

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

August 5, 2008

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

**Minutes Taken & Transcribed By:
Alison Mahoney & Lucia Braaten, Court Stenographers**

[*THE MEETING WAS CALLED TO ORDER AT 9:32 A.M.*]

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

P.O. LINDSAY:

Mr. Clerk, would you take the roll, please.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG-ELECT GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not present).

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Not present).

LEG. MONTANO:

Here.

MR. LAUBE:

Sixteen (Not Present: Legislators Viloria-Fisher & D'Amaro).

P.O. LINDSAY:

Okay. Could everyone rise for our salute to the flag led by Legislator-Elect DuWayne Gregory.

Salutation

And if you could remain standing, I'm going to introduce Legislator Cameron Alden for the purpose of introducing our guest clergy, the Reverend Arturo Maine.

LEG. ALDEN:

Thank you, Mr. Presiding Officer. Reverend Maine comes from First United Methodist Church in CI, but that's a congregation that takes up Islip, Bay Shore, Central Islip, of course, and up into Hauppauge and Brentwood. So it's a very large congregation, they do a lot of outreach, a lot of help is needed in that area and a lot of help is given by this congregation. 1869 is when they had their first building. And I was actually involved with not the decommissioning of their first church, but sort of the passing-on of their first church to the Central Islip Historical Society. So with that, I will introduce Reverend Maine for our invocation. Thank you.

REVEREND MAINE:

Good morning. And as we come together and about to continue your work in the Legislature, we ask that God bless me and you. So let us pray.

All Mighty God and Father, this morning we come before you asking these leaders, oh Lord, who you have elected and placed to take care of the concerns and business within this community. We ask you that as they deliberate, as they perceive and as they act in terms of your Legislative action that it may be done so that it be for the common good in ways, oh Lord, that we can continue to enjoy in this community all the blessings that you have in store and that we can look and do things that your tomorrow will be one that where your mercies and your grace will be upon each one of us. So bless them, guide them. All this we ask in the name of our Lord, Jesus Christ. Amen.

(*Amen Said in Unison*)

P.O. LINDSAY:

Thank you very much, Reverend. Would everybody remain standing for a moment of silence for our men and women that are in harm's way to protect our way of life as we speak today. Thank you.

Moment of Silence Observed

Be seated. Okay, our first order of business today is to administer the Oath of Office to our newest

Legislator, Mr. DuWayne Gregory.

And with us today is Judge Bean who's going to administer the Oath of Office. So Judge, if you would kindly come forward, and Mr. Gregory, soon to be called Legislator Gregory, please also come forward.

**(*Oath of Office Administered to
Legislator DuWayne Gregory by the Honorable Toni Bean*)**

P.O. LINDSAY:

The Honorable DuWayne Gregory

Applause

Okay, just a few announcements before we get to our public portion. At 12 30 in the lobby, a photo will be taken of all Legislators with the school supplies that we've been collecting for the Charity Backpack Pirates which is to provide school supplies for children that reside in our homeless shelters. So that's at 12:30, if anybody is available to take a photo op.

At 12 o'clock we're going to have an executive session on some pending litigation, so we will end our morning session, our public morning session at 12 o'clock and go into executive session.

And with that, I don't have any proclamations today; is that right.

MR. PEARSALL:

None.

P.O. LINDSAY:

None, okay. We go right into the public portion. Our First card is John woods.

MR. WOODS:

Good morning, Presiding Officer Lindsay, Majority Leader Cooper, Minority Leader Losquadro and the rest of the members of the Legislature. My name is John Woods, I am the Assistant Political Director for United Food & Commercial Workers Union, Local 1500. Local 1500 is New York's largest food workers union representing over 22,000 workers who work in a variety of retail food stores such as Pathmark, King Kullen and Stop & Shop, among others. Due to a scheduling conflict, I was unable to speak at the public hearing, but I am here to speak in favor of establishing a waiver on item pricing in Suffolk County.

Over the years UFCW 1500 has opposed similar legislation whenever it has been introduced in the Legislatures of the five counties where our members work, excluding New York City. Over our opposition, Nassau County passed a similar legislation a few years ago. Since it passed in Nassau County, our union has gone to great lengths to monitor the job loss, impacts on consumers, etcetera. We are happy to be here today in support of waiver on item pricing in Suffolk County because our research shown -- has shown no job losses to our members and rapidly improving technology that offsets negative impacts on the consumer.

How items are priced has changed dramatically over the years from traditional handwriting on items with markers to today's more technologically advanced pricing guns. Despite these advancements, as long as each item had to be priced, it remained a labor intensive function. Our union's responsibility is to protect those workers and the hours they spend pricing items. Our concerns over the potential loss of these jobs and labor hours, as well as consumer impact, were the basis for our earlier opposition. However, where this legislation has already passed, we are working closely with our employers to minimize the impact and I can say that our collaborative efforts have been successful.

Grocery department personnel has not seen hours reduced or job losses because of not having to

mark each and every item. Our employees redirected that labor that was spent marking items to the establishment of scanning departments. In fact, most stores have a full-time scanning person who's responsible for making sure store scanners are charging consumers the right price. This scanning coordinator also has several part-time employees that assist him as well.

As to the issue of scanners and accuracy, our members have seen first-hand how the constantly changing technology has brought many benefits to consumers and the supermarket industry over the years. For example, scanners reduce checkout time, provide consumers a receipt that details the type and price of each item purchased, they generate electronic coupons for products that consumers purchase, they also provide a means to help prevent the sale of alcohol and tobacco products to minors. Some Supermarkets have programmed the registers to stop whenever such items are scanned and prompting the cashier to ask for ID.

Concerns have been raised about discrepancies between the prices on the shelf and in the scanner at the checkout counter. This issue has often been described as scanning error; that term is misleading. However, it fails to identify the true cause of an error. Under the current system, if a price change occurs, the employee would have to remove each item from the shelf, scrape off each and every label and then apply a new one. When a discrepancy occurs, the technology itself is not manufacturing -- malfunctioning, rather store employees might not have gotten to that particular item yet. Since price changes are typically made in the scanner, the scanner reflects the true price.

P.O. LINDSAY:

John, you're out of time, if you could just wrap up.

MR. WOODS:

Okay. Despite all these obstacles, the current law requiring prices to be changed manually on these items increases the discrepancy rate because it introduces many more opportunities for error. Therefore, as I stated in the beginning of my testimony, it is for all these reasons that we can support a waiver on item pricing in Suffolk County with a confidence we did not have just a few short years ago. I thank you for your time.

P.O. LINDSAY:

Thank you, John. Next up, Christopher --

MR. PEARSALL:

No, we have Judy Pascale.

P.O. LINDSAY:

Okay. In the auditorium is our County Clerk, Judy Pascale; if you could come forward. And we have to go through the formality of Judy again administering the Oath to DuWayne and signing the official book to make him an official Legislator.

LEG. NOWICK:

Now you'll never get out of it.

***(*Oath of Office administered to Legislator DuWayne Gregory
By Judy Pascale, Suffolk County Clerk*)***

Applause

P.O. LINDSAY:

Okay, now you're official. Next speaker is Christopher Destio.

MR. DESTIO:

Good morning. My name is Chris Destio, I reside in Mastic Beach and I'm an employee of the John J. Foley Nursing Facility. I'm only here just for a couple of seconds, I know you've got a full agenda.

Wednesday at the Ways & Means Committee, Mr. Alden asked me if I can maybe get a report of the HMM and our concerns and views about it and I have it here. If copies could be made for each Legislator, you can pass it along, I appreciate it. Thank you.

And I just want to say one thing here. It says -- I would like to -- all the Legislators, please look at this whole report and make your own determination of it. They have misled the Legislators which makes this whole study void. And you have to ask yourself a question also; why are there half-truths in this study anyway? Hopefully these Legislators here can figure that one out for yourselves. And I thank you very much for your time.

P.O. LINDSAY:

Thanks, Chris. Next up, it looks like Daniel Harpin.

MR. KARPEN:

My name is Daniel Karpen. I'm a professional engineer in Huntington, Long Island. And I'd like to read to -- read you a letter dated July 24th to the Suffolk County Legislature..

"Dear Legislator, Re: Closed Government. Today I tried to attend a meeting of Steve Levy's Energy Task Force after someone told me about it. The guard in the Dennison Building let me in and told me it was on the 12th floor. I thought that the meeting was open to the public; Instead I was told I could not attend as I was not invited. I asked one of the people on Steve Levy's staff on the 12th floor if I could get an invitation, I was told no. I asked for a list of the people who were invited to the meeting, she told me I couldn't have it; closed government. I asked for an agenda, she told me I could not have an agenda; closed government. I was told to leave the building.

At that point, I decided to tell the Legislature about Steve Levy's, quote, "closed government", unquote. I asked someone about what was discussed at the meeting. I was told that the Connecticut State Attorney General was there and that nothing discussed at the meeting was exempt at the Freedom Of Information Law, that the meeting was not, quote, "an executive meeting", unquote, under the Public Officer's Law. You need to investigate what's going on in the closed government of the Steve Levy Administration. Yours Truly, Daniel Karpen.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Karpen.

LEG. ALDEN:

Some of us have the same thing happening; not to make light of your situation, though.

P.O. LINDSAY:

Okay, okay.

LEG. KENNEDY:

You're not on the list?

LEG. ROMAINE:

They have a one-branch government, we know that.

D.P.O. VILORIA-FISHER:

We can't ask you questions, sir. We can just listen to your statement. Thank you very much.

MR. KARPEN:

Thank you.

P.O. LINDSAY:

Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, long-time activist. And I happen to have been invited because of my energy -- lengthy energy background, to that particular meeting. And I have a question for the Legislators; What do -- what does T-bone pickens have in common with four of those energy pundits who were at that meeting? Namely, Steve Levy; the LIPA President and CEO, Kevin Law; the Regional Planning Commission Chairman, Michael White; and Steve Zelkowitz, the Vice-President of National Grid and KeySpan. They all have in common that they're promoting natural gas. And I thought that the wave of new thinking about energy dealt with alternate energy, but to hear these four spokespersons at this meeting challenging the Attorney General Richard Blumenthal of Connecticut in his rejecting Islander East, the natural gas pipeline, to come to Long Island seemed to me to be most inappropriate.

