system. And that, under your scenario, that would qualify for us withholding that rent from a landlord that is putting people in that type of situation. So, if anything, if we wanted to do this properly, we would go with the requirement that make them have a CO, make them have a rental permit, because then we know that the Town, before they issue that rental permit, they go out and inspect and they make sure that there's fire alarms, that it's not a basement apartment or an attic apartment, or some other situation where you can't get out in the even of an emergency. So that would be my point.

MR. ZWIRN:

And it's a good point, but you have to understand, the DSS Inspectors are not Building Inspectors for each Town. They're not certified as being, in all ten Towns, as being building inspectors in each one of those towns.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Oh, okay. Again, on a daily basis I deal with this. When you're talking about inspections, just like anybody in this room, you want to go find a rental, you're not required to have your home inspected for any kind of COs or safety. I do know, I have spoken with DSS, DSS says the only time that they are required to inspect is if there's a need for a security deposit, and they do inspect for security deposits. I deal with this on a regular basis. I think the reason why this bill is so good is because I know for a fact, in the Town of Brookhaven, we have a Supervisor who is ready, willing and able to work with the County to improve the substandard homes in our communities.

This is -- you know, we are abiding by State law, that's one of our problems, and the State laws have made -- are made on us that we have to comply with what they say, as far as the monies are concerned. It's them that's sending the money, we're just administering.

You said about 20 years ago you were a Legislator in my district. Those problems existed 20 years ago, we still have the problems. I've been working on this for the past three years. It's going to take a very long time to fix it. I want to know what you did 20 years ago.

LEG. VILORIA-FISHER:

Okay. Lets not have the back and forth.

LEG. ROMAINE:

I have to answer that.

LEG. VILORIA-FISHER:

No, you don't, because we have a list. Okay. We'll --

LEG. ROMAINE:

Put me on the list.

LEG. VILORIA-FISHER:

I'll put you on the list.

LEG. ROMAINE:

I'll respond to that.

LEG. VILORIA-FISHER:

Thank you. Legislator D'Amaro. Let's try not to have the dialogue back and forth.

LEG. D'AMARO:

Thank you, Madam Chair. I just want to point out, having worked for sometime in Town government, that I view this legislation as supportive of Town government and giving the Towns an additional tool. I think Legislator Beedenbender is right on. The prime -- the front lines in inspection come from our Town government. After all, it's the zoning codes, the building codes that they're going out on a daily basis enforcing. When someone has a problem with the house that may be down the block or up the street, they go to their local Town Hall, they complain about the living conditions. What this does is it hits the landlords where it hurts. I mean, when you have a Town violation, Mr. Zwirn would know this as a former Supervisor, the landlord goes into court, you can spend the next 18 months or two years in court fighting it with delays and -- but what this does is it cuts through all of that and says, "Well, by the way, while you're fighting us in court, we're also going to contact the County and the County is going to make every effort to relocate the person that's renting this unit," and that's really, you know, cutting to the chase, and hitting them, and speaking a language that I think landlords will understand.

So I'm going to support the bill. I think it makes a lot of sense. And the part I really like about this particular legislation is it doesn't create a County level of Building Inspectors, and that was my objection to some prior efforts that we saw here in this Legislature. You know, we have a layer of government, the Town layer, that's already doing these inspections, and now the County is coming on board in their own capacity and in the right way and saying we're going to work with the Towns, as opposed to taking over a function that we have no authority over anyway.

Final point I want to make is what Legislator Browning said. You know, we don't enforce Town codes, we enforce State law when it comes to housing for DSS recipients, so there's a different standard there. So this legislation fills that gap. It helps the Towns in enforcing their Town codes, and hits the landlords exactly -- speaking the language that they're going to understand and that's right in their pocketbook. So I'm going to support the bill. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. I had questions regarding this in Committee. I still remain unconvinced that this is the right way to go, having had to deal with something of a multifamily unlicensed, illegal home most recently. But, Ben, I have a question for you. Yeah, I know. What I can I tell you.

MR. ZWIRN:

You have a question?

LEG. KENNEDY:

Yes, I do, through the Chair.

MR. ZWIRN:

Pray tell.

LEG. KENNEDY:

The County Executive is the sponsor of this resolution.

MR. ZWIRN:

Correct.

LEG. KENNEDY:

So, obviously, there has to have been dialogue with the various Town Supervisors. Do we have a list or do we have letters of support? How many Town Supervisors have actually come forward by way of correspondence to say to the County Executive, "We're on board with this methodology, we embrace it, we'll go forward with it, we'll utilize it"?

MR. ZWIRN:

I'll have to check, but I know he has spoken with the Town Supervisors about this. You have to understand, we need the Towns' cooperation, we need the help from the Town.

LEG. KENNEDY:

Absolutely.

MR. ZWIRN:

And we're using the Town Supervisor. I mean, if a Town Board member wants to tell the Town Supervisor, "I have a building in my district," where they have councilmatic districts, bring it forward. We're trying to solve a problem. We're trying to solve a problem within the framework of State law, and either you can either try to move with us to try to solve it in a humane way, in a way where we can actually make it work, or you can choose, you know, the Legislator Romaine way, which, you know, makes great headlines, but it's unenforceable. Maybe everybody in the community loves you, but nothing's gotten done.

Legislator Browning just said, you know, for 20 years, you know, what happened in that period of time? You still have those problems. We're trying to address them. We've done this administratively. It has worked. We are trying to do it in a way that is manageable, so we don't uproot people in the middle of the night, saying, "You have to leave here. We cannot force them to leave under State Law. That's their right to -- they find a place that they're comfortable in.

LEG. KENNEDY:

Look, I applaud the County Executive for trying to move forward with this in a collaborative fashion. I speak from personal experience. Each one of my colleagues has had probably some encounter with less than standard housing, and constituents who are put in some kind of jeopardy. There are scurrilous landlords all over the place out there. As a matter of fact, as Legislator D'Amato has said, they will -- they have attorneys who make a living out of tying these things up. And, more often than not, when there's an underlying dispute, the tenant gets booted in the middle of the night, no notice, no 30 days, no nothing, "Pack your bags, get out now." And then what happens is they go to you in order to go ahead and have emergency housing and try to get away from the motel situation. However, however, I'm asking in this case because I'm concerned that this finite list may put some burden on the Towns where there becomes an awareness.

I'm also curious to see, in my case, I'm very uncertain what Smithtown's level of participation would or would not be here. And, yes, there is Social Services housing in Smithtown. I applaud the fact that Legislator Foley -- Supervisor Foley has taken the road on it. I don't know what level of participation Supervisor Nolan has. But you folks, as the proponent, have polled all ten. So I'm just curious what kind of response you've gotten.

MR. ZWIRN:

How could there be a negative response? I mean, if a Town Supervisor said, "I have a problem in my Town, I'm giving the County a list of the ten worst homes I want you to address immediately," what Town Supervisor would say, "I don't want that responsibility." Don't you want to help your constituents?

LEG. KENNEDY:

You know what, you would be surprised.

MR. ZWIRN:

Don't you want -- I was a Town Supervisor.

LEG. KENNEDY:

Yes, you were.

MR. ZWIRN:

This was -- and, look, we had areas in my Town where we had the same problems where the County put people, because the rents were cheaper and the homes were available. But if I had an opportunity to talk to the Head of Social Services, "Look, I have ten homes in my town, if you could address the, that would be a terrific help," you think I would have run away from those responsibilities? I would have said, "Thank you."

LEG. KENNEDY:

Of course you would.

MR. ZWIRN:

What Town Supervisor wouldn't?

LEG. KENNEDY:

But you're one of thirteen, or were one of thirteen.

MR. ZWIRN:

I was one of five. But what Town Supervisor wouldn't welcome that kind of participation to help the quality of life in his community?

LEG. KENNEDY:

I don't want to beat a dead horse, I'm just asking.

P.O. LINDSAY:

Okay. But don't beat it, let's move on.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

My passion about this bill is that I don't believe it's going to solve the problem. That's not to say it's not like chicken soup, it can't do much harm, but it isn't going to solve the problem.

Mr. Zwirn indicated, "Oh, they find their own housing." If anyone believes that, they're fooling themselves. Most of these people couldn't find housing on their own. One or two things happen at Social Services, either someone takes them under their wing and suggests that they go here or they go there to seek help in finding housing, or they do it for other purposes, the staff at Social Services, and that's how people find housing. And if you doubt that, go and ask people in Social Services,

say, "How did you get this house, did you look in the "help" -- "the ads for, you know, places for rent, or did someone direct you at Social Services, trying to be helpful, to this" -- we're going to have this problem until we do what Section 8 does. Section 8 does not lease up units until they send someone out to check to make sure that that unit meets code, meets State Building Code. And if there's minor problems, they tell the landlord, "Well, fix the minor problems and we'll lease it up." But, if there's major problems, they don't even think twice, they don't lease it up. Section 8 does that.

If we have a pre-inspection, we're going to solve a lot of these problems. If you want to grandfather everyone in and just start with the new units, you're not going to throw anyone out on the street. You're going to start sending a very clear message. I'm not talking against Legislator Browning or the County Executive's bill. He tried to do something, because, obviously, I put a bill in and it was regarding this issue.

MR. ZWIRN:

Oh, that's absurd.

LEG. ROMAINE:

Oh, of course it is.

MR. ZWIRN:

Please. Why don't you give us a list, Legislator Romaine, of houses in your district that would be acceptable to you --

P.O. LINDSAY:

All right. Come on, let's go.

MR. ZWIRN:

-- and then we could work with DSS that way.

P.O. LINDSAY:

Come on, stop, stop. Come on, let's stop --

MR. ZWIRN:

Okay.

P.O. LINDSAY:

-- the cross-talk. I'm getting tired. We've debated this to death. Finish up, Legislator Romaine, and let's vote up or down.