We've changed our thinking in the last eight to ten years about the need to eliminate the global warming agenda, and that means that we've got to move away from fossil fuels. Instead, they seek, those four leaders intend to go to Connecticut to mollify the Governor and the Attorney General. That was the thrust of the meeting. There was no talk about alternate energy and solar and wind power. That seemed to me most inappropriate.

And I would -- Since I've been an advocate of solar power and have pushed for solar stations at parking lots everywhere in order to reduce the cost of gasoline by connecting electric cars to those solar stations and having -- urging you, as I did with 21 proposals that I made to the Energy Committee last week, I would hope that you would put together an RFP for both solar companies and electric car companies, invite them here to set up their factories and let's move quickly on an agenda that brings us reduced gasoline prices, less pollution and a more meaningful steering in a new direction by eliminating fossil fuels. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Peter. Mark Schneider.

MR. SCHNEIDER:

Good morning. Many of you have actually seen me here before on this resolution which is Resolution 1023, directing -- requesting and directing that Suffolk County Sewer Agency and Department of Public Works to finalize the creation of Sewer District No. 4, Smithtown Galleria. I represent Windcrest at Galleria Homeowners Association, Inc., which is a large homeowners association which is affected by this resolution. I'm here today in sport of the resolution and I'm here, certainly I will wait around in the event that the resolution is discussed to answer any of your questions and I will not take up much of your time right now repeating what you've heard before.

P.O. LINDSAY:

Thank you very much. Louis Marcoccia who is the Town of Brookhaven Receiver of Taxes. Mr. Marcoccia, thank you for being with us today.

MR. MARCOCCIA:

Good morning, good morning. It is true that when you're first elected you're supposed to give any elected official that speaks whatever he or she wants; I believe that's what the rules are here. It's a joke.

LEG. ALDEN:

That's a rookie mistake if you follow that.

MR. MARCOCCIA:

My name is Lou Marcoccia, I'm the Brookhaven Town Receiver of Taxes. Esther Bivona, who is the Chairperson for the Association of Tax Receivers, asked me to speak on the association's behalf this morning concerning Resolution 1651. The resolution is basically the truth and accuracy as it relates to tax bills and I just want to go over a few points.

First of all, I would like to thank my Legislator, Legislator Vivian Fisher for her assistance, Mr. Bill Lindsay and Mr. Romaine for contacting the association at various offices. In your minutes on this bill, quite clearly Dr. Lipp, who I don't know, actually had -- and also Ms. Nowick had the problems and issues absolutely on target. If You read the minutes of the last meeting that you had, Dr. Lipp defined the problem quite accurately and Ms. Nowick actually defined as it relates to room on the tax bill absolutely correctly, and I just wanted to highlight some points.

Room on a tax bill; an ancillary issue but there is a problem. You will hear from Islip that, in fact, they have no more room on the tax bill. And quite clearly, I've been in technology for 30 years and I've owned my own computer consulting firm, you can make anything fit on a piece of paper, but the question is how presentable would the tax statement be and won't it really create more confusion to the taxpayers than try and resolve the problem.

Two, in the current resolution there's no formula for the calculation. We simply cannot implement this resolution as written because we don't know what to calculate, so it would be impossible for us to implement that resolution based on its current format.

Three, the whole purpose of what you're trying to do is truth in accuracy. Well, how can you have an illustrated figure and a real figure next to it? It would be misleading. A taxpayer will look at the bill and say that, "Suffolk County said that they didn't increase taxes, but yet I see a figure here that says I'm paying more taxes. I'm confused, why am I not paying the lower figure?" There's got to be a different way.

We've contacted the County Executive's Office, we had a conference call meeting yesterday and we offered some language that can be presented on the bill. The language simply states, without having figures, "The overall County budget percentage change is. Any variation from this is due to the New York State Equalization Rate." So a comment like that on a tax bill certainly would be preferred over what's been proposed in this current resolution because it is not workable.

I'm also offering the association to meet with the County Executive's Office and the Legislature so we can get this done this year because we are in the middle of printing the tax bill to try to resolve this problem so we give you what you want which is clearly a problem. It is a problem when the Legislature votes for a small percentage of increase or zero, and in fact, the tax bill, what happened last year on the east end, the tax bill is 24%. So clearly, something has to be done, but this current resolution does not deal with the problem. And I do believe there should be a discussion with the Tax Receivers as it relates to make this happen. Thank you very much and I'm sorry if I took more than the three minutes.

P.O. LINDSAY:

No, you didn't, you didn't. Thank you very much for your comments and the clarification on this issue and your work, as well as all the Tax Receivers, in trying to resolve this problem. Thank you.

MR. MARCOCCIA:

Terrific. Thank you very much.

D.P.O. VILORIA-FISHER:

Thanks, Lou.

P.O. LINDSAY:

Charles Rodriguez from the Town of Islip Receiver of Taxes,

MR. RODRIQUEZ:

Good morning, Presiding -- Mr. Presiding Officer, Members of the Legislature, I'm Charles Rodriguez, Deputy Receiver of Taxes for the Town of Islip.

On behalf of the Receiver, we respectfully request that IR 1736 be tabled for open discussion with the Receiver of Taxes and the Town IT Departments. At the present time, Islip cannot accommodate two additional lines on the tax bill. The Equalization Rate is mandated by the State, not by the Receivers or the towns. We understand your problem and we are willing to work with you by putting a short statement on our rating code sheet or an informational letter explaining your dilemma. Once again, we implore you to table the resolution and print our tax bills. Thank you for your time and consideration.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Rodriguez.

P.O. LINDSAY:

Dot Kerrigan. Dot Kerrigan? I saw Dot in the audience before; did she leave? I'm just going to put her card aside because I know she was here. Ashlee Vilmaz?

MS. VILMAZ:

Hi, good morning. I'm Ashlee Vilmaz and I just graduated from Deer Park High School. Throughout my junior year and senior years in Deer Park High School, I took part in a program called the Early College Program through Suffolk Community College. I completed this program with a 4.0 and 12 credits and in three weeks I'll be moving into Binghamton University as a Mechanical Engineering major.

LEG. STERN:

Very good.

MS. VILMAZ:

Thank you. The Early College Program was one of the best opportunities I've ever had in my education and it really helped me not only get into college, but I think that it's going to help me from this point forward.

One of the major advantages of this program was the great improvement in my writing skills. In the fall of my junior year, I took an Introduction to Communications course with Professor Epstein and after this course my SAT writing score improved by 70 points, and in the spring I took Freshman Composition and my SAT score went up another 40 points. At the end of my junior year, I was one of the very few people in my class who achieved a score of 4 on the AP English & Composition exam. And not only this, but I also wrote a really good admissions essay.

I think that this program not only helps improve test scores and writing skills, but it helps students get used to the way that college classes run. In high school we're so used to teachers telling us what to do, how to study every single day, and throughout this course I really learned how to manage my time on my own and my work on my own and I think that I'm going to have a great advantage over the other freshmen at Binghamton University.

I'm also a lot more experienced with diversity because of this program. I remember my Introduction to Western Civilization course with Professor Marshal, there was a young woman who had grown up in the Middle East and there was a young man who clearly expressed his communist views every single day, which I really wasn't used to. And in a course like Western Civilization,

hearing both of their opinions, it really helped me understand a lot more than I would have without them. And I even got to use this experience in an admissions essay for Lehigh University and I think that it really helped me. And hopefully I'll get along better with my roommate in Binghamton because of this.

I'm really grateful for this opportunity and I think that it really helps me. I got into every college I applied to and it's going to help me from this point forward hopefully achieve a 4.0 in Binghamton and I hope that many more students will have the opportunity to attend this program if you guys continue funding it. Thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Ashlee. Daniel Ginty?

MR. GINTY:

Good morning, Ladies and gentlemen. My name is Daniel Ginty and I first appeared in front of this body in -- on February 7th of 1996.

At that time, I told the Legislature about how my sister had been murdered back in 1994 and how her murder was -- you know, her murder could only occur because there was a delay in the Police being contacted through the 911 system. I'm here today to talk about the 852-COPS number that has been in the news recently.

Back in 1996, the Police did a report, Suffolk County Police, saying why a non-emergency number would not be appropriate at that time. Later, in 1997, the FCC put aside a three-digit 311 number to be used by municipalities for non-emergency numbers to contact services in a municipality. In 1998, again, the Suffolk County Police reported the infeasibility of a non-emergency number and that's where it sat until 2006 when Mr. Levy got some funds from Senator Schumer and they created what we now know as 852-COPS. It's not the number that I envisioned back in 1996, but I felt it was a step in the right direction.

We left -- my mother and I, she's in the audience today, when we left the press conference for the 852-COPS number, she asked me if I thought it would work. I said, "If the cops get behind it and support it, I believe it will work. If they don't want it to work, they want to torpedo it, they will." Last week Mr. Levy makes a press conference promoting the 852-COPS number; two days later, true-to-form, somebody from the Suffolk County Police Department tries to shoot it down claiming Mr. Levy is playing politics. I could stand up here for a long time talking about what's happened between 1996 and 2008. You don't have to listen to me. I ask -- you all -- I notice you all have computers in front of your desks, I ask you to punch in and Google "311 non-emergency number" and see what you get, see what other municipalities are doing with this number.

I'm not happy with how the Police have handled this matter. Obviously the program that Mr. Levy promotes is not what I envisioned, but I -- it's important that something be done to relieve some of the overburdening of the 911 system. It has always been the answer of the Suffolk County Police to hire more operators, and I just ask you again to punch in that number and see what you get. Thank you very much for your time this morning.

P.O. LINDSAY:

Thank you for your comments. I'll call Dot Kerrigan; is Dot -- did she come back in the room? Okay.

All right, I don't have any other cards. Is there anyone else in the audience that would like to address us? Seeing none, I'll make a motion to close the public portion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

What I'm going to do, before I go to the main agenda, I see a lot of people from the college in the audience and there's a resolution in your packets having to do with the college budget. I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. It's Budget Amendment No. 1. Is there any comments? Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

Mr. Chairman, could we just have a brief overview from BRO?

P.O. LINDSAY:

Sure.

MS. VIZZINI:

This resolution would amend and adopt the 2008-2009 College Operating Budget. What it does is it assures that the maintenance of effort or the County contribution is maintained, that it's the same as it was in 2007-2008. There's no change in real property taxes. There are expenditures of 29,500 for a Welfare-to-Work Mentoring Education Program to continue at the college, as well as \$100,000 for continuation of the technical training provided by the college to County employees and a modest increase in fuel for heating. These are all offset by the corresponding increase in County contribution revenue as well as reduction in other surplus expenditures.

It would also require the adopted '08-'09 college budget to include three tables that clarify and make the presentation of the budget more transparent as far as the County contribution and the addition of expenditures and revenue.

P.O. LINDSAY:

Anyone else? Okay. Seeing none, I'm just going to take a voice vote on it. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, It's carried.

And while we're in the packet, we only have one other resolution in the packet and it's ***Procedural Motion No. 21-08 - Authorizing funding for Community Support Initiatives, Phase V.***

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We'll go on to the *Consent Calendar*. I'll take a motion on the Consent Calendar.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, going to *Tabled Resolutions*:

First up is ***IR 1023-08 - 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:

Mr. Chair, I'll make a motion to table on this as I'm still trying to come to some kind of resolution with the Department of Public Works.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Okay. We have a motion to table by Legislator Kennedy and seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1129-08 - Adopting Local Law No. 207, a Local Law establishing crime prevention requirements for scrap metal processors (Eddington).

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1181-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [Former Section C12-5(E)(1)(a) of the Suffolk County Charter] for the South Bay Street property, Town of Babylon (SCTM Nos. 0103-025.00-02.00-018.000 and 0103-025.00-02.00-019.000) (Horsley).

LEG. HORSLEY:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, **Introductory Resolutions:** If you're on the paper agenda, it starts at page six.

Budget & Finance

First up is ***IR 1634-08 - To amend Adopted Resolution No. 732-2007, to extend the deadline for the Suffolk County Budget Reform Commission (Montano).***

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Montano.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

Consumer Protection

P.O. LINDSAY:

IR 1576-08 - Adopting Local Law No. 2008, a Local Law to increase the application fee for occupational licenses (Presiding Officer Lindsay). I'll make a motion.

LEG. STERN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm not on Consumer Protection anymore. Can we just hear the -- was there any dialogue, was there anybody that had to pay this fee who came forward? Because a couple of people called my office and said they were disappointed that we were raising it again because we just raised it a year or two years ago.

P.O. LINDSAY:

We had extensive dialogue with Consumer Affairs. I don't recall anybody appearing at the public hearing testifying against it. This isn't for the license, this is for the application fee. And the justification for it came from Consumer Affairs in that the old fee was \$25. And former Director Gardner said that it cost them so much more to take in the application, to design the test, to give the test, to grade the test and give it back, so he requested the increase and he thought it was justified with the amount of hours the department puts in in this testing process.

LEG. ALDEN:

The one fear that was expressed to me was that people that don't have licenses and are operating in Suffolk County are X number, but if they increase -- if we increase the cost of actually sitting for the license or applying for the license, we might increase the number of people that are not going to go and be law-abiding citizens.

P.O. LINDSAY:

Well, I think that's certainly possible. But the fines for operating without a license are far greater than the application fee, so it becomes -- you know, on a business decision, it's more cost effective to get the license.

LEG. ALDEN:

I was just wondering if it was discussed. Okay.

P.O. LINDSAY:

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

MR. LAUBE:

That is correct.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Yeah, I just would simply say I have some grave concerns about the amount of the increase. We're taking this fee, essentially, as I'm looking at this, we're taking this fee from \$25 to \$200; that's well over a -- yeah, it's -- multiplying it seven times over. If this was a fee that said, "Look, \$25 is too low. Next year we're going to raise it to 50 and a couple of years later we'll raise it to a hundred and so forth." This is a huge jump to people who make a living who are mostly self-employed, who are contractors out there who are self-employed who are having the squeeze of their life because

right now the economy is slowing down, their services are in less demand, they're trying to pay taxes.

You know, I have a basic problem with increasing fees by such a large amount. I would not mind -- if you said, "Look, we need to increase this fee from 25 to \$50, we're going to double it, and then we have a program where next year we'll take a look at it again." But, I mean, to take it from 25 to \$200, that's a huge leap at one time, at a time that the people who are making their living, the contractors that are making their living are particularly squeezed and are being nicked and dimed to death, they're paying higher gas prices, there is less work out there for them. I see justification for increasing this fee, but by the percentage that you want to increase it, over 700%, I mean, that's a huge leap. So I'm not going to be voting for this. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Does Budget Review have any idea what the additional increase in fee would generate on an annual basis in terms of revenues?

MS. VIZZINI:

We project that it would generate about \$397,000 annually.

LEG. BARRAGA:

Thank you.

MS. VIZZINI:

To cover the cost of Consumer Affairs' efforts to assure that electricians, plumbers, home contractors and those covered by this licensing increase are, in fact, giving the public the best service.

P.O. LINDSAY:

Anybody else? Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Is it -- is this just the plumbers and electrical or is this all home improvement?

P.O. LINDSAY:

No, no, this is for all occupational licenses.

LEG. SCHNEIDERMAN:

Yeah. I mean, my sense out there is there's an awful lot of home improvement contractors who do not have County licenses at all. There's a huge amount of money we could be collecting if we would do better enforcement, even of the \$25 that's out there. And I kind of concur with Legislator Romaine, that to go from 25 to 200 is a very large jump, and if we're going to get there we should get there in a multi-year period, not in just one fell-swoop, so.

P.O. LINDSAY:

The unfortunate thing is that we have a huge budget deficit. And when we examined our fee structure to see what would be increased to raise revenue and that could be justified, this is one of the things that popped out. Because we're spending a lot more money on the application process than we're taking in on the fee. You've got to remember, this Legislature passed a number of pieces of legislation that calls for criminal background checks on contractors and we kept, you know, improving our licensing procedure but without raising the fee in many, many years to justify the amount of work that goes along with the legislation.

LEG. SCHNEIDERMAN:

Was that analysis formally done, is that something I can see in terms of how much it costs per application to process it in terms of time and labor, or is the \$200 --

P.O. LINDSAY:

It was by testimony from the former Director, Charles Gardner; I would call him but he retired with the early retirement.

LEG. SCHNEIDERMAN:

Right. So and he's saying it's about \$200 an application in time and labor?

LEG. ALDEN:

He said it was more than that

P.O. LINDSAY:

Yeah, I believe he said it was more than that. Okay. Anyone else? Roll call.

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

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Pass.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. MONTANO:

No.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay, *IR 1577-08 - Adopting Local Law No, A Local Law authorizing a program to waive item pricing requirements (Presiding Officer Lindsay)*. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Any dialogue?

LEG. ALDEN:

Am I listed as a cosponsor? If I'm not, put me on, please.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Chair, actually I have a question for you. Because I -- I have to admit that I did get a little lost during John's presentation, and perhaps you could go over some of the points that he made; I had mentioned this to you as he was speaking.

You know, I was wondering about some of the issues he brought up regarding the labor intensiveness of certain -- some practices with the item pricing, with having a full-time scan, a person at the store to check the accuracy of the scanning and how, vis-a-vis this law, do those concerns that Mr. Woods indicated, how were they reflected and how were they addressed in this legislation?

P.O. LINDSAY:

Actually, this isn't new legislation; I'm the sponsor now, but it was first introduced by Legislator Alden probably, what, ten years ago?

LEG. ALDEN:

(Shook head yes).

P.O. LINDSAY:

And there was a huge disagreement at that time within the industry between particularly labor and management about the implementation of it, so it never passed. It was revised this year by myself for two reasons. Number one, we're the only one that has it in this area now. Nassau County passed a waiver bill, oh, five years ago, I believe New York City has a waiver bill. And since Legislator Alden introduced the original bill, the whole process has become an electronic -- any store that you go in, even to the smallest mom and pops, have scanners now and bar codes. And so the timing of it, as time went on, because of technology and an effort by myself to work with the industry, both labor and management, to design a bill that would work. And everybody seems to be on board, both labor and management which wasn't the case when it was first introduced.

And again, I'll be very frank, this is a huge revenue-enhancer for the County, and the industry welcomes it at the same time. And it should be consumer-friendly at the same time, because in order to acquire the waiver, how it works is that Consumer Affairs goes into a supermarket and samples, I think it's a hundred or 200 items, and the bar for passing it is like 95%.

MR. NOLAN:

Ninety-eight.

P.O. LINDSAY:

Ninety-eight percent; 98% of the items that they select when they scan it has to match the price on the shelf. If they don't do -- if it doesn't meet that standard, then they don't get the waiver and I don't think they can apply for another --

MR. NOLAN:

They can through a second test.

P.O. LINDSAY:

Oh, they can go through a second test, if they fail the second test then I don't think they can apply until the following year. So the standard is pretty stringent. It will, again, bring in a lot of revenue for the County and the industry, both labor and management, now are on board with it which was not the case the last time it was introduced.

D.P.O. VILORIA-FISHER:

John Wood's concerns are?

P.O. LINDSAY:

John Woods supports the bill, and we heard from our three major supermarket chains at the public hearing that they're all supportive of the bill. So I think everybody's concerns were addressed by working with them, that it's better for the consumers, the supermarket chains think it's the way to go and labor seems to be okay with it.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Anyone else? Okay. We have a motion and a second, I'm just going to take a voice vote. All in

favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1589-08 - Approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board (County Executive). I'll make a motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator --

LEG. BROWNING:

Browning.

P.O. LINDSAY:

Browning; forgive me. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1590-08 - Approving the reappointment of Angelina M. Marketta as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive). Can we do same motion, same second?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1591-08 - Approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board (County Executive). All in favor? Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1592-08 - Approving the reappointment of Edward Nielsen III as a member of the Suffolk County Home Appliance Repair Licensing Board (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1593-08 - Approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1619-08 - Approving the appointment of Robert J. Ritter as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive). Okay, same motion, same second. Any questions?
Same vote.

MR. LAUBE:

Eighteen.

Economic Development, Higher Education & Energy

P.O. LINDSAY:

1622-08 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for NANA's House, Inc. 91% reimbursed by State funds at Suffolk County Community College (County Executive). Do I have a motion?

LEG. HORSLEY:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Environment, Planning & Agriculture

P.O. LINDSAY:

1534-08 - Authorizing planning steps for the acquisition of land funds Suffolk County Drinking Water Protection Program as amended by Local Law No. 24, Town of Islip. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1554-08 - 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 the Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710) (County Executive).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

If Budget Review can give us just an overview of 477, how much money is left in there, how much is earmarked for salaries, how much would be left to do bricks and mortar type of projects?