LEG. ROMAINE:

Bottom line on this issue is this will not resolve the problem. And until we begin to address the issue of how we spend our taxpayers' monies and what houses we spend money on, we will not clear up this problem. I want to be as clear as I possibly can. It's so affected my community, someone said, "Well, what did you do when you were on the Legislature 23 years ago?" I put in a resolution to do a moratorium on Social Service placement in Mastic, Shirley, Mastic Beach, Gordan Heights and North Bellport, because those communities were so afflicted by placement for people outside that were directed there by Social Services; that's what we attempted to do. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Mr. Clerk, did we have a motion? It's been so long.

MR. LAUBE:

Yes, you do motion and a second.

P.O. LINDSAY:

Okay. To approve, right? Okay.

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. I'm going to call the roll. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. MONTANO:

Change mine to an abstain.

MR. LAUBE:

Legislator Alden.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Thirteen. (Not Present: Leg. Cooper)

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

Okay. ***1.R. 1449 - Authorizing the sale of County-owned real property, pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.***

LEG. EDDINGTON:

Motion to approve.

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion to approve buy Legislator Eddington, seconded by Legislator Viloria-Fisher. Any questions on it? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1492, I am going to pass over it, because there's a CN in the packet about this.

1507 - Transferring and appropriating living wage contingency funds to the Federation of Organizations for the New York State Mentally Disabled, Inc. Respite Fee Subsidy. I'll make a motion.

LEG. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:
Seventeen.

PARKS AND RECREATION

P.O. LINDSAY:
1490 - Authorizing use of Long Island Maritime Museum by the Cystic Fibrosis Foundation for their "Annual Run/Walk and Barbecue" fundraiser. I'll make a motion.

LEG. VILORIA-FISHER:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1491 - Authorizing the use of Southaven County Park by Contractors for Kids for their picnic and barbecue fund-raiser.

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Beedenbender?

LEG. BEEDENBENDER:
Yep.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1502 - Authorizing use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon Fundraiser. Who made the motion?

LEG. VILORIA-FISHER:
Losquadro.

LEG. SCHNEIDERMAN:
Schneiderman.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1533 - Authorizing participation in the Audubon Cooperative Sanctuary Program for golf courses.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. Legislator Alden doesn't have any questions about this?

LEG. ALDEN:

No questions. Thank you. I appreciate the opportunity.

P.O. LINDSAY:

Okay. I just just -- you can't hit at the birds in the fairway. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1535 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase and installation of playground equipment at Smith Point County Park.

LEG. EDDINGTON:

Motion to approve.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Same motion, same second on the pending bond resolution, 1535A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen -- 15, excuse me.

P.O. LINDSAY:

All right. *I.R. 1555 - Amending the 2008 Capital Budget and Program to reflect the establishment of New Capital Project Number 7128 "Improvements to Hubbard County Park" and accepting and appropriating funds for a 100% State Funded Community Enhancement Facilities Assistance Program grant.* I'll make the motion.

LEG. LOSQUADRO:

Second.

LEG. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Who was the second? Legislator Losquadro. And his question is how much is this? Do you have that there, Budget Review?

LEG. VILORIA-FISHER:

I can't bring up the resolution on the computer.

MS. VIZZINI:

We've lost our connectivity.

P.O. LINDSAY:

Yeah, so did they over here.

LEG. VILORIA-FISHER:

Anybody have a hard copy?

MS. KELLY:

George has copies.

LEG. ALDEN:

It was a \$550,000 grant.

P.O. LINDSAY:

All right. They're telling me \$550,000.

LEG. LOSQUADRO:

This 1555; correct?

P.O. LINDSAY:

1555.

LEG. LOSQUADRO:

Five-hundred-and-fifty-thousand-dollars.

P.O. LINDSAY:

That's what Cameron just said. There's a motion to approve.

LEG. VILORIA-FISHER:

No, no, no. I'm asking what we're doing with the money? Is it the buildings in the Hubbard property? Is it -- Dan, do you know what it's for, specifically?

LEG. LOSQUADRO:

That I do not.

LEG. MONTANO:

What do you need, the hard copy?

LEG. ALDEN:

I think I know what it's for.

LEG. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Maintenance facilities.

P.O. LINDSAY:

We have the answer here.

MR. KOVESDY:

Yeah. It's for mapping the property, reconstructing some buildings that are falling down, and fixing some roads.

P.O. LINDSAY:

Okay. Thank you.

LEG. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1556 - Amending the 2008 Capital Budget and Program to reflect the establishment of New Capital Project Number 5380 "Beach Erosion and Coastline Protection" and accepting and appropriating 75% Federal Aid funds from the United States Department of Homeland Security/Federal Emergency Management Agency's Public Assistance Program and the 25% matching funds from New York State Emergency Management Office.

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the motion.

LEG. LOSQUADRO:

Is there a bond associated?

P.O. LINDSAY:

There is a bond, but I think it's all refundable, right?

LEG. VILORIA-FISHER:

Yeah. We get it back.

P.O. LINDSAY:

We get it back.

D.P.O. VILORIA-FISHER:

We have to bond it and then they --

P.O. LINDSAY:

We have to bond it and then we get it back, because it's 75% Federal, 25% State.

LEG. LOSQUADRO:

But do we have a bonding resolution that goes along with it, though?

P.O. LINDSAY:

I have one on my agenda.

LEG. LOSQUADRO:

Oh, you do.

P.O. LINDSAY:

Yeah.

LEG. LOSQUADRO:

Okay.

D.P.O. VILORIA-FISHER:

Yeah, 1556A.

P.O. LINDSAY:

Am I correct about that?

D.P.O. VILORIA-FISHER:

Yeah, there's a bond.

P.O. LINDSAY:

Okay. Okay. We have a motion on 1550 -- do we -- am I correct about that, Mr. Lipp?

MR. LIPP:

That's correct.

LEG. D'AMARO:

Bill. Bill.

P.O. LINDSAY:

That's correct. Any other questions?

LEG. D'AMARO:

Yeah, on the motion.

P.O. LINDSAY:

Who.

LEG. D'AMARO:

Right here, D'Amaro.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Just very quickly. Lance, so just explain to me the logistics of how this works. We would float a bond and pay for the project and then get reimbursed; is that how this works?

MR. LIPP:

It's first-instance funding. Typically, what happens is we authorize the bond. If need be, we would do a bond anticipation note in anticipation of getting the money back from State and Federal Governments. However, in most cases, we never float a bond at all. It's just -- we just get the money from the State and Federal Governments.

LEG. D'AMARO:

So, at best, there would be an Anticipation Note and then we'd get reimbursement.

MR. LIPP:

Correct.

LEG. D'AMARO:

Okay. Thank you. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1565 - Directing the Department of Parks, Recreation and Conservation to install cigarette butt receptacles at County parks and beaches.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Just on the motion very quickly. There was at the Committee --

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. The Parks Commissioner noted that this was going to be done within the current budget for the Department.

P.O. LINDSAY:

Okay. Thank you.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Eddington.

LEG. EDDINGTON:

We have to bond this?

P.O. LINDSAY:

No, there's no bond on this.

LEG. EDDINGTON:

Oh, okay. Okay, great. Thanks.

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:

1574 - Appropriating funds in connection with the improvements to the County Golf Courses to plan for the replacement of the obsolete golf cart barn at the Suffolk County Timber Point Golf Course.

LEG. ALDEN:

Sounds like a good idea to me. Motion to approve.

P.O. LINDSAY:

Motion to approve by "Spend-A-Plenty" Legislator Alden. No, only kidding. I'm only kidding. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. COOPER:

Bill.

P.O. LINDSAY:

On the question, Legislator Cooper.

LEG. COOPER:

Just out of courtesy to the sponsor, I wanted to give him a chance to defend this resolution. I'm sure it's not as frivolous as it sounds. There must be some public safety rationale for this.

MR. NOLAN:

Absolutely isn't frivolous, and you voted to approve it, so I'll just go from there. This involves something that was in the Capital Program that you approved last year for this year and it deals with the safety and the -- really, it's an obsolete barn. And are you aware of, or have you been down to Timber Point at all?

LEG. COOPER:

I don't go.

LEG. ALDEN:

Okay. There's a cart barn and it's probably about 20 feet away from the main structure. It's timber. There's no fire suppression system in it. If it catches on fire, the main building is going, which we've been putting millions of dollars into. There's also a cluster there, because, between these two buildings, that's the entrance to the golf course, so you end up with vehicles that are coming around there, pedestrians. It's a little bit of a danger.

LEG. COOPER:

So it really is a public safety issue. So it really is a public safety issue.

LEG. ALDEN:

Absolutely.

LEG. COOPER:

Okay, good. Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Six teen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1579 - Appropriating funds in connection with equipment for revenue collection at park facilities. I'll make the motion.

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Accompanying bond resolution, 1579A, same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

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. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1580 - Authorizing use of Smith Point County Park, property by the Montauk Highway Merchants' Association and the Chamber of Commerce for the Mastics and Shirley, for a Summer Youth Program.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. EDDINGTON:

Second.

MR. ZWIRN:

Mr. Presiding Officer, if I might have an opportunity.

P.O. LINDSAY:

Let me get the second and I'll -- second by Legislator Eddington. Okay, Ben.

MR. ZWIRN:

Thank you. We have no objection to this moving forward at this point, but we have had meetings with the Civic Association, and we have asked -- the Parks Department and the County Executive asked and they have agreed to provide security, come up with a -- the purpose for the event. And there are a number of questions and issues that have to be agreed, and there have been meetings with the Civic Association and will continue to have ongoing discussions. But we just want the Legislature to know, and I think Legislator Browning, who has been part of this, know that we want all these things resolved before we move forward. But we are supportive today in the event that everything can be worked out and we're hopeful that that could be the case.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

Ben, we discharged this from the Parks Committee knowing that they didn't have the permit, and they hadn't made the application for the permit with the description of the program. Have they made and application for the permit and given a description of the program?