MS. VIZZINI:

The 2008 fund balance is \$49.3 million. Thus far this year we've appropriated 3.6 million to Capital Projects; this would transfer \$44,000 for the project in this resolution.

LEG. ALDEN:

How much is in salaries?

MS. VIZZINI:

I just need to check.

LEG. ALDEN:

And Gail, while you're checking, please, anticipated revenue to that fund, additional revenue for '08?

MS. VIZZINI:

The 2008 revenue from sales tax for all of water quality was 67.9 million; the water quality component gets 12 -- 11.5% of that.

LEG. ALDEN:

Okay, so there will be over \$60 million anticipated by the end of the year?

MS. VIZZINI:

For all programs funded through the Water Protection.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

You want to spend it? I'm only kidding. I'm only kidding.

LEG. ALDEN:

I might actually call for some of these, but it depends on the salaries they're talking about.

P.O. LINDSAY:

Are you done, Legislator Alden?

LEG. ALDEN:

I just need the salaries that are coming out.

P.O. LINDSAY:

Oh, okay. I'm sorry.

LEG. ALDEN:

If we're over \$20 million in salaries coming out of there, then I might have some reservations about some of these programs.

MS. VIZZINI:

It's roughly 2.2 million in salaries.

LEG. ALDEN:

For the whole year.

MS. VIZZINI:

Yes.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Fifteen ninety -- oh, did you call the vote?

MR. LAUBE:

I did.

P.O. LINDSAY:

Yeah, you did, okay.

IR 1596-08 - Amending the Adopted 2008 Operating Budgets to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget & Program and appropriating funds in connection with the preparation of standard operating procedures for petroleum and chemical storage tanks and leak detection systems managed by Suffolk County (CP 8710) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Romaine.

On the question, anybody? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes.

P.O. LINDSAY:

IR 1607-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Lewin Estate property, Broad Cove, Town of Riverhead (SCTM No. 0600-086.00-01.00-034.000) (County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman.
Any questions?

LEG. ALDEN:

Just on the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I don't know if we're implementing a recently passed resolution or not up to this point, but what was the cost factors on this? For instance, what taxes were they paying? Was the whole property available for development or was some of it under water, some of it non-developal -- developable?

P.O. LINDSAY:

I mean, would it be all right if I call on the Chair of Environment to maybe answer that question?

LEG. ALDEN:

Anybody.

P.O. LINDSAY:

If you could answer Legislator Alden.

LEG. SCHNEIDERMAN:

I'll try. This is a property, I have to look at the resolution to get the exact price or maybe Gail has it, but --

LEG. ROMAINE:

Two hundred thousand.

LEG. SCHNEIDERMAN:

Two hundred thirty thousand I'm being told. It's around Indian Point where the golf course is, it's also in an area that we have targeted heavily in the master list. It's along the water there and it is

-- as far as I understand, it's a developable piece of property. I don't think that it's totally wet, there are dry areas on it, if that's answering your question. All I can tell, though, is by the aerial that was provided to me, I haven't done a field inspection but I'm familiar with the area.

LEG. ALDEN:

Do you know what the taxes are on the property, or -- well, yeah, that would still be on the property until we actually acquire it, so what the taxes are?

LEG. SCHNEIDERMAN:

I do not, but it's -- I know that it scored quite high in the rating system in terms of its worthiness for acquisition.

LEG. ALDEN:

But there's a -- I have, you know, a fundamental problem with buying property. We bought some property out in Montauk one time that you could only build one or two houses on it and we paid tens of millions of dollars for it, and it came off the tax rolls, so.

LEG. SCHNEIDERMAN:

Have you visited that property?

LEG. ALDEN:

This property?

LEG. SCHNEIDERMAN:

No, the one in Montauk that you always bring up; have you visited it yet?

LEG. ALDEN:

I actually was there a bunch of times; why, Jay?

LEG. SCHNEIDERMAN:

Because it's probably the closest thing we have to a Grand Canyon, and if you think we ought to develop on the rim of the Grand Canyon, we can have that argument, too. But this is a very unique piece of property and you're going to --

LEG. ALDEN:

Well, I was denied access to the property, just so you know, the last time I went out there.

LEG. SCHNEIDERMAN:

Well, I'll be happy to --

LEG. ALDEN:

Just so you know, okay?

LEG. SCHNEIDERMAN:

It's a State Park now, I don't understand why you would be denied access.

LEG. ALDEN:

I don't know either, but I was denied access and we paid a ton of money for that and the taxes are not being paid any more.

LEG. SCHNEIDERMAN:

I'd be happy to show you at any time, just don't push me off the cliff.

LEG. ALDEN:

Well, that's a distinct possibility. So we don't know what the taxes were on this property and how

much of it could be developed?

MS. VIZZINI:

(Shook head no).

LEG. ALDEN:

All right, thanks.

P.O. LINDSAY:

Okay. I don't think we've ever -- I mean, it's something that we should ask for maybe in the analysis when it goes before the Environment Committee, but --

LEG. ALDEN:

It's a law now.

P.O. LINDSAY:

It's a law?

LEG. ALDEN:

Yeah, we passed it.

P.O. LINDSAY:

Did we? Yes, Legislator Romaine.

LEG. ROMAINE:

Legislator Alden makes an excellent point and that's what I'm going to speak to. Yesterday I had a conversation with the Planning Director, Tom Isles, and I said, "Tom, where's my rating sheets?" This Legislature passed and the Executive signed back in May a requirement that each of the Legislators, before we vote, get rating sheets on the parcels so that we would know -- plus any additional information such as back taxes, etcetera. And he said, "Well, we're complying with that, but we're sending it to the Clerk." So what I would -- I suggested to Tom is, "You know what, when you send it to the Clerk, why don't you e-mail it to all the Legislators," or possibly the Clerk if it could be gotten in that type of format, could e-mail it to us so it's not an additional burden. But the Planning Department wasn't complying with the resolution which was to supply us with the rating sheets. Look, I'm in favor of land acquisition, I can understand Cameron Alden being opposed, but whether we're in favor or opposed, at least give us the facts so we can make an intelligent argument for or against acquisition.

P.O. LINDSAY:

Okay. Mr. Clerk, do we have any problem at all in forwarding that e-mail to every Legislator?

MR. LAUBE:

Not at all.

P.O. LINDSAY:

All right. We'll make sure that it's -- Legislator Romaine, just to answer your question, we'll make sure it's done on this end so it gets done.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. Any other questions on this resolution? Okay, we have a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes.

P.O. LINDSAY:

1609-08 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) - Open Space component - for the Podolsky Property - Miller Place/Yaphank Road NP addition - Town of Brookhaven (SCTM No. 0200-189.00-03.00-003.000) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning.

D.P.O. VILORIA-FISHER:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

If I may, through the Chair, I'd like to ask Dan Losquadro; this is in your district, Dan?

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

The reason I'm asking you this question is that we both sit on ETRB, Dan, and very often we'll look at a piece of property and say why are we buying this? It's not buildable, highest and best use. What can be done with it? Would it ever meet with any kind of approvals for development of any kind? And looking at the size of this, I'm just wondering why we would spend the money in the -- on the acquisition when it is so small. I know it's only \$75,000, but \$75,000 is sizeable in the budget crunch that we're in and I was wondering if we might table this and take a better look at the reasons why we're buying it. I

LEG. LOSQUADRO:

This isn't -- there's no reason to table, I'll be happy to explain.

D.P.O. VILORIA-FISHER:

Sure.

LEG. LOSQUADRO:

This is an old file map area. This is in-fill within existing nature preserve. And there is precedent throughout this entire area to build on small lots; in fact, most of Sound Beach are 40 X 100 lots, only 4,000 square feet. So there is --

D.P.O. VILORIA-FISHER:

So it is buildable, you're saying, developable?

LEG. LOSQUADRO:

You know, you would have to go through the town, but it is an old file map and it's been held single and separate. And this entire area for in-fill would actually be desirable to pick up some of these lots because you would have existing open space around you. So Sound Beach and Rocky Point, which is just to the north of these areas, are all built on exceptionally substandard lots by today's standards, and being that this is held single and separate, it would be buildable at some point.

D.P.O. VILORIA-FISHER:

Okay. And you know where I'm going with this, we have this discussion very often --

LEG. LOSQUADRO:

Right, and --

D.P.O. VILORIA-FISHER:

-- when we're looking at the appraisals and we say that's a policy.

LEG. LOSQUADRO:

And to build the entirety of the aggregate for an existing nature preserve such as this gives us better management of the property as a whole which is what we're trying to accomplish.

D.P.O. VILORIA-FISHER:

Okay, but we are going to be looking at each one of these closely as they come up because --

LEG. LOSQUADRO:

I would expect we would do nothing less.

D.P.O. VILORIA-FISHER:

Absolutely. Okay.

LEG. ALDEN:

On the motion.

MR. NOLAN:

It's 10,000.

P.O. LINDSAY:

Yeah. Legislator Alden.

LEG. ALDEN:

And this is an example --

D.P.O. VILORIA-FISHER:

Thank you. I looked at the wrong number.

LEG. ALDEN:

This is an example that if we actually had all the information, maybe I could support this, maybe I couldn't. But the towns hold the key to what gets developed and what don't -- what properties do not get developed. And in this case, we should have an active plan with some of these towns because we're taking properties off the tax rolls and it's costing the taxpayers and we're the ones that are actually charging the taxpayers for taking these properties off the tax rolls. And if we're going to assemble an open space, if we're going to assemble a parkland, whatever the intent or the final product is, that's fine. But I think we should have a little bit more of an interaction with the towns because, again, they're the ones that created a lot of this problem where we're actually going in with the taxpayers' money, and now it's almost at half of billion dollars, to sort of repair damage that has been done over the centuries of bad zoning practice and bad approval of planning, basically.

So I wish that we would have all this data before us so that we can make an informed decision which is very, very costly. This is a new -- and this is to Budget Review; is this the new acquisition program?

MR. REINHEIMER:

Yes.

MS. VIZZINI:

Yeah, New Suffolk County Drinking Water Protection Program.