MR. ZWIRN:

Not yet. But we have to understand that there are no meetings set for July. We would like to be able to have this in progress, so that --

P.O. LINDSAY:

It makes sense to move forward with this resolution now and let you guys do your due diligence, because by the time we meet in August again, what do you need a summer program for?

LEG. ALDEN:

How are you going to handle it, then, if they don't come forward with a plan?

MR. ZWIRN:

Then it won't happen.

LEG. ALDEN:

And approximately how much --

MR. ZWIRN:

But we're hopeful that everything will be worked out.

LEG. ALDEN:

And what's the fee going to be, or is it going to be waived? That was another question that came up.

MR. ZWIRN:

I don't there's -- I don't believe there's a fee waiver.

LEG. ALDEN:

So they're going to pay the fee.

MR. ZWIRN:

They'll pay a fee.

LEG. ALDEN:

The full fee.

MR. ZWIRN:

Right.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

PUBLIC SAFETY

P.O. LINDSAY:

Public Safety: ***1481 - Adopting a Local Law amending Chapter 270 of the Suffolk County Code to expand the use of forfeitures to the misdemeanor crime of reckless driving.***

LEG. EDDINGTON:

Motion to approve.

LEG. COOPER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1519 - Approving the appointment of Mark J. Epstein as a member of the Suffolk County Human Rights Commission.

LEG. D'AMARO:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

LEG. COOPER:

Tim, cosponsor, please.

LEG. D'AMARO:

Yeah, me too, Tim.

LEG. STERN:

Tim.

P.O. LINDSAY:

1546 - Accepting and appropriating a grant in the amount of \$300,000 from the United States Department of Justice, Office of Justice Programs, for the Suffolk County Police Department SMART, which stands for Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, 07 Program with 86% support.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Legislator Eddington makes a motion to approve. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1551 - Authorize execution of a Memorandum of Agreement with the County of Nassau for use of the Suffolk County Police Department Article Tracking System.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

PUBLIC WORKS AND TRANSPORTATION

P.O. LINDSAY:

1023 we already did. *1348 - Approving extension of license for North Ferry Company for the Greenport Harbor Service between Shelter Island Heights, New York and Greenport, New York.*

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Are we ready to approve that, Budget Review? Yes, we are. Motion by Legislator Schneiderman -- Legislator Romaine, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1496 - Directing a study for a targeted facility Energy Efficient Operations Pilot Program. It's the Operation Shut Program.

MR. NOLAN:

Shut Down.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

It doesn't say "Should Down", it just says "Shut Program". A motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

And we have a second by Legislator Kennedy. Maybe you could -- Legislator Horsley, give us the latest explanation of this bill.

LEG. HORSLEY:

Yes. What this is is just, and simply, asking Public Works to take a look at those buildings

throughout the system that could be shut down an additional day or two for energy efficiencies during the winter months. Many of our buildings now are turned -- the heat is turned down during the weekends. Could they be extended to third day, either a Monday or a Friday, depending on the use of the building. And it's just -- it's an inventory and then we could act on that inventory.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1500 - To amend the Leadership in Energy and Environment Design (LEED) Program.

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed?

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Oh, explanation.

LEG. VILORIA-FISHER:

When we passed previous LEED legislations, they've referred to the LEED criteria as they have been written, but they continue to revise them and have different programs. The latest one is 2.2. And when you are working under the latest LEED criteria, it makes you eligible for different LIPA grants, etcetera

LEG. ALDEN:

This just upgrades --

LEG. VILORIA-FISHER:

It just upgrades it, yeah.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1504 - Authorizing public hearing for approval of rates for Fire Island Ferries, Incorporated. I'll make a motion.

LEG. BARRAGA:

Second.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
15 -- we did 1516, we did 1517. ***1541 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon.***

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator D'Amaro. Do I have a second?

LEG. D'AMARO:
That wasn't me, was it.

LEG. HORSLEY:
Yeah, it was me.

P.O. LINDSAY:
I'll second it, if --

LEG. D'AMARO:
Just on the motion.

P.O. LINDSAY:
Okay. On the motion.

LEG. D'AMARO:
We're on 1541, right. Is there anyone here that knows anything about why we're appropriating more funds for this project? Is there anyone that can answer that question?

P.O. LINDSAY:
Tom Laguardia looks like he has the answer.

LEG. D'AMARO:
Thank you.

MR. LAGUARDIA:
Good afternoon. We made an error in our initial budget for the bridge work, and now that we're in the middle of the bridge work, we're coming back for the additional funds to finish it.

LEG. D'AMARO:
What was the error?

D.P.O. VILORIA-FISHER:

Not enough money.

MR. LAGUARDIA:

The additional sheeting and additional excavation needed to do the job was miscalculated. Now that we're actually doing the project, it's evident to us that we'll need additional funds.

LEG. D'AMARO:

You mean it was like a numeric calculation error, or it was an error in the sense of not knowing the physical reality of what's there until you get there?

MR. LAGUARDIA:

That's more correct, we didn't know the physical reality.

LEG. D'AMARO:

And so what was -- do you know offhand, what was the original budget for this project?

MR. LAGUARDIA:

I believe it's around one-point -- it's 11 million dollars, I believe.

LEG. D'AMARO:

I'm sorry, 11?

MR. LAGUARDIA:

I have it right here. Just a second; \$11,880,000.

LEG. D'AMARO:

Okay. And didn't we once before up the County portion contribution to the project? Didn't the total budget go up for the project once before.

MR. LAGUARDIA:

Yes. There were two resolutions, one in 2005 and 2006.

LEG. D'AMARO:

So twice. So it went from 11 million, and what were the steps that it went up?

MR. LAGUARDIA:

That I can't answer.

LEG. D'AMARO:

Where are we today? What's the total budgeted amount for the project?

MR. LAGUARDIA:

It's the \$11,880,000, plus the 240 that we're asking for now.

LEG. D'AMARO:

Oh, I thought there were two other increases in the budgeted amount.

MR. LAGUARDIA:

No, the total -- my records show the total for the two resolutions, previous resolutions, was 11 million.

LEG. D'AMARO:

Oh, the total of the two.

MR. LAGUARDIA:

Yes.

LEG. D'AMARO:

What was the original cost of the project before any amendments?

MR. LAGUARDIA:

I'm sorry, I don't have those figures.

LEG. D'AMARO:

Yeah, because we upped this once before and --

MR. LAGUARDIA:

The key is we're right in the middle of the construction now.

LEG. D'AMARO:

Right, I know that.

MR. LAGUARDIA:

They're real dollars that are needed, not estimates.

LEG. D'AMARO:

Right. Right, I understand that.

P.O. LINDSAY:

If I might, Legislator D'Amaro. What I don't understand, Tom, in all honesty is this was put out to bid, someone submitted a bid to do the job, and what, did they get halfway into the project and said they can't do it for the number that they bid?

MR. LAGUARDIA:

Almost all highway work is done on unit prices and estimates.

P.O. LINDSAY:

Okay.

MR. LAGUARDIA:

So, for instance, so many tons of steel, they bid a certain dollar amount, and that's the line item that goes into their total when we award the contract. They're paid on an actual amount of tons of steel that they use. So, if they use a little bit less or they use a little bit more, in the end, most of them average out and we come to the bottom line of the bid price.

P.O. LINDSAY:

Well, we didn't know how much steel was going into this bridge?

MR. LAGUARDIA:

It's excavation and sheathing, not steel for the bridge itself.

LEG. D'AMARO:

And how do we know -- Mr. Presiding Officer, if I may, just very quickly. How do we -- what's the name of the successful contractor on that? Who's the contractor on this projects?

MR. LAGUARDIA:

I'm sorry, Mr. Hillman's not here and I can't answer that.

LEG. D'AMARO:

You know, I really have to take issue with this, because I happen to drive under this bridge every day, and the project's been going on for as long as I've been here, and this is, I think, the third time

that we're increasing the budget on the project. And what I need to know is anybody asking questions as to why, as Legislator Lindsay says, a bid comes in, it's bid at a certain amount, and then they just keep coming back on almost an annual basis and increasing the bid each time? I mean, how do we know the bid was made in good faith to begin with? Is anyone looking at that?

MR. LAGUARDIA:

Yes, of course.

LEG. D'AMARO:

Okay.

MR. LAGUARDIA:

Public Works does a complete --

LEG. D'AMARO:

But you can't tell me the name of the contractor that's doing the job, but we're doing all this meticulous review of cost overrun at a bridge over -- you know, the Wellwood Avenue Bridge? I don't understand that.

MR. LAGUARDIA:

I'm sorry. If Mr. Hillman was here, he could answer that question, I can't.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Tom, let me ask the other way, if we look at it. You're presenting, I guess, that there's a need, because there's been additional sheeting, or something to that effect, that the contractor was saying had to go into the project and miscalculated. What happens with this project if the resolution doesn't get approved today? What happens if this additional money doesn't get brought forward in committed to this? Is there someplace else in this project it gets made up?

MR. LAGUARDIA:

We have to finish what we're doing. This is a critical portion of the work. We'll have to remove something from the project to make up the difference.

LEG. KENNEDY:

Hold one second. And to BRO, this is how much that we're looking for, how much additional money?

MS. VIZZINI:

It's a total of 300,000; 240 is Federal, 60,000 County.

LEG. KENNEDY:

Is this part of that first-instance funding, though --

MS. VIZZINI:

Yes.

LEG. KENNEDY:

-- where we pony up all and then we have that large share that comes back?

MS. VIZZINI:

I believe we are first-instance funding it, yes.

LEG. KENNEDY:

And is there anyplace else in the project to go ahead and make up three hundred grand worth of labor or material, or whatever? I mean, a bridge is a bridge is a bridge, right?

LEG. D'AMARO:

Yeah.

LEG. KENNEDY:

You've got to build it out with the approaches back and forth?

LEG. D'AMARO:

In the contractor's profit, that's where you can make it up.

LEG. KENNEDY:

If it's big -- oh, wait a minute, excuse me. It's a legitimate question, I guess. What happens with the project if it doesn't go forward today?

MR. LAGUARDIA:

Again, we'll have to -- we'll have to come back to you on that. I have to get Mr. Hillman to answer that. I don't know the details.

LEG. KENNEDY:

Make a motion to table.

LEG. D'AMARO:

I will. Can I ask one more question of BRO?

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

Does BRO know how many times this project has been increased, the budget on the project; do you have that information at your fingertips there?

MS. VIZZINI:

No, not at my fingertips. I'd have to research that.

LEG. D'AMARO:

You don't, okay. Well, my recollection is this probably is the third time that we're increasing the budget. And I think that we need to -- you know, one time, okay, some cost overruns, the second time, okay, something came up, but the third time, when do we start asking questions about this? Who's talking to the contractor? Where's like the Investigation Unit of DPW going out there and saying, "You know what, here's where the problem lies, it's not in what you're finding onsite, the problem is that you guys aren't bidding these projects the right way, or maybe even something worse"?

MR. LAGUARDIA:

We gave the parameters to the contractor to bid on; he bid it per the parameters. Public Works did not estimate properly two of the unit price numbers. And I will say to you that --

LEG. D'AMARO:

So Public Works --

MR. LAGUARDIA:

-- this is 11 million dollars.

LEG. D'AMARO:

So let me understand this, though. Public Works incorrectly estimates, we vote for the project, so we get, for lack of a better word, low-balled, and then you take the hit coming here year after year and say, "oh, yeah, it's all our fault." So how do I get a chance to legitimately vote on a project when I don't know the cost? I mean, how often does that happen in Public Works on a major road reconstruction like this that's been going on since prior the Commissioner in the planning stage? Anyway --

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Quick question, Gail, you said that the amount on this bid was -- or the amount that we're appropriating now is 300,000, and we're going to get 240,000 from the Federal Government as a reimbursement?

MS. VIZZINI:
According to the resolution, correct.

LEG. MONTANO:
Is that guaranteed? In other words, I have to piggy-back on what Legislator D'Amaro said. If we actually did the bid, or we received the bid, gave the contract, the Federal Government, I presume, made its commitment. If we unilaterally upped the amount by 300, does that mean that they're in for 240,000, or is there a chance that we won't get reimbursed for this?

MR. LIPP:
Typically, what we do is we do not do any borrowing unless we are aware that the Federal money is coming through. So, worst case scenario, we do a Bond Anticipation Note, knowing that we'll get it soon, but, more likely, we'd wait for the Federal money to come through.

LEG. MONTANO:
So we have to -- so we're got to get approval. If we appropriate the 300,000 additional money, we're going to wait for the approval by the Federal Government before we expend the 300,000; is that what you're saying?

MR. LIPP:
That's my understanding. Typically, the Budget Office schedules it so that there's not an issue with that.

LEG. MONTANO:
Okay. Thank you.

LEG. D'AMARO:
I think -- Mr. Presiding Officer, I just think, at a minimum, we have questions. If Mr. Hillman were here, maybe -- I would offer a motion to table this resolution, at least to get the questions answered on the history, given that this is like the third round of increases for this project.

P.O. LINDSAY:
Mr. Laguardia, can this until we meet again to get some of these answers back?

MR. LAGUARDIA:
I don't think -- we're right in the middle of construction, and there's no meetings in July.

LEG. D'AMARO:
That project was stopped dead for a year. I drove under that bridge for a year, there was nothing happen. I mean, don't tell me this is so urgent that it can't wait a month. It's been going on for over three years, this project. I'm sorry, I don't mean to direct that at you personally, it's just that,

you know, these are legitimate questions about cost overruns on a Capital Project that's been ongoing for three years and no one's asking the question as to why, nor are we getting an answer. But, you know what, it has to be done within the next month, so just vote for it anyway. That's not why I was put here.

LEG. ALDEN:

Can I offer something, Bill? Bill.

P.O. LINDSAY:

Okay. So you made a motion to table.

LEG. D'AMARO:

I did.

P.O. LINDSAY:

And there's a second by Kennedy.

LEG. D'AMARO:

I have a question.

MR. ZWIRN:

If I might, I don't know if this was provided to Legislator D'Amaro in the backup, but there was backup -- there was an explanation in the backup material. If you look at -- I don't know if you got a copy of the memo. At any rate, it goes into, and this -- and this may help you and it may not, but, "Upon performing the necessary work to construct the foundation for the proposed widening, it was found that insufficient quantities of unclassified excavation and permanent steel sheeting were included in the original contract. This additional funding will allow for payment of work that is required to complete the project." In addition, there is backup from the Federal Department of Highways which seems to indicate everything is in line for the extra money to be coming in to finish the project. And the approval was signed off by, from the Federal Highway Administration, by a Michael J. {Pigeon} on 4/30, looks like, 2006 -- 4/30/2008. Might have been 2008 on all three of these changes.

LEG. D'AMARO:

Well, I would feel more comfortable knowing a little bit more of the history. I don't even know the name of the contractor at this point on the job.

P.O. LINDSAY:

Legislator Alden. And I know I see Romaine.

LEG. ALDEN:

I was just going to ask if Hillman can be contacted, because we still have about 10 or 15 minutes worth of agenda to do, and maybe you can get the answer before we leave here.

MR. LAGUARDIA:

I will try.

LEG. ALDEN:

Is that okay?

P.O. LINDSAY:

Fifteen minutes?

LEG. ALDEN:

I think we should be out of here in like 10, 15 minutes.

P.O. LINDSAY:

Okay. So you want to skip over it?

LEG. ALDEN:

Yeah, if we could, and then we can --

P.O. LINDSAY:

Is that all right with everybody, we skip over it and see if we can get an answer?

[AFFIRMATIVE RESPONSE FROM LEGISLATORS]

Okay. Then we'll leave the tabling in abeyance.

Okay. ***1542 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements to County Road 7, Wicks Road, Town of Islip.***

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. COOPER:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. On the question?

LEG. KENNEDY:

On the motion, Mr. Chair. I just want to restate in Committee -- I intend to vote no on this resolution, certainly not because I don't think that it's a worthy project and one that definitely needs to be done, but, unfortunately, the offset is for a County road in my Legislative District that has been the site of numerous letters by myself. It is an ancillary road to School District Administrative Offices, and right in front of the Hauppauge School District, and, unfortunately, has been the area where there's been several -- Townline Road -- where there's been several motor vehicle accidents, some of them quite tragic. So I find that, once again, unfortunately, the Administration's elected go ahead and take one project that may have been meritorious and move it out and slipping yet another one that has equal merit. So I intend to vote no, but it has nothing to do with the merit of the particular project as is put forward.

P.O. LINDSAY:

Where is there a County Road by Hauppauge High School?

LEG. KENNEDY:

Townline Road.

P.O. LINDSAY:

Oh, okay.

LEG. KENNEDY:

Hoffman Lane and Townline Road.

P.O. LINDSAY:

And what was the project that was slated for there?

LEG. KENNEDY:

There was -- Hoffman Land and Townline Road was traffic expansion improvements, and also to straighten out a fairly elevated grade right in front of a cross street that was the site of a fatal MVA.

LEG. BEEDENBENDER:

Mr. Chairman, just if I just might have a --

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

-- point of personal privilege. I just wanted for the record, because the -- for the remainder of the resolutions in Public Works and all the resolutions in Ways and Means, I'm listed as not present. And, just for the record, as many of you know, I had a family emergency that occurred right in the middle of the meeting that prevented me from being there and in Ways and Means. So I just wanted that on the record for why I was not present for all those votes.

P.O. LINDSAY:

Okay. Thank you. Anybody else want to speak on the resolution? We have a motion to approve 1542. That's the only motion we have, right, just that Legislator Kennedy's going to vote against it. All right. Legislator Alden.

LEG. ALDEN:

I would just ask Budget Review if they think that there's -- number one, are these -- are both of these projects ready to go at this time, or is one of them going to be delayed? And that might be something that would convince me to vote one way or the other. And if they're both ready to go or both in the same stage, then do we have a different offset for this?

MS. VIZZINI:

As far as the status, that's more appropriately addressed to Mr. Laguardia. We could explore another offset, if that's the desire of the Legislature.

P.O. LINDSAY:

Mr. Chair.

LEG. ALDEN:

I don't want to choose between two different districts, as far as, you know, good projects in both districts.

LEG. KENNEDY:

I would make the request, if BRO did have an opportunity -- I mean, I would make the motion to go ahead and table, again, with no offense intended to the Legislator in whom's district this sits. But, you know, the opportunity, as Legislator Alden has said, to rather than having to pick and choose between two meritorious projects, find an alternate offset, so that both projects could go forward I think would be the more sensible route.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yes. I mean, that was the question that was asked during the Committee Meeting, and the explanation from DPW was that, no, that we're not talking about two projects that are at the same

level or at the same level of progress that we have to choose one over the other. My recollection from the Committee Meeting, DPW said that the one before us is ready to go, while the other one doesn't even have a plan that's been formulated. So it's not apples to apples, we are voting on funding for a project that's ready to go and taking it from a line item where one clearly is not.

LEG. KENNEDY:

Through the Chair, if I could.

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

My response to that, Legislator Stern, is, yes, I recall the testimony that came from DPW as well. However, I think what we're speaking about is the effort that it takes in order to progress a project. I've ridden on this particular stretch of road for the better part of two years now, and without going through the same testimony that I went through at Committee, it has been the site of some fairly significant motor vehicle accidents with young drivers, approximate to the high school and the middle school. And so, despite my letters and my requests to DPW, I don't know if it's a matter of not having sufficient resources to progress two projects simultaneously or -- but absent a commitment in the Capital Budget, I have no other way to go ahead and demonstrate some indication of some willingness on the Department at some point when the resources get made available to move the project. Through the Chair, I guess, do you have anything else to offer on it, Mr. Laguardia?