LEG. ALDEN:

Okay, so this could be part of that half -- it's almost a half of billion dollars that we're looking to buy property with and then pay for for the next 25 or 30 years with that Quarter Cent dedication. And if we were a little bit more flexible, as I've said in the past, on a cash basis or working with the towns to protect these same properties, we would have, as I said, more flexibility right now to deal with a perceived and possibly a real budget gap that's going to occur next year and the year after that. That would be good planning, that would be good coordination if we reached out to some of these towns rather than us just throwing money at something. And it boggles my mind when somebody says that it's cheaper to take this money off the tax rolls; to me, I don't see that connection. You take something off the tax rolls we have less money coming in, which in some year it's going to hit and we're going to have more of a problem. Thank you.

P.O. LINDSAY:

Anyone else? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

1623-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) - Open Space Component - for the Meadow Property - Forge River Watershed - Town of Brookhaven (SCTM Nos. 0200-787.00-08.00-024.000 and 0200-787.00-08.00-025.000) (County Executive).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington?

LEG. EDDINGTON:

Yep.

P.O. LINDSAY:

On the question, none? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

1624-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) - Open Space Component - for the DeCarmine Property - Nissequogue River addition - Town of Smithtown (SCTM Nos. 0800-075.00-05.00-038.000 and 0800-075.00-05.00-039.000) (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. On the question, no? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

Okay, take over.

D.P.O. VILORIA-FISHER:

1625-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) - Open Space Component - for

the Schnaars Property - Mastic/Shirley Conservation Area II - Town of Brookhaven (SCTM No. 200-983.50-01.00-027.000 (County Executive)).

LEG. BROWNING:

Motion to approve.

D.P.O. VILORIA-FISHER:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

D.P.O. VILORIA-FISHER:

Second by Legislator Eddington. And I'm going to express the same concern on this one that I did for the previous one. In fact, this is an even smaller piece, I believe -- let me look at the size of the other one -- which was point six one acres? Dan, how big was the one that -- oh, point one eight and this is point one three.

I'm going to oppose this because it is so small. I just -- unless there's something compelling. And I know that we've been trying to protect the Forge River Watershed, but I can't -- I don't see how this could get approval to be developed. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, it's part of an adopted plan in this area. Unfortunately it's carved up into tiny lots and the County has been aggressively pursuing them and has acquired many, many of these lots.

D.P.O. VILORIA-FISHER:

Through management; I know, we've been sitting through them.

LEG. SCHNEIDERMAN:

And it's an important management plan. And so, yes, we are going to one-by-one pick up small lots, but it's part of a very large area of land. Otherwise, if we said we're not going to buy any small lot, we wouldn't be able to preserve this area, so it's critical.

D.P.O. VILORIA-FISHER:

Legislator Browning.

LEG. BROWNING:

I would like to add, he is correct, and also there are a lot of small pieces of property. However, many of these properties are wetlands that will require special DEC permits if anybody wants to build on them, so that's why it's so important. And again, it is part of that master plan.

D.P.O. VILORIA-FISHER:

But actually, Kate, that's --

LEG. BROWNING:

So generally they are environmentally sensitive pieces of property.

D.P.O. VILORIA-FISHER:

I absolutely agree. But being that they would require DEC permits, that would make it less likely that they would be developed.

LEG. SCHNEIDERMAN:

That's why you're paying 13,000, not 200,000.

D.P.O. VILORIA-FISHER:

But it's point one three acres, it's quite small.

LEG. SCHNEIDERMAN:

It's a tenth of an acre.

D.P.O. VILORIA-FISHER:

As I said, we talk about this when we're looking at the appraisal and saying what are the chances that this will ever be developed. And I understand about the management issue and I know that the Forge River is very seriously impacted, I just believe that when these come before us we have to vet them, discuss them, see whether or not this is where we're spending our money. Legislator Losquadro.

LEG. LOSQUADRO:

I just wanted to point out, it's approximately point one four acres. The lots that I was referring to earlier in the Sound Beach and Rocky Point area, 40 X 100's which are commonly built upon, are just slightly under point one acre. So point one four and an old file map, held single and separate could still be very buildable.

D.P.O. VILORIA-FISHER:

Well, but we're talking about a wetlands. So I just want to consider these and look at their buildability as we consider them, okay? Any other comments? Legislator Kennedy.

LEG. KENNEDY:

Madam Chair, Vice-chair, I'm not on this committee, but it occurs to me, as we talk about cost, which is always important to us, one of the other things that I used to look at when I was on the committee was what are the adjoining parcels and is there any opportunity for an owner to go ahead and acquire, aggregate, take something? Even though there may be some wetland on here, certainly when you're trying to go ahead and take parcels and cobble them together to get a buildable lot, is this something that might have the potential to do that? All of those factors play into, you know, when it comes time to make decisions on the acquisition. I don't know if anybody knows, does that --

D.P.O. VILORIA-FISHER:

Legislator Browning, do you know if there are adjoining -- if there might be ownership of adjoining properties where they might want to use this to --

LEG. BROWNING:

Very often there is. But like I said, it's in wetlands and they want to preserve that wetlands.

LEG. SCHNEIDERMAN:

Yeah, At this point a lot of these properties --

D.P.O. VILORIA-FISHER:

Sorry, Legislator Schneiderman --

LEG. SCHNEIDERMAN:

At this point, a lot of the properties --

D.P.O. VILORIA-FISHER:

-- Legislator Alden was waiting to speak.

LEG. SCHNEIDERMAN:

Oh, I'm sorry. I just was going to try to answer that question.

LEG. ALDEN:

Let him go.

D.P.O. VILORIA-FISHER:

Okay, go ahead.

LEG. SCHNEIDERMAN:

At this point, a lot of the adjoining properties are in County ownership and we've been successfully pursuing these.

D.P.O. VILORIA-FISHER:

Okay, that wasn't the question.

LEG. SCHNEIDERMAN:

You're raising this concern toward the end of an acquisition process over this area, and it was fully vetted.

D.P.O. VILORIA-FISHER:

But that wasn't the question that Legislator Kennedy asked. He asked of the ownership, if the private ownership was such that an owner could try to aggregate properties so that he could build, he or she could build in the upland area when those have been --

LEG. SCHNEIDERMAN:

You have to look at the current tax map to see if the properties next to it are owned by the County or maybe there's still a private ownership, or next to it; I can't answer until I see that.

D.P.O. VILORIA-FISHER:

I'm just asking the Environment Committee and the Legislature in general to look very carefully and scrutinize very carefully all of the acquisitions. We do this in NTRB and we say, "Well, this isn't the time to look at it, we should be looking at it when we're on the floor," and we get to the floor and when we look at it there's resistance. So we should try scrutinize these very carefully. Legislator Alden.

LEG. ALDEN:

I'm not on this committee. Do we know if all these parcels are current with their tax bills and tax payments? And then the second question, do we coordinate with DEC and the different towns that they're located in to see if, in fact, they can be built upon? I don't know who the Chairman is.

D.P.O. VILORIA-FISHER:

The Chair is Legislator Schneiderman.

LEG. ALDEN:

You'd probably be the appropriate person to answer that, then.

LEG. SCHNEIDERMAN:

For the record, I was able to get the aerial that shows the County ownership and the private ownership in this area and I'll circulate it I think to Legislator Kennedy and Legislator Vilorio-Fisher, so. Legislator Alden, you were asking about, again, the taxes on it?

LEG. ALDEN:

Yeah, do we make an inquiry --

LEG. SCHNEIDERMAN:

Whether the taxes are current?

LEG. ALDEN:

-- if the taxes are -- if they're up to -- you know, completely up to the current standards or if they're in arrears?

LEG. SCHNEIDERMAN:

That question was not asked at the committee level.

LEG. ALDEN:

Okay. And do we talk to the DEC and to the different towns about what their procedures are? Because I know in the past they might have granted building permits for 40 X 100's, but they've changed their requirements. Even though lots are held single and separate, a town does not necessarily as-of-right have to give that owner the ability to build on that. And maybe Legislator D'Amaro would know that a lot better than I am because he sat on Planning.

LEG. SCHNEIDERMAN:

I think that's true. I mean, the price does not reflect a buildable parcel price. There was a question asked about whether the Town of Brookhaven could replot this area under Urban Renewal Law; in a way that might merge properties even of separate ownership; That has been done in some other areas. But in terms of whether the taxes are fully paid, that question certainly wasn't asked.

LEG. ALDEN:

But even just to ask them, you know, what their master plan is for these properties.

LEG. SCHNEIDERMAN:

Yeah. Typically the Planning Department does ask the towns to what degree these properties are developable. If they don't go through the full process, I'm not sure where they ask the DEC, I think they're pretty familiar with the DEC regulations. This was vetted, though. You know, if you want to send it back to committee with more questions, it's possible; I'd prefer to see it move forward.

LEG. ALDEN:

No, but my point is we better tighten up because we're protecting property from ourselves to be developed.

D.P.O. VILORIA-FISHER:

Actually, if I may. Legislator Schneiderman, although I'm not on that committee, looking at the tax map that -- not the tax map, but the planning map that was provided by Legislator Schneiderman, Legislator Kennedy had a good point, it is surrounded by privately owned properties and it could form an aggregate that might be buildable in the upland portions of it. And as far as a master plan, this was on the Master List from management of the Forge River Watershed and, you know, I think these answer some of the questions that I had. Thank you, Legislator Schneiderman, for that map.

LEG. SCHNEIDERMAN:

Okay. And again, this Mastic-Shirley Conservation Area was the subject of a separate study that the Planning Department did. There's been quite a bit of research in terms of the importance of preserving this area. It's been identified by the County Planning Department for some time and it has been moving forward with acquiring lands, and you can see in that document I provided you how many small lots have been acquired here by the County.

LEG. ALDEN:

In response --

D.P.O. VILORIA-FISHER:

Legislator Alden.

LEG. ALDEN:

In response, if they're going to leave the existing development in that area, you're going to have a

continued dead area, basically, of water because there's too much development and too much of it contaminates the water. So the overall process should include something with sewerage, unless they have a plan -- and that would be Brookhaven. Unless they have a plan to buy up the developed area already and turn it into open space, you're never going to do anything of significance with the pollution as it occurs right now. And that was part of the study that came out of the Southwest Sewer District and why exactly they did that, because of the contamination going into the bays, the streams, all the other bodies of water there. So I'm not so sure we're spending wisely here.

D.P.O. VILORIA-FISHER:

Okay, there is a motion and a second. All in favor? Opposed?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

D.P.O. VILORIA-FISHER:

Abstain; okay, one abstention, one opposition.

MR. LAUBE:

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

D.P.O. VILORIA-FISHER:

Fifteen?