MR. LAGUARDIA:

I know recently you met with Mr. Hillman to discuss the various items on that road.

LEG. KENNEDY:

As a matter of fact, yeah.

MR. LAGUARDIA:

And we have some disagreements on what's the best way to handle it. We're studying it. We're not going to be ready to spend those funds this year, whereas we do need to do the additional money for land acquisition for the right-of-way for the project that this resolution is for. And we will, when we -- when we're all in agreement with you on what can be done on that road, we will put in -- we will do estimates in putting the actual amount of money that's needed.

LEG. KENNEDY:

Through the Chair, I don't want to prolong this, but let me just make the suggestion once again. I don't purport to be a road engineer, a traffic expert, or anything else. I'm just somebody representing a district where, unfortunately, kids are getting T-boned off a dangerous intersection. So, if there's a way to go ahead and get that moved, I guess I'll try to figure it out. I'll yield.

P.O. LINDSAY:

Okay. So we still only have one motion to approve before us, right?

LEG. KENNEDY:

No, that's fine, that's fine.

P.O. LINDSAY:

Okay. Anybody else? All right. We have a motion to approve and a second on 1542. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
On the accompanying bond resolution, 1542A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MONTANO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. HORSLEY:
(Not Present)

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Yes?

P.O. LINDSAY:

(Nodded head)

MR. LAUBE:

Thirteen. (Not Present: Leg. Horsley)

***[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN &
TRANSCRIBED BY ALISON MAHONEY - COURT STENOGRAPHERS]***

P.O. LINDSAY:

Okay. Can we go back to 1541. Mr. Laguardia, do you have information on that?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, I spoke with Mr. Hillman. It's -- JD Posillico was the contractor. It's a DOT bridge that we're working on, its scheduled for completion in October. He believes that to finish the construction on time, we should move on this resolution. He said it will be very difficult to remove items from the bridge job. If it was a large roadway job we could cut the limits, we could cut tree work out, we could do a lot of things, but on the bridge job --

P.O. LINDSAY:

It's hard to cut out a piece of the bridge.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

It's very hard to cut out. So he would request, we would request that you move on this resolution.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Right, but, you know, you're reframing the issue and the debate. The issue here is not what should we cut out of the project, the issue is what caused the project not to be accurately projected in the first place. Where does that fault lie and who should pay for that? You know, we have a project, we went through a design phase, we went through a planning phase, we knew what the project was. A contractor came in, had a successful bidding process, started the project. Okay, maybe there were a couple of cost over-runs, that happens, I understand that, but we're not getting any explanation or I don't feel any comfort that anyone is questioning why the continuous cost over-runs on this particular project and why was there such a delay?

LEG. EDDINGTON:

You getting that de ja vu feeling again?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

I can't answer the delay question. As far as I know, it's being done on a proper schedule. All of our contracts have some type of penalty or additional costs that go back to the contractor for engineering services if it goes beyond the construction timeframe.

LEG. D'AMARO:

I appreciate that. And we don't know sitting here today whether or not that penalty has been invoked or incurred by the construction company, but what we do know is that this is the third time we've come back with a cost over-run. And frankly, I think when you're asking me to vote for the third time on upping a project that has a legitimate reason that's fine, but I need to know that. I need to know why we're incurring additional costs three times on a project that was subject to a competitive bidding process; I need that answer to vote on this bill.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

I can only answer for what's happened right now. I don't know the previous history.

LEG. D'AMARO:

All right.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Now we've reviewed it, we made an error in our two line items in the unit price contract, Public Works did not put in sufficient quantities. It was our estimate that was low, the contractor bid on it, he has to do more work to actually do the completed construction. All construction projects have contingencies and in this case, we've succeeded that and we do need the additional funds.

LEG. D'AMARO:

Well, I would suggest that this particular project deserves a much harder look. I'm going to ask -- I'll offer a motion to table the resolution, I'm sure everyone will do what you feel is best, but I think that we should get the right people in here to answer very legitimate questions about cost over-runs.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Point of information?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

The only thing is we may be back in session before August, simply because of some of the Home Rule Messages. Is it possible legally for Legislator D'Amaro to table this to the next time we meet, so if we do have a special session, this could come up and, you know, we would not prevent it from being delayed? I mean, I'm just asking.

P.O. LINDSAY:

Well, first of all, you can bet that we're going to be back with vetoes, right?

LEG. ROMAINE:

I know.

P.O. LINDSAY:

So I don't know, the question that can this be tabled to --

LEG. ROMAINE:

The next meeting.

P.O. LINDSAY:

-- our next meeting or the special?

LEG. MONTANO:

How about a special?

MR. NOLAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

The answer's yes.

LEG. ROMAINE:

Okay, so I'm sure Legislator D'Amaro will amend his resolution to reflect that. Thank you.

P.O. LINDSAY:

Okay. Who -- Legislator Montano, you had a question?

LEG. MONTANO:

No, actually it's been answered. Thank you.

LEG. D'AMARO:

All right, so I'll amend my motion to table to the next meeting, General Meeting of the Legislature.

MR. NOLAN:

Or special.

P.O. LINDSAY:

Or special.

LEG. D'AMARO:

I'm sorry, or special.

P.O. LINDSAY:

And we have a second on --

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

On the motion as amended.

P.O. LINDSAY:

And do we have an approval motion as well?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

And a second.

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. The tabling goes first; roll call.

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

LEG. D'AMARO:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Pass.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. BEEDENBENDER:

Pass.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Pass.

MR. LAUBE:

Pass?

LEG. SCHNEIDERMAN:

Pass.

LEG. ROMAINE:

Yes.

LEG. VILORIA-FISHER:

No.

P.O. LINDSAY:

I mean, the maker of the motion, it's in his district, he wants it to be tabled, that's okay by me; yes.

LEG. COOPER:

Yes.

LEG. BEEDENBENDER:

Yeah.

LEG. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Thirteen.

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

P.O. LINDSAY:

1543-08 - Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of properties for the reconstruction of the intersection at CR 19, Patchogue-Holbrook Road and CR 90 Furrows Road, Town of Islip, Suffolk County, New York (CP 5128) (County Executive). I'm going to make a motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

I have a second by Legislator Beedenbender. But Mr. LaGuardia, this is -- you must have drawn a short straw to be here today, because if there's -- you know how old this project is? I took a picture with Bill Shannon who has to be retired three years about the eminent progress of changing this intersection with several people have gotten killed, there's been numerous accidents. We had money in the budget for land acquisition that was taken out because last year you told us you bought all the land, and now we have an eminent domain resolution before us when last year we were told you acquired all the land and you didn't need any more money and it was used as an offset for another project. I mean --

LEG. LOSQUADRO:

Just nod yes.

P.O. LINDSAY:

Do you have any explanation for any of that?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

No, I don't, but I will find out for you.

P.O. LINDSAY:

God. All mighty. All right, I -- I made a motion to approve, but I hope I'm out of office before this project gets done. I mean, I think this came up my first year in office and I'm in my seventh or eight year and I only got a couple more to go.

LEG. ALDEN:

If they're condemning the property, it's going to take that long anyway.

P.O. LINDSAY:

Yeah, I know. I probably won't see it. I hope I'm still alive, you know. All right, I have a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1550-08 - Authorizing the purchase of up to 33 paratransit vans for Suffolk Transit and accepting and appropriating Federal aid and State aid and County funds (CP 5658) (County Executive).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Fisher.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

And I'm not in this committee, but did it come up as far as what type of vans? And I'm talking about fuel, because natural gas would be something that we might be able to do in Suffolk County to eliminate some of the pollution and also set a good example.

LEG. BEEDENBENDER:

I would defer to my Vice-chair from the committee since he was there, but I do not believe that these are natural gas vehicles, I believe they're standard -- they're the same buses that we've been buying. But Legislator Stern, was this discussed at the committee? On the vans, the fuel, status of the vans, since I wasn't there; was there any discussion on that?

LEG. STERN:

No.

LEG. ALDEN:

The type of fuel has actually come up a number of times, and sometimes I bring it up, sometimes Legislator Vilorio-Fisher brings it up. But it's something that's come up a lot as far as what we're doing in Suffolk County, and I feel very bad that it wasn't even discussed. Any representative from the County Executive's Office?

P.O. LINDSAY:

The only one we have here is Mr. LaGuardia.

LEG. ALDEN:

We have a --

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

It was not discussed at the DPW meeting. They're diesel-powered buses with the best available technology.

LEG. ALDEN:

Except that for a number of years, and there's eleven that I could think of, we've talked about maybe alternative fuel vehicles in Suffolk County, in the Suffolk County fleet; we're not doing anything with that?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yeah, we bought -- we've got some hybrid buses on order, four large hybrid buses. We've got, I believe, over 26 hybrid cars in fleet right now.

LEG. ALDEN:

What size buses are these?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

These are the small paratransit buses that you see running around.

LEG. ALDEN:

And for them there's a lot of options as far as the power plants for the propane or for compressed natural gas. And we do have a couple of new fueling stations in Suffolk County. New York State actually built one right around the corner from where we normally meet. So is there any possibility to get these in the gas form?

P.O. LINDSAY:

Right after we get County Route 19's intersection expanded.

LEG. ALDEN:

Can we take the money we were going to use for the condemnation and upgrade these to gas?

P.O. LINDSAY:

Oh, geez, don't do that to me.

LEG. ALDEN:

Bill's not going to be around by the time it takes --

*(*Laughter from audience*)*

What is our plan, then, for looking at alternative fuels?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

We are continuing to look at alternative fuels. I think actually in the next couple of weeks there will be a meeting scheduled to talk about large vehicles on compressed natural gas.

LEG. ALDEN:

Would that include these size vehicles, the 33 that we're getting?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Until the meeting -- it's an outside vendor coming in to talk to the County.

LEG. ALDEN:

How much --

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

So I don't know what the answer to that is.

LEG. ALDEN:

How urgent is the need for these 33 vehicles?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

They're needed. They're scheduled to replace the older vehicles and keep us in service. You know that we have a very active paratransit system.

LEG. ALDEN:

How fast do you think you're going to act on this if we approve it today?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

I'm sorry, Mr. Shinnick would have to tell you that answer.

LEG. ALDEN:

I mean, I just feel bad because the dialogue has gone on for more than a decade whether we should leave and do some kind of alternative vehicles, alternative fueled vehicles. And it doesn't really seem like, if we've only got a couple of them and we're going to talk about it, you know, another day, now we're going to buy 33 of these things, we're done buying them for a little while. I don't understand where our policy went.

LEG. BEEDENBENDER:

Through the Chair? I'm over here, Bill.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

I was just informed by one of the members of my staff who spoke to Bob Shinnick about this. If we approve this today we're supposed to get delivery some time in early September or October and -- so to answer that question for you, Legislator Alden, when we're supposed to get them, I don't know if putting it off two weeks puts that back. But it also includes, these vans are going to have cameras and GPS devices, which all of our current ones don't, so that's another improvement of these vans; while it's not fuel, it is technology. But we were told that we'd get them in September, October, I don't know if delaying it three weeks would put that back.

P.O. LINDSAY:

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

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Negative.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution, 1550A; roll call.

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

LEG. BEEDENBENDER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1583-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with intersection improvements to CR 16, Smithtown Boulevard at CR 93, Lakeland-Rosevale Avenue (CP 5118) (Kennedy).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy.

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Cooper and seconded by Legislator D'Amaro. I'm still looking for a motion --

LEG. MONTANO:

No, I seconded the motion to approve.

P.O. LINDSAY:

Second by Legislator Montano to approve.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This is an additional \$200,000 worth of funding that I sought to have introduced. I requested BRO to go ahead and look at an appropriate offset, they drew up the resolution. This project actually has been ready to go since I believe it was January and there was an official publication or letting of the RFP due back by July 3rd by DPW. And the 200,000 in particular goes towards acquisition and demolition of an abandoned commercial building that has sat on the corner of these two skewed intersection roads for the better part of probably 10 years.

Our Eminent Domain Section in Public Works is set to consummate the transactions to acquire title. However, as everybody around this horseshoe knows, they cannot do so until they have sufficient

funds encumbered to actually make the offer, and so that is the purpose or the reason for putting this in. I'm told that this was sought by the department some time ago and for whatever reason it's not been forthcoming by the Exec's Office. That's the nature of it.

P.O. LINDSAY:

Is there an offset for this where the money is coming from?

MS. VIZZINI:

Yes, the offset is the 1755, the Legislature's infrastructure and public safety project.

P.O. LINDSAY:

Which is normally used for projects like this?

MS. VIZZINI:

Unanticipated costs.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yes, the status of the project, this is only funding a portion for land acquisition, I believe.

LEG. KENNEDY:

That's correct.

LEG. D'AMARO:

Within the road improvement project, the Capital Project?

LEG. KENNEDY:

I'm going to ask Mr. LaGuardia to step to the podium, if you will. But my understanding of it is that there is funding that's needed to augment what's going on with the actual underlying roadbed rehabilitation and it is actually a skewed set of roads that are going to be straightened out.

LEG. D'AMARO:

All right. But I guess what I need to know is is this going to go forward this year? I mean, we're amending the Capital Budget to do this with an offset as opposed to just doing it next year in the capital process; why are we doing it now as opposed to later?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

You have to ask Legislator Kennedy, he introduced the bill.

LEG. D'AMARO:

Well, who's running the project?

LEG. KENNEDY:

Soon, I guess, we will be; there'll be nobody out there. The -- actually, we have a copy in our notice, Tom, that came out from you guys -- as a matter of fact, I guess it was Mr. Hillman who made that copy available as a courtesy to me -- that actually was a letting of the bidding and timeframe he articulated for me was that bids were going to be returned through July 3rd, there would be an opening, then there would be a contract award and there would be a commencement of work anticipated I believe in September or October.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

You're talking about the design right now, Legislator Kennedy?

LEG. KENNEDY:

No, no, we're way beyond design. No, design is done. Do you know this project?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

No, I do not.

LEG. KENNEDY:

Oh, okay.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

That's why I'm asking.

LEG. KENNEDY:

Fine, then I'll just have the conversation with Lou. The design has been completed, the eminent domain work through the County Attorney's Office has been completed, all but for the actual acquisition of title from those land owners whose properties and buildings are going to be taken to straighten the road out, one of them being an abandoned commercial building that fronts on County Road 16 and has been an eyesore in the district and a nuisance for the better part of probably about eight to nine years.

LEG. D'AMARO:

Just forgive my ignorance on this, but why --

LEG. KENNEDY:

No ignorance.

LEG. D'AMARO:

Why would the resolution come from an individual Legislator? Wouldn't DPW be driving this process? I mean, if they intended to go ahead with the land acquisition and needed to complete the project, that -- you know, I don't want to appropriate funds that aren't going to be used.

LEG. KENNEDY:

Nor do I. And as a matter of fact, the only reason I came forward with this is --

LEG. D'AMARO:

When I say not be used, I mean disingenuously.

LEG. KENNEDY:

No, I understand.

LEG. D'AMARO:

I mean, if the project is not ready for it, but there's no one here that can answer that.

LEG. KENNEDY:

But therein again, that's not my fault, is it?

LEG. D'AMARO:

No, it's not your fault.

LEG. KENNEDY:

No, no, no, what I'm saying to you is the only reason I put this forward was because I became aware that there had been a communication I believe from the department and if the offices still worked the way they used to, to Intergovernmental Relations some five or six months ago seeking a resolution to address this, and for whatever reason that's not been in any of the packets that we've seen since then. So all I can assume is that the County Executive's Office for whatever reason may

not have decided to file it.

LEG. D'AMARO:

Just as a suggestion --

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

-- a better way to proceed may be if you're willing to table this for a cycle to determine what the status of the project is. If it's needed at this time in the project and it's moving forward I would support it, but we don't know that today.

LEG. KENNEDY:

What I can ask, if you would, if you would suffer a similar kind of communication that we just had with Mr. Hillman previously with Mr. LaGuardia, if we could pass over and if his statement to that effect would suffice --

LEG. D'AMARO:

Sure, fine with me.

LEG. KENNEDY:

Okay. Through the Chair --

P.O. LINDSAY:

We'll pass over it.

LEG. KENNEDY:

Okay.

Ways & Means:

1315-08 - Adopting Local Law No. 2008, a Charter Law to make the County's leasing process open-competitive and accountable (Beedenbender).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Could we have an explanation?

LEG. BEEDENBENDER:

This bill, it codifies some things that the Space Committee has made policy in the past, in the recent --

(*Banged gavel*)

P.O. LINDSAY:

Come on, hold it down. Go ahead.

LEG. BEEDENBENDER:

This bill codifies some things that the Space Management Committee, under Mr. LaGuardia -- so of all the arrows he's taken, we should give him some kudos for this -- policy changes he had made since he took over. And essentially the rundown is that when we do leases and lease renewals now, we have to have a fair market analysis and a rent survey. We also have to advertise in our paper so that we can get other -- if we're advertising for space in a particular area, people can come to us with more than one option. It also requires that we search for more than one space and investigate more than one space, and that we investigate; it does not require, but we investigate municipal space for the availability. It doesn't require that we take it, but we at least look to see if that's available, whether at a County or a town level.

And it also -- another new thing under the bill is it requires public hearings for lease renewals where there were no public hearings for lease renewals in the past. And the advertisement requirement is new as well, and it will be advertised in the papers as well as the website. So it codifies some things that were there and adds some new things that weren't.

P.O. LINDSAY:

That's the first nice word that was said about Mr. LaGuardia all afternoon and he's not in the room to appreciate it.

LEG. ROMAINE:

He left.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. For the initial search I understand this, but with the lease renewals and with everything that's in here, I wish Mr. LaGuardia was still here because I would be interested to see what the -- what the cost and the manpower requirements for a department that's already stretched very, very thin. I wonder what their ability to comply with this is going to be.

P.O. LINDSAY:

Well, do you want --

LEG. BEEDENBENDER:

Through the Chair. I won't put words in Mr. LaGuardia's mouth, but we did -- before I introduced this we spoke with him extensively and he did review it. And the reasoning for the advertisement is that, you know, we might have a release for many years and rather than simply renew it, and I'll use an example with my district office. Two blocks away from my district office is another building and the land -- the owner of the building contacted me and said, "You know, I heard you're looking for new space. I can offer you the same space you had for \$20,000 less a year." And the reason I used that example is in the past when we had leases, if the department or other entities just simply wishes to renew it -- and I'll make a note, this does not apply to Legislative leases -- but if the department simply wants to stay where they are we don't perform a search, where if we've been there for many years the market could have changed and new space could be available and we can go and find that for a cheaper rate per square foot or whatever it may be, that could also provide the facilities to the County at a better rate for the taxpayers.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Does this bill have any provision, is this just strictly low bid or are there any provisions that can be made for accessibility to the public? You know, there are certain offices, obviously, that we're going to want to have more accessible to the public. And sure, somebody might be able to

offer us a little bit less of a price, try to, you know, undercut someone else, but it might not be as suitable space for us and it might not serve the public as well depending on the function of what that office is. Is there a provision for that or are they bound to it --

LEG. BEEDENBENDER:

No.

LEG. LOSQUADRO:

-- if somebody does put in a lower bid?