MR. LAUBE:

Legislator Montano is not sitting down.

D.P.O. VILORIA-FISHER:

Oh, I didn't see. Okay, thank you.

P.O. LINDSAY:

I'm getting this eerie feeling that Murphy's Law is setting in; short agenda, long day.

LEG. LOSQUADRO:

The Bishop rule.

P.O. LINDSAY:

IR 1626-08 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) - Open Space Component - for the Emery Property - Tuthills Creek/Pine Lake - Town of Brookhaven (SCTM No. 0204-003.00-01.00-020.000) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

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

P.O. LINDSAY:

1636-08 - To amend Resolution 539-2007, amending the adopted 2008 Capital Budget in connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710) (County Executive).

D.P.O. VILORIA-FISHER:

Motion

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. SCHNEIDERMAN:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

Legislator Schneiderman, maybe you could enlighten us. This kind of goes hand-in-glove with the other resolution we just passed before.

LEG. ALDEN:

It substitutes 577 money, right?

MR. NOLAN:

It was always 477.

LEG. SCHNEIDERMAN:

Yeah, I wish there was somebody here from Suffolk County Farm. But they had -- I guess it's to finish a program that they've already started. And I'm not all that familiar in terms of how it works, but there's been an effort to reduce the amount of nitrogen coming off the County farm and I believe there's some equipment that's involved, it's about \$87,000 worth of equipment to finish this program. I believe Cornell Cooperative Extension has been spearheading this and I don't know exactly what they're doing to reduce nitrogen, but they said that to finish the project they needed another roughly 90,000.

P.O. LINDSAY:

Okay. I think Counsel has some additional explanation.

MR. NOLAN:

Right, This is amending a prior resolution which is a 477 transfer. So we approved this particular project, but what this resolution does is move \$10,000 from planning and design to equipment for a total of \$87,000 in equipment now. So it's really a technical correction.

P.O. LINDSAY:

It's really a technical correction; okay, that's what I was just going to say. Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. No, 18, sorry.

LEG. ROMAINE?

Would the Clerk list me as a cosponsor?

MR. LAUBE:

Yes.

LEG. ROMAINE:

Thank you.

D.P.O. VILORIA-FISHER:

Tim, cosponsor.

P.O. LINDSAY:

1642-08 - Amending the Adopted 2008 Operating Budget to transfer funds from the Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with managing grassland on Suffolk County Parkland (Theodore Roosevelt, Pine Meadows, Fox Lair and Poxabogue Pond Preserve) (CP 8713) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher,.

LEG. SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1652-09 - Amending the Adopted 2008 Operating Budget to transfer funds from the 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) (Schneiderman).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine. Second by Legislator Schneiderman.
Any questions about the trails? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1653-08 - Amending the Adopted 2008 Operating Budget to transfer funds from the Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with Long Island Native Grass Initiative - Land Stewardship Project (CP 8713) (Viloria-Fisher).

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Motion -- second.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Viloria-Fisher. My question is how does this differ from the prior grassland program?

LEG. LOSQUADRO:

I'll explain that, Mr. Chairman.

P.O. LINDSAY:

Go ahead, Legislator Losquadro.

LEG. LOSQUADRO:

The other resolution was for some specific parks, for managing the grasslands in those parks. This is a native grasslands project which has been collecting the seeds as we heard about and drying them out and creating a seed bank.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes.

P.O. LINDSAY:

1654-08 - Amending the Adopted 2008 Operating Budget to transfer funds from the Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with removal and disposal of obsolete underground petroleum storage tanks in Suffolk County (CP 8710) (Viloria-Fisher).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy and then Alden.

LEG. KENNEDY:

Can anybody tell us where these tanks are actually being removed from, physical locations; anybody know?

D.P.O. VILORIA-FISHER:

I think it's the Firematics Training Center; I'm going to double-check that.

MR. NOLAN:

You're right.

P.O. LINDSAY:

It's at the Firematics Training Center..

LEG. KENNEDY:

In Yaphank?

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay. Did the stenographer hear that?

D.P.O. VILORIA-FISHER:

I'm sorry.

MS. MAHONEY:

Yes.

P.O. LINDSAY:

Legislator Viloría-Fisher, for the record.

D.P.O. VILORIA-FISHER:

At the Firematics Training Center.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

IR 16 --

LEG. ROMAINE:

Could the Clerk list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

IR 1655-08 - Amending the Adopted 2008 Operating Budget to transfer funds from the Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with survey of shellfish aquaculture leases in Peconic Bay and Gardiners Bay (CP 7180) (Viloria-Fisher).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Viloría-Fisher.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Either our Counsel or Budget Review, whoever can answer this. Any of the things that we've just done out of 477, I'm looking at them as one-shots. Do any of them create an ongoing obligation for funds, or are these all just single-year appropriations?

MR. NOLAN:

I don't -- I think they are stand alones, it doesn't create a continuing obligation.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Okay, any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MR. LAUBE:

Yes, sir.

LEG. ALDEN:

Me, too; cosponsor.

Labor, Workforce & Affordable Housing

P.O. LINDSAY:

IR 1503-08 - Adopting Local Law No. 2008, A Local Law to reduce paperwork requirements for volunteer not-for-profit organizations (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. I'll just ask a question, and I know Legislator Losquadro has shepherded this through. There was a great reluctance on this resolution from the Labor Department about implementing some of the things that we have them do that we've passed into law. I know there was dialogues; was there anything to rectify her -- calm her nervousness about the implementation?

LEG. LOSQUADRO:

No, the County Attorney's Office, I guess really their concern was how would the County Attorney's Office and their office communicate to know that the requirements had been fulfilled? As we move forward with an implementation on this, there just has to be a simple mechanism added, my contention was it could just literally be a check-box on the application form. The initial proposal during committee was to create a form to replace the form, I didn't think that was a very good idea and that's I think where some of the disagreement came from.

This was really borne out of the frustration that many of us have had and complaints that I actually heard that the Labor Department was very overworked and very overburdened and reviewing things that were unnecessary for them to review. I think this removes an unnecessary step and we can create a very simple mechanism by which the Labor Department and the County Attorney can see on that individual form that this requirement has been fulfilled. I know that --

P.O. LINDSAY:

And this --

LEG. LOSQUADRO:

The County Attorney's Office was in complete agreement with that.

P.O. LINDSAY:

And this applies to the small not-for-profits that don't have any employees.

LEG. LOSQUADRO:

Not-for-profits that have no employees, who --

P.O. LINDSAY:

So they wouldn't have to fill out the living wage forms and all that stuff, right?

LEG. LOSQUADRO:

Or for hiring, those which are just entirely unnecessary and send paperwork that is unnecessary for the Labor Department to review. So we're trying to actually really streamline the process a little bit instead of just saying the word streamlining.

P.O. LINDSAY:

How about for agencies that have multiple contracts, that they have to fill out the same form over and over and over again.

LEG. LOSQUADRO:

That's really where this comes in that it's very beneficial, because if you have multiple contracts you only have to fill out the form once; It's on file and that's it. You just certify that you have no employees, that this does not pertain to your agency and the rest of the contracts can go through without having to wait for the additional process of sending them to Labor and getting them back to the County Attorney's Office. It will really streamline and expedite the process, I believe.

P.O. LINDSAY:

Thank you. Anyone else on the issue? All right, we have a motion and a second? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

Parks & Recreation

P.O. LINDSAY:

IR 1357-08 - Adopting Local Law No. 2008, A Local Law to protect the County's historic and culturally significant properties (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloria-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. BARRAGA:

Can I get an explanation, please?

P.O. LINDSAY:

Sure, Legislator Barraga.

D.P.O. VILORIA-FISHER:

Oh, he just --

P.O. LINDSAY:

He asked for an explanation, okay.

D.P.O. VILORIA-FISHER:

Okay. We currently have an issue with an inability to rent many of our historic buildings in the County, and that in great measure is due to the fact that we are renting these properties at market rate. And the people to whom they are being rented, number one, are paying these high market rates, very high utility costs because the insulation and other environmentally or energy-saving components are not able to be put in these historic homes; they have no privacy, they're in the middle of a park, sometimes they're in isolated areas.

So what we are doing here, because of the additional cost to taxpayers that has resulted in vacancies, you know, there was a great deal of damage done to the Scully Estate, the Chandler Estate house was burnt to the ground because somebody started a fire on the floor, on the second floor, a bon fire on the second floor. We have looked at what would be a more reasonable rate. So we've established, number one, a board and the board would be made up of the Commissioner of the Department of Parks; the Commissioner of DPW or a designee; the Director of Historic Trust, Richard Martin; somebody from Real Estate; CEO Chair; the Chair of the Parks committee of the Legislature; somebody from the Presiding Officer's Office; the Minority Leader and a representative from the Suffolk County Parks Trustees. And the elements that we're looking at as far as the criteria that have to be considered in establishing the rental fee is there would be a review, an updated review of the properties with a full interior inspection of the facility, the current market rate would be considered, the lack of insulation and other energy-efficient features within the parks facilities, rental value and marketability of oil heat at parks facilities and external factors such as isolation, risk of vandalism, diminished privacy, etcetera. We would asks look at the historic significance and vulnerability of the project, the prospective tenant's familiarity with historic properties, the level of security that the facility requires and the routine maintenance that the renter will provide; all of those will be considered.

And the Parks Department, with the board, will be developing a matrix so that these could be given numerical values and have -- this can be subjective and so the Park's Department is trying to make it a more objective measure of what the bottom line net rental costs would be. And what we believe is that with this in place, the County will realize a net gain in revenue because we would be able to rent more of the homes and protect the value of all of these buildings.

LEG. BARRAGA:

Thank you very much for the explanation. But when I take a look at the proposed legislation, it looks to me like you're creating like a bureaucratic nightmare here. I mean, you've got the Division of Real Property Acquisition & Management doing an undated appraisal, that's going to take time and effort on their part and a cost associated with it. And their recommendations, as I understand it, goes to a new, brand new nine-member Parks Housing Rental Board consisting of the individuals that you've laid out and then they may make certain recommendations to the Commissioner who then will make certain recommendations to the County Legislature. And then the question I have is who's accountable here; who's accountable?