LEG. BEEDENBENDER:

There's no provision because this doesn't change the decision making process with the Space Management Steering Committee, it just requires additional information that they must have before they make a decision. So it doesn't require that you take the lower one, it allows for the examination process that Space Management has right now which is we'll evaluate -- you know, this one might be a little cheaper, but the cost involved in moving might not be worth it or the accessibility and proximity to a bus route or a populated area might make more sense for a particular office. So it doesn't mandate anything, it just requires a bunch of additional information for the Space Management Committee before they would make the determination that we come to the Legislature for a final approval or disapproval.

P.O. LINDSAY:

Okay. Legislator Montano, you wanted to add to this?

LEG. MONTANO:

Gail, I just had a question. On the fiscal financial impact statement it says, "The resolution has an opportunity cost in that the resources used to comply with the law could be used on another project"; could you translate that for me? I'm not sure I understand it.

MS. VIZZINI:

That just means that if this is a priority, the staff that's involved in the exploration of space or putting it on the Internet would have to do this versus perhaps something else that they may be involved in.

LEG. MONTANO:

Well, but is there a cost associated with -- would there be an additional cost associated with the market study, the advertising?

I mean, has -- what's it going to cost us to do this is what I'm asking? I mean, how many are we talking about, how much does it cost to advertise?

MS. VIZZINI:

Well, to some extent we do some of this already.

LEG. MONTANO:

In-house or do we have to -- I know that if we're going to advertise in the local newspapers or the County newspapers we're going to pay for that; am I correct?

MS. VIZZINI:

Yes, but typically the space is put on the website. Economic Development --

LEG. MONTANO:

Well, that should be free.

MS. VIZZINI:

Yeah.

LEG. MONTANO:

All right? So what I'm asking is the financial impact, is there a financial impact -- and I have to apologize, I'm not hearing you well. Is there a financial impact or was there a financial impact done on this other than the sentence that has to do with the opportunity cost?

MS. VIZZINI:

No, it's assumed that this will be done with existing staff and existing resources.

LEG. MONTANO:

All right, but then that doesn't include the advertising. And what about the market study, is that done in-house or do we have to pay for that through a firm? Well, let me ask the sponsor, do you know?

LEG. BEEDENBENDER:

I could answer the question.

LEG. MONTANO:

Go ahead.

LEG. BEEDENBENDER:

The analysis -- those are two of the provisions that I mentioned earlier that are policy that have been implemented by Space Management but aren't codified in our Charter as required.

LEG. MONTANO:

So we're already --

LEG. BEEDENBENDER:

So the market analysis is done by Real Property.

LEG. MONTANO:

We're already doing that is what that you're saying?

LEG. BEEDENBENDER:

Yes. It is the policy that Mr. LaGuardia, as the Chair of the Space Management Committee, has implemented and I'm codifying it here. So the market analysis done by Real Property Tax Service currently and the rent survey is already done by DPW, so we wouldn't incur additional cost for this.

LEG. MONTANO:

So the only additional cost would be the advertisement in the County newspapers?

LEG. BEEDENBENDER:

That's correct.

LEG. MONTANO:

And do you know what that is?

LEG. BEEDENBENDER:

For each particular ad, I do not know right off the top of my head.

LEG. MONTANO:

Well, no, I mean --

LEG. BEEDENBENDER:

No, I don't.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Mr. LaGuardia, you're back. If I could ask through the Chair, if I could direct a question to Mr. LaGuardia?

P.O. LINDSAY:

Mr. LaGuardia, we're talking about 1315 now, the Space Management which Legislator Beedenbender said that you are familiar with and worked on.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, I am.

LEG. LOSQUADRO:

My question earlier -- I don't know if you heard it when you were outside -- first of all, approximately how many leases do we go out and search for or renew each year that the County holds?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

It's different every year; I think last year we did six, seven, someplace in that order. We have 61 current leases and many of them are long-term leases, and over the last couple of years several of them have expired and we have been in the process of either new searches or renewals.

LEG. ALDEN:

Bay Shore Health Center.

LEG. LOSQUADRO:

So you feel that we have -- you have sufficient staff to be able to comply with these new requirements every time that a lease either comes due for renewal or we go out and look for a new space?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, the County Executive increased the Space Management staff significantly over the last two years; I have two full Registered Architects and an Assistant Architect on board that assists us with this.

LEG. LOSQUADRO:

Thank you.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. As a member of the Space Management Steering Committee, I just want to add my two cents, that this will help the committee in setting some parameters. We often talk about County responsibilities and obligations, we talked about it with the 477 Fund, what are the parameters. And it would just be useful, as a member of that committee, to know going in in every instance of a lease or lease renewal, that not only do we have an obligation to look to be cost effective and properly renew leases, but we're also required and we have some guidelines in compelling a look at one or two other spots that may be available as a compromise. I think it's just common sense in the marketplace and I think it should be our obligation to do that, so I'm going to support this bill as

well.

D.P.O. VILORIA-FISHER:

Okay, let's vote.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Sixteen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Sixteen.

Mr. LaGuardia, can we go back to 1583; do you have any insight on that, or you don't have it.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Yes, I have the information.

P.O. LINDSAY:

Go ahead.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

The extra funds are -- we actually own the piece of property now, but it went to court and the settlement was that we had to fork up an extra 210,000, I think that's what the resolution is for, yes. This is settlement money, we are ready to go to bid with it right now and if we don't get the funds we will not be able to go to bid.

P.O. LINDSAY:

Okay. So this is something that the department supports. And why didn't you put in your own resolution on this or request this?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

That I can't answer you. I believe that Bill Hillman was working on a resolution and I know Legislator Kennedy was working on --

P.O. LINDSAY:

Beat him to it, okay. Okay, where are we, Mr. Clerk? Is anybody --

LEG. COOPER:

I'd like to withdraw my tabling motion.

LEG. D'AMARO:

Yes, and I'll withdraw my second. And I just want to note for the record, I appreciate you getting that information for us and answering that question very succinctly.

P.O. LINDSAY:

So it makes it easy. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Thank you.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second; roll call, 1583A.

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

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Eddington).

P.O. LINDSAY:

1487-08 - Sale of County-owned real estate pursuant to Local Law 13-1976, Assembly of God Church of Bay Shore (SCTM No. 0500-313.00-01.00-109.000) (County Executive).

LEG. D'AMARO:

Motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Stern.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1512-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 Madalon A. Mathys (SCTM No. 0902-001.00-01.00-009.016)

(County Executive). Motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Page 12. ***1513-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven)***

(SCTM No. 0200-227.00-07.00-022.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1518-08 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown (SCTM No. 0800-040.00-01.00-011.000) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. NOWICK:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Kennedy.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

We already did 1539.

1547-08 - Authorizing the extension of the lease of premises located at 395 Oser Avenue, Hauppauge, New York, for use by the Departments of Labor, Probation & Social Services (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the question, Mr. Kennedy.

LEG. KENNEDY:

Maybe this is a question for Mr. LaGuardia again. I'm just curious about the duration of it, and I thought I had heard something that there was going to be some temporary redeployment of staff from this building.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

As part of the lease negotiation, the building needed carpeting, it needed some painting, ceiling tiles and various other work to be done that the landlord agreed to do, and in order to do that we're going to temporary relocate some staff around the building. The Labor Department has some room in its building where some of its staff is on the go and then we'll put the carpet in, put the new

furniture in, get the painting done and then relocate staff back.

LEG. KENNEDY:

Do you have any idea what the duration on those renovations are going to be?

MS. BRADDISH:

It was to be determined between the Department of Health and --

LEG. D'AMARO:

You've got to come up.

D.P.O. VILORIA-FISHER:

Basia, you have to come up.

LEG. LOSQUADRO:

Can you come up to the microphone, please?

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

We're working directly with the departments and the landlord because there are so many spaces, and when you move carpet and when you get the furniture on top, it's going to be a process to get it all done; it's not going to happen all right away.

LEG. KENNEDY:

And I guess the only other question I have is are we reimbursed, is there an offset on this lease as there is from other departments?

The Health Department, DSS, you know, will get offset; do we have any offsets with this?

MS. BRADDISH:

You mean reimbursement?

LEG. KENNEDY:

Yes, I'm sorry, reimbursements.

MS. BRADDISH:

It would be department-specific, so the Health Department may or may not. I don't -- the department files for that independently, it's not actually part of the lease.

LEG. KENNEDY:

Not something you folks are aware of with the lease?

MS. BRADDISH:

No.

LEG. KENNEDY:

Okay. All right, thank you.

P.O. LINDSAY:

Okay. So we have a motion and a second on 1547. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay.

1562-08 - Amending the Rules of the Legislature of the County of Suffolk - Rule 6(C)
(Presiding Officer Lindsay). I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. And I'm going to ask Counsel to explain the rule change.

MR. NOLAN:

This rule change has to do with the petition to discharge. The question has come up in a couple of committee meetings whether or not a bill that was defeated in committee or tabled subject to call in committee could be discharged from that committee by a petition, by a written petition to discharge. It's my opinion, yes, it could be, but the rule does not expressly state that. This resolution would state expressly that a bill that was defeated in committee or tabled subject to call in committee could be discharged by a written petition.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. With respect to a bill tabled subject to call, is that the only manner, and also defeated, is that the only manner in which the committee -- the bill could be reconsidered that is by a petition to discharge, under this rule?

MR. NOLAN:

That's the only way to get a bill out of committee that's not voted out is by a written petition to discharge.

LEG. MONTANO:

I'm sorry, say that again? The question is if a bill is defeated or tabled subject to call, is a written discharge petition the only manner in which to get it back to the floor for a vote?

MR. NOLAN:

It's the only way to get it out of that committee. I don't know if you're referring to --

LEG. MONTANO:

Well, if a bill is tabled subject to call in committee, can it be called back to committee?

MR. NOLAN:

Oh, yeah, the committee itself could --

LEG. MONTANO:

Call it back.

MR. NOLAN:

Could call back before it and then vote it out.

LEG. MONTANO:

All right. If a bill is defeated in committee, can it be called back for a revote?