To me it seems that if you have a Commissioner of Parks, that's the guy that should make the call and that's the one that should be accountable. Right now, the way this is set up, my impression is

that if I was the Commissioner of Parks and something went wrong with one of these County facilities in terms of a rental, I would say, "Wait a minute, you know, I had this Parks Committee over here, they made the recommendations to me and I got them. I forwarded them on to the Legislature, they signed off." Or if you're in the Legislature and somebody comes to you and says, "You know, you know what happened at that particular park? Wait a minute, you know, you had his nine member committee, they signed off on this, the Commissioner signed off, we signed off, go see the Commissioner or this Parks Committee." Or if you go to the Parks Committee, maybe they say, "Well, wait a minute. You know, we made the recommendations to the Commissioner and he made recommendations to the Legislature. You know, it's not just us." All of a sudden you've got like 35 people involved in this.

And I'm just wondering for the responsibility that the Commissioner has and the salary he has and the benefits he has, why cannot he make a decision on this and won't just sign-off just the way it's been in the past? Now, obviously there's been a problem in the past but, you know, correct the problem. But this looks to me like you're creating a huge bureaucracy where there's no accountable, no accountability when something goes wrong. Everybody will have a nice excuse as to why they're not culpable with whatever does happen in the future, especially on the negative side.

And I notice that your commission -- you're talking about the Commissioner of Parks, right?

D.P.O. VILORIA-FISHER:

Yes, it's the Commissioner of Parks.

LEG. BARRAGA:

All right. You also have him on this nine-member committee; why is he on the nine-member committee? It seems to me that he shouldn't be on that committee. Is he going to influence that committee? In fact, you have him down as Chairman.

D.P.O. VILORIA-FISHER:

Yes.

LEG. BARRAGA:

I mean, I would think that, you know, as Chairman he might have undo influence over other members in terms of what that particular nine-member panel is doing in terms of considering applications or something else. And then as soon as he takes off that hat, he sits over here because now the recommendations come to him as Commissioner. And then he sits around and he makes decisions, probably pretty much in line with the decisions he made when he was a member of the nine-member committee, and he sends them over to the Legislature.

I just think that this particular bill is so cumbersome and so bureaucratic. And there is absolutely in the end -- you know, I understand the intent here is honorable, but there's no accountability whatsoever.

D.P.O. VILORIA-FISHER:

Actually, I worked very closely with the Commissioner on this and I worked with many of the people who are included in this committee. Actually, because right now many of the members of the committee are currently already involved in setting up the rentals fee, the market rates. Real Estate is already doing appraisals, have done appraisals, that's number one, and have been deliberating with the Commissioner on the setting of those fees. So that piece is there, it just has not been codified. It's been loose and there was an over-reaction to a problem that did occur with the rentals of these properties a few years ago. The Legislature over-reacted and made it so that the market rate -- the market rental rates became almost dogma and we had to go along with those market rates without any flexibility afforded to the departments and to the Commissioner.

The Commissioner is very comfortable sitting with this particular group because they are advising him, Real Estate is advising him, DPW already has a piece in this as we sit. DPW does take care of

the rentals, does work on the licensing on it, the Department of Law and Real Estate are already involved. So this codifies what already exists and gives them the flexibility to provide the kind of rent that reflects the problems inherent in living in a historic house.

With regards to the layers of bureaucracy, the Legislature already has to vote whenever a rental is set. It always comes before the Legislature, so that piece is already in place. And the Commissioner does have to make this decision, but he doesn't make them in a vacuum now. Being part of this commission, as I said, it's simply codified and he will be able to develop a matrix based on this so that he would be making the final decision, then presenting it to the Legislature, but he will have an objective matrix to present with that decision. It really simplifies it; it doesn't seem like it does but it really simplifies it and the Commissioner is very comfortable with it.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
You know, Legislator Barraga, it's true, there is a lot of bureaucracy. But in the past few years, the system that we have now has not been working. There are too many vacant historic buildings, homes, too many beautiful buildings are in harm's way, whether it be vandals or whatever it is. This at least would give us an opportunity in a very fair way to find people to stay in these homes that we have.

It is true that we appraise the homes, we have certain values, but these homes cost a lot of money to heat, for electric, and I think through this committee we can get the ball rolling and maybe save what we've already -- the money we've already spent on homes, maybe we can save a little. I'm going to support this, Legislator Bishop.

P.O. LINDSAY:
If anybody has ever seen the movie Groundhog Day, that's where I feel like I am.

LEG. ALDEN:
It's not too bad, it's ten after eleven

P.O. LINDSAY:
Yeah, but I was here like six years ago we had the same debate and at the time there was a set of problems before us that a lot of our historic properties were being rented at real bargain rates and some of it was accusations of political insiders, which heaven forbid that could ever happen around here. So we passed, in our infinite wisdom, a bill that would require absolute market values. It took a couple of years to implement and to appraise and it just kicked in, I guess, last year and I think we've all been deluged with some people that have been living in some of our buildings saying they can't afford to stay there because some of the rentals like quadrupled and were outrageous amounts we're looking for for rent and as a result moved out. And when property becomes vacant it becomes -- not only do we have less revenue, but it becomes problematic in that it's subject to vandalism.

I'm not sure whether this is too complicated or whatever, but I too will give it a try and see how this one works and in a couple of years maybe we'll be back here again looking at it to solve it. So we have a motion and a second. If no one else wants to talk, all in favor? Opposed? Abstentions?

LEG. BARRAGA:
I'm Opposed.

P.O. LINDSAY:
Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:
1597-08 - Amending the 2008 Capital Budget and Program and appropriating funds in

*connection with reconstruction of spillways.
(CP 7099) (County Executive).*

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution, 1597A, same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

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:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, *1598-09 - Appropriating funds in connection with restoration of West Neck Farm, Huntington (CP 7096) (County Executive)*. Do I have a motion?

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

On the accompanying Bonding Resolution, 1598A, same motion, same second; roll call.

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

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

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. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1638-08 - Approving the purchase of vehicles and appropriating funds in connection with the purchase of heavy duty equipment for County Parks (CP 7011) (County Executive). Do I have a motion?

LEG. BEEDENBENDER:
Motion.

LEG. COOPER:
Motion.

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

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:
On the accompanying Bonding Resolution, same motion, same second, 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. GREGORY:
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:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1639-08 - Appropriating funds in connection with the restoration of Smith Point County Park (CP 7162) (County Executive).

LEG. EDDINGTON:

Motion to approve.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Legislator Browning. On the question, Legislator Kennedy.

LEG. KENNEDY:

Just a brief explanation on this one, please, Mr. Chair? Anybody can tell us --

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher is going to.

LEG. KENNEDY:

Thank you.

D.P.O. VILORIA-FISHER:

Legislator Kennedy, this is continuing the work that's part of the master plan for Smith Point County Park. It's not regarding the sand and the beach with the recreational area.

LEG. KENNEDY:

The buildings, in other words, restoration, upgrade, improvement for systems and things such as that?

D.P.O. VILORIA-FISHER:

Yes, as far as I remember the explanation.

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

George, yes.

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

Yeah, it's the master plan for the park.

LEG. KENNEDY:

Okay, fine. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution, 1639A; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

Public Safety

P.O. LINDSAY:

1599-08 - Authorizing an agreement with the County of Oneida for services provided at the Central New York Psychiatric Center Forensic Unit (County Executive). Do I have a motion?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I'd like an explanation of this, why we're entering into an agreement with Oneida County to provide services, psychiatric services for our prisoners. It seems like a long distance away, it seems that if services are provided, you know, obviously it might involve transportation of prisoners, there's a cost involved with that. Perhaps I could get some information on this.

P.O. LINDSAY:

I'm going to recognize -- Mr. Brown stepped to the mike and I believe has the explanation at his fingertips.

MR. BROWN:

Of course I could answer some of the questions. Some of the substantive questions would have to come from the Sheriff's Department, but we did work on this for the Sheriff's Office.

The facility in Oneida County is one of two facilities in the State where prisoners with psychiatric issues are accepted. We've been told by the Sheriff's Department that they often don't rely upon Oneida County, but in cases where they do they choose Oneida County because Oneida County has a jail, the psychiatric facility has a jail very nearby or adjacent to the psychiatric facility. The agreement does allocate some cost and also some indemnification issues as well.

LEG. ROMAINE:

What is the cost?

P.O. LINDSAY:

I think Ms. Vizzini has that at her fingertips.

MS. VIZZINI:

Year-to-date 2008, \$8,260 for this particular service.

LEG. ROMAINE:

Thank you. I have no further questions for this amount of money.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Brown, the -- when you were doing your exploratory work with this, I believe the other facility that OMH operates that's a forensic facility is Mid Hudson and Poughkeepsie.

I would imagine that the -- I know Poughkeepsie is a lot closer to the Island here. But also, there are still places that are secure detention areas here on the Island in Pilgrim, and even short-term I know Stony Brook has secured psychiatric areas as well.

Can you tell me, I mean, is this just a function of where we have -- is it Correction Officers deployed, accompanying the prisoner as they're receiving whatever in-patient psychiatric care they're getting?

MR. BROWN:

No, more detailed, I can't tell you. The way it was reported to us by the Sheriff's Department is that

Oneida is one of two, as I said, and that the jail facility is adjacent to a very nearby Oneida; that's what was told to us by the Sheriff's Department.

LEG. KENNEDY:

But there was no cost comparison, nothing else that was done --

MR. BROWN:

Nothing else was given to us, no.

LEG. KENNEDY:

-- as far as an alternative with Poughkeepsie?

MR. BROWN:

No, nothing else was given to us.

LEG. KENNEDY:

Do we --

MR. BROWN:

I can tell you that they've been using Oneida since 2000.

LEG. KENNEDY:

Mr. Chair, can I go back to BRO for a second?

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

All right. If there is a cost incurred to date of 8,000, do we have any kind of metrics with that? Does that -- how many hours or how many individuals have been rendered service, or it's just a blanket access fee?

MS. VIZZINI:

At the time we did the cost analysis, it pertained to one individual. In 2005 the cost was 5,460 and in 2000 and -- I'm sorry, that was 2006; 2007 there wasn't any psychiatric care rendered.

LEG. KENNEDY:

Do you know what the duration was for that hospitalization, though, Gail?

MS. VIZZINI:

I really don't know.

MR. BROWN:

I can tell you that the current -- that the proposed rate is \$140 per day per inmate; that's in the current version of the agreement. In 2002 the charge was \$125 per day per inmate.

LEG. KENNEDY:

But we have no comparison as far as what costs would be with other similar facilities?