MR. NOLAN:

My opinion is no, it could not be.

LEG. MONTANO:

Okay.

MR. NOLAN:

Then it could only be discharged from the committee by a written petition.

LEG. MONTANO:

Okay, thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga).

P.O. LINDSAY:

I think we skipped a couple, but I'd rather -- isn't some of them covered in the Certificates?

D.P.O. VILORIA-FISHER:

Page seven; 1559 on page seven.

P.O. LINDSAY:

Okay, 15 -- go back to page seven, ***IR 1559***, we skipped over it, ***authorizing the County Comptroller and the County Treasurer to close certain Capital Projects and transfer funds (County Executive)***. I believe that there was an additional addendum that some of the Legislators had not seen and we passed over it to give everybody a chance to peruse it. Are there any more questions on it?

I think we have a motion to approve and a second on 1559, right.

MR. LAUBE:

That's correct.

D.P.O. VILORIA-FISHER:

It's in Budget & Finance.

P.O. LINDSAY:

Okay. I don't see any hands waiving, so I'll -- we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. The other one we didn't act on was Operation Sunshine, but we have a CN, so let's go to the **CN's** because one will make the other mute.

Resolution 1492-08 - Establishing an Energy Efficient Work Schedule Pilot Program, Operation Sunshine (Horsley). Could you --

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. KENNEDY:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Could Legislator Horsley please explain? Evidently, the County Executive and yourself had some discussions and that's the reason for the CN?

LEG. HORSLEY:

Yeah, the -- what we did was we put in the proviso that the employee would have to go to the manager of the individual department and that manager would have to agree to go with the four day work week.

P.O. LINDSAY:

I just want to make sure all the aides behind me hear that, that they don't start working a four day work week without telling me.

LEG. HORSLEY:

Is that what you were looking at?

P.O. LINDSAY:

Go ahead, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Through the Chair, just to the sponsor, so this pilot program only affects right now exempt employees.

LEG. HORSLEY:

Correct.

LEG. D'AMARO:

I guess the concept here is to do a pilot program, see how it works and then if we want to carry that forward on a grander scale --

LEG. HORSLEY:

That's correct.

LEG. D'AMARO:

-- within the County. And just -- I think you just stated this but just to reassure me, it leaves complete discretion up to the department head or supervising personnel --

LEG. HORSLEY:

To approve, yes.

LEG. D'AMARO:

-- to determine whether or not the cutback in hours is permitted without the delivery of County services suffering in any way, so it's completely discretionary.

LEG. HORSLEY:

That's correct.

LEG. D'AMARO:

Because my concern on the legislation was that you want to implement flex-time, you want to implement, you know, giving people more time with their families, you want to try and conserve some energy at the same time, I think those are all great goals.

LEG. HORSLEY:

That's underlined, conserve energy, yes.

LEG. D'AMARO:

Right. But we want to make sure that when we do that, that County -- the delivery of County services is not going to suffer. And I think that the supervisors, those on the front lines, would be in the best position to know that.

LEG. HORSLEY:

Right, that is all correct. Let me also add that I think this may add to productivity because you could actually have an employee getting there a little earlier in the morning, a little later at night and we can actually provide better service to the public.

LEG. D'AMARO:

And also, if this bill is passed, we passed earlier today another piece of legislation that would be coupled with this. So not only are we looking at to adjust hours, but also at the same time maybe examining what buildings or spaces within buildings can be powered down, again, to conserve energy.

LEG. HORSLEY:

Correct.

LEG. D'AMARO:

So each of these bills goes hand-in-hand.

LEG. HORSLEY:

Correct.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Eddington I believe has a question.

LEG. EDDINGTON:

Yeah, I just want to make sure, I heard Legislator D'Amaro say it's a cut in hours; it's a reallocation of the hours, right?

LEG. HORSLEY:

That's correct.

LEG. EDDINGTON:

Okay, I just want to make sure, it's not like less hours worked.

LEG. HORSLEY:

Right, no less hours.

LEG. EDDINGTON:

Okay, thank you.

LEG. HORSLEY:

Oh, let me just --

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I'm sorry. Just as long as you understand, there is a proviso in the bill for voluntary furlough, that would be a cut in hours, just so you understand that. That would be -- again, that would up to the employee to opt in to that program.

D.P.O. VILORIA-FISHER:

A manager can't force it.

P.O. LINDSAY:

So this made --

LEG. HORSLEY:

Now underline voluntary.

P.O. LINDSAY:

The Legislature can furlough for the next four weeks. All right, we have --

LEG. HORSLEY:

Do you think they would miss us?

LEG. D'AMARO:

Dead silence.

LEG. ROMAINE:

No.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Tim, please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

LEG. D'AMARO:

Tim, cosponsor.

MR. LAUBE:

Seventeen.

LEG. ALDEN:

No, abstain.

P.O. LINDSAY:

Oh, we've got one abstention over here.

MR. LAUBE:

I'm sorry, sixteen (Abstention: Legislator Alden).

P.O. LINDSAY:

IR 1632-08 - Capital Budget and Program to reflect the establishment of new Capital Project No. 1604 East End Veterans Clinic, Riverhead County Center, and accepting and appropriating State funded Community Enhancement Facility Assistance Program Grant Funding (County Executive). Do I have motion?

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Eddington.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation.

LEG. ALDEN:

Is this the one we were working on for a while?

P.O. LINDSAY:

Yeah, this is going in to the Riverhead Center. This is the money that's going into the elevators.

LEG. ALDEN:

Good. Oh, that's taken care of, very good.

LEG. ROMAINE:

Right into the clinic.

LEG. ALDEN:

Good. Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Cosponsor, please.

LEG. ALDEN:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

Everybody wants to cosponsor.

LEG. EDDINGTON:

Cosponsor.

MR. LAUBE:

Anyone else?

LEG. STERN:
Tim.

LEG. HORSLEY:
Cosponsor.

LEG. KENNEDY:
Cosponsor.

P.O. LINDSAY:
IR 1650-08 - Rescinding resolution 425-2008 and amending the 2008 Operating Budget to promote the Rocky Point Downtown Revitalization & Beautification Committees, Family Summer Concert Series (County Executive/Losquadro).

LEG. LOSQUADRO:
Motion to approve and I'll be happy to explain it.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
I was just going to ask you whether -- how you did this. Okay, go ahead, explain.

LEG. LOSQUADRO:
Thank you. This is actually very simple, we had transferred the money when the Legislature had the opportunity. As you can, I originally had done it through the North Shore Public Library to another organization who was going to act as the body that --

P.O. LINDSAY:
The host, okay.

LEG. LOSQUADRO:
-- would do all the work for the concert series.

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
Unfortunately, I guess they thought it was a little too much work, so the VFW in Rocky Point has agreed to be the liaison and run the series, so the County Executive's Office was good enough to do this since they have the ability through a CN to work with another organization.

P.O. LINDSAY:
So it's just changing the appropriation from one organization to the other.

LEG. LOSQUADRO:
Just changing the appropriation, same money, it's still Omnibus.

P.O. LINDSAY:
We have a motion. Do we have a second? We have a second.
All in favor? Opposed? Abstentions? I still -- wait a minute, don't anybody run away.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, in the your folder we have a *Procedural Motion No. 19-2008, Procedural Resolution authorizing rate schedule amendment in connection with the enforcement of LIPA settlement agreements against LIPA overcharge of Suffolk ratepayers (Presiding Officer Lindsay)*. If you recall, Mr. Like came into us, in executive session I believe, and talked about his fees and what he has been working for since the thing started and he wanted a raise and I think we kind of agreed to it. I'll --

MR. NOLAN:

Yeah, just so the Legislature has all the information. Mr. Like made a proposal which I think -- I don't think Mr. Like came into executive session to discuss.

P.O. LINDSAY:

Okay.

MR. NOLAN:

I spoke to the group about it and it was kind of like, you know, try to split the difference which this resolution represents.

P.O. LINDSAY:

Okay. I'm going to make a motion for the purpose of discussion.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

I have a second by Legislator Horsley. Legislator D'Amaro.

LEG. D'AMARO:

Yes, just please note my recusal on the record pursuant to my previously filed disclosure statement.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Recusal: Legislator D'Amaro).

P.O. LINDSAY:

Procedural Motion No. 20-08 - Procedural Resolution authorizing funding for Community Support Initiatives Phase IV (Presiding Officer Lindsay). There's a list in your packet.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second; do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Call the vote.

MR. LAUBE:

It was 17.

P.O. LINDSAY:

Okay. Okay, we're having some trouble -- do we have trouble with the late --

MR. NOLAN:

We got it.

P.O. LINDSAY:

We got it done, okay. Okay, go to the yellow packet, Late Starters.

I thought we were going to have some problems with some of the Late Starters because our copier broke out here and I couldn't make enough copies, but we got it done. 1646-08, Authorizing transfer of two surplus County Laser Jet Printers, through Every Child's Dream to Public Works -- how about if I just read the assignment? 1647 is assigned to Parks;; 1648, assigned to Public Works; 1649, assigned to Public Works; 1651, assigned to Ways & Means; 1652 to EPA; 1653 to EPA; 1654 to EPA; 1655 to EPA. I need a motion to waive the rules, lay the Late Starters on the table.

D.P.O. VILORIA-FISHER:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second by Legislator Beedenbender All in favor? Opposed? Abstentions? That's everything?

MR. LAUBE:

Seventeen.

MR. NOLAN:

I think that's all she wrote.

P.O. LINDSAY:

Okay, I'll entertain a motion to adjourn.

D.P.O. VILORIA-FISHER:

You got it.

P.O. LINDSAY:

By Legislator D'Amario, second by Legislator Stern. All in favor? Opposed? Abstentions.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Everybody have a nice summer. We will probably be back very shortly, all right, for a special meeting.

***[*THE MEETING WAS ADJOURNED AT 5:43 P.M.*]
{ } Indicates Spelled Phonetically***