MR. BROWN:

I do not know.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

That's cheaper than what we -- than it costs us to house them in Suffolk County.

LEG. KENNEDY:

So maybe we ought to ship them out and --

P.O. LINDSAY:

Put some more up there.

LEG. KENNEDY:

There we go.

P.O. LINDSAY:

All right? And as far as Stony Brook is concerned, I wouldn't consider that a secure facility; that's like a revolving door.

LEG. KENNEDY:

Yes, it is.

P.O. LINDSAY:

The patients are released before the cops leave the campus.

LEG. KENNEDY:

Well, sometimes it's longer, sometimes it's less; you're right, Mr. Chair.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Are these prisoners classified as State-ready prisoners?

MR. BROWN:

That I do not know.

LEG. ALDEN:

Because it would seem that if they're ready to go Upstate, we should just give them to New York State and let them put them wherever they want. The other thing, are they to PC'd or there's the determination while they're sitting in our jail -- by who that they're in need of psychiatric help?

MR. BROWN:

I would imagine by the jail. I don't know specifically, but I would imagine by the Health Unit in the jail facility.

LEG. ALDEN:

Okay, but if they're committed -- you know, there's a distinction in law, too, you can't try somebody that psychologically is not prepared to defend themselves or can't understand the charges against them. So you don't know if they're to PC'd -- you know, two physicians would actually concur that --

MR. BROWN:

I do not know. I do not know. You know, we prepared the agreement at the request of -- we reviewed the agreement prepared at the request of the Sheriff's Office. I do not know the substantive operations of the jail on a daily basis.

LEG. ALDEN:

Through the Chair, I would make a request that, you know, somebody from either the Sheriff's

Office or somebody would come down and just inform us on who these people are. We might be able to get rid of our whole prison population, just declare them all psychologically impaired and ship them out for a hundred and something dollars a day, which is cheap.

P.O. LINDSAY:

Just as long as there isn't a Legislative addendum in there.

LEG. ALDEN:

You're exactly right, an exception.

P.O. LINDSAY:

Is everybody all right with that? We'll just pass over this and I'll ask the Sheriff to come and see us this afternoon or send somebody.

LEG. LOSQUADRO:

He was here this morning.

P.O. LINDSAY:

He was here this morning? The Sheriff isn't in the building, is he, or somebody from the Sheriff's Office?

MR. ZWIRN:

He was here this morning.

D.P.O. VILORIA-FISHER:

The Deputies are saying no out there.

P.O. LINDSAY:

No; they're shaking their head no in the window.

MR. ZWIRN:

He was here this morning, Presiding Officer, but I think he left.

LEG. ALDEN:

Well, get Caracappa to come down.

P.O. LINDSAY:

I'll put in a call and see if somebody could come this afternoon. He left, but we'll just skip over this for now, all right? I'm especially interested about the Legislative clause.

1620-08 - Approving the appointment of Phillip Peter Garypie, Jr., as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). Do I have a motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington and I'll second that. Any questions? No questions. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1630-08 - Accepting and appropriating a grant in the amount of \$99,000 in Federal

pass-through funds and \$100,000 in State funding from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's 1st Precinct Gang Task Force 2008 with 95% support (County Executive).

LEG. EDDINGTON:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY,

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1631-08 - Authorizing execution of a Memorandum of Agreement with the Suffolk County Water Authority in connection with the Homeland Security Buffer Zone Protection Program (County Executive).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by who?

LEG. LOSQUADRO:

Second.

LEG. BEEDENBENDER:

That's me, let's move it along.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Public Works & Transportation

P.O. LINDSAY:

Moving right along, *1595-09 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with strengthening and improving County roads (CP 5014) (County Executive).*

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

On the accompanying Bonding Resolution 1595A, same motion, same second; Roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

IR 1601-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share for participation in the Transportation Planning Study of the Hauppauge Industrial Park (CP 5653) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

The accompanying Bonding Resolution 1601A, same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

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:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, *1628-08 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the owner of 110 Sand Company (HU-1040) (County Executive)*. Do I have a motion?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

How much is the amount per gallon per day?

MR. ZWIRN:

Thirty dollars.

LEG. ALDEN:

Because we passed an upgrade to 30.

MS. VIZZINI:

This is the new rate of 30.

LEG. ALDEN:

Okay. And where do we stand as far as the capacity?

MS. VIZZINI:

According to the resolution, there's sufficient capacity.

LEG. ALDEN:

Are we still eating into the reserves?

MS. VIZZINI:

I would have to defer to Public Works on that.

LEG. ALDEN:

Well, the only question that always comes up, if we don't do the upgrades there then we don't have enough capacity for the things that we've already passed. So this is predicated on the upgrades being done?

D.P.O. VILORIA-FISHER:

Brian knows.

LEG. ALDEN:

Brian knows, maybe.

MR. REINHEIMER:

Yeah, it's my understanding we have a capacity excess of 500,000 gallons, and it's not contingent on the expansion. We do have in the Capital Program an expansion to an additional 10 million gallons, from 30 to 40 million daily.

LEG. ALDEN:

That includes the amount that's reserved for the Pilgrim property?

MR. REINHEIMER:

That I can't speak to, that I'm not sure.

LEG. BEEDENBENDER:

I don't know whether or not it includes the amount for the Pilgrim property. But I think that what was discussed in Public Works is that I believe the State gave us an authorization to go into some of the safety, because they said that our safety was in greater excess than we needed. So this isn't part of that, but I think that might be the issue that you're looking at in terms of do we have capacity. So this is not contingent on expanding, but we have been given authorization for the Southwest Sewer District to go into that I believe 5% security a little bit, 5% that we set aside for fluctuations and flow.

LEG. ALDEN:

And this one is at \$30 per day, the new rate.

LEG. BEEDENBENDER:

Yes, this was at the new rate.

LEG. ALDEN:

Thank you.

LEG. STERN:

Mr. Presiding Officer, if I may.

P.O. LINDSAY:

Yes, Legislator Stern.

LEG. STERN:

I asked that same question as Legislator Alden had asked, you know, quite some time, and time and time again I've asked that question and they have told me that the large Pilgrim project has already been factored in.

LEG. ALDEN:

Good, okay.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1629-08 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Duryea Residential Development (HU-1521) (County Executive).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator Horsley.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Was this one of the ones that was specifically exempted from the 30?

LEG. STERN:

I have the answer.

P.O. LINDSAY:

Legislator Stern..

LEG. STERN:

If I may. It was exempt because it had received conceptual certification back in 2005, prior to the change.

LEG. ALDEN:

Great. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1637-08 - Amending the 2008 Capital Budget & Program by accepting and appropriating funds in the amount of \$25,000 from KeySpan Corporation in connection with the design and installation of a solar photovoltaic System at Suffolk County Environmental and Interpretive Center at the Historic Scully Estate (CP 7512)(County Executive).

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1640-08 - Amending Resolution No. 859-2007, which appropriated funds in connection

with the County share for participation in the reconstruction of CR 57, Bay Shore Road, from New York State Route 27 to New York State Route 231, Towns of Babylon and Islip (CP 5523) (County Executive). Do I have a motion?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern. Do I have a second?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bonding Resolution 1640A, same motion, same second; roll call.

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

LEG. STERN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

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.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, *1646-08 - Authorizing transfer of two (2) surplus County Laser Jet Printers to Every Child's Dream (Presiding Officer Lindsay).*

I'll make a motion.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1648-08 - Authorizing transfer of one (1) surplus County computer, two (2) surplus County monitors and two (2) surplus County printers to Splashes of Hope (D'Amaro).

Legislator D'Amaro?

LEG. D'AMARO:

Motion, please.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1649-08 - Authorizing transfer of two (2) surplus County laptops to Nassau/Suffolk Hispanic Task Force, Inc. (Montano). Legislator Montano?

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Veterans & Seniors

P.O. LINDSAY:

1632A, we just have the Bond, *Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance a part of the cost of construction of the East End Veterans Clinic at the Riverhead County Center (CP 1604.310).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. And I believe Counsel was going to add some explanation why it's -- we don't have a resolution, just the Bond.

MR. NOLAN:

We already approved the appropriating resolution at our last meeting, I think we just for some reason did not do the Bonding Resolution.

P.O. LINDSAY:

Isn't that something? It fell through the cracks.

MR. NOLAN:

There you go.

LEG. ALDEN:

Bill, I just have a question.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I was under the impression that our renovation of the Riverhead Center was going to be amended to include this, not a separate allocation of \$500,000 or appropriation of \$500,000.

P.O. LINDSAY:

I think it's being done as a standalone because if I'm not mistaken, maybe Legislator Stern knows this, but there's Federal funding coming in for equipment and other stuff from the VA Administration.

LEG. ALDEN:

In addition to the 500,000 or --

P.O. LINDSAY:

Yes.

LEG. ALDEN:

So it will match the 500?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Because this was part of the debate --

LEG. STERN:

It was originally a million.

LEG. ALDEN:

-- of the appropriateness to put it in a certain location.

D.P.O. VILORIA-FISHER:

I think Steve has an answer to that.

P.O. LINDSAY:

Does Mr. Zwirn have an answer or does Legislator -- I don't care, whichever one; go ahead.

MR. ZWIRN:

Let me just say that there was \$500,000 provided by the State and the grant and the County agreed to put up \$500,000. The State grant has come through, this is our half, it's going to be in Riverhead. There were some questions Legislator Romaine had about access for veterans, we're putting an elevator in in the facility. There's a parking lot right outside that can be expanded, if necessary, but there's parking right there, it will be very accessible to veterans on the east end to use the facility. And the Veterans Administration agreed that a million dollars total would be enough to get this in the the condition that they desire.

P.O. LINDSAY:

Okay, Legislator Alden?

LEG. ALDEN:

All right.

P.O. LINDSAY:

All right. All right, we have a motion and a second; right, Mr. Clerk?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All right. All in favor? Opposed?

MR. NOLAN:

Roll call.

P.O. LINDSAY:

Oh, roll call, roll call. I'm sorry, this is a Bond.

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

LEG. ROMAINE:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

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.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Would you list me as a cosponsor as well?

LEG. ROMAINE:

Clerk, please list me as a cosponsor.

MR. LAUBE:

Yes.

LEG. ALDEN:

Me, too.

P.O. LINDSAY:

And I'd like to -- and Legislator Alden. I mean, this is something that we've worked on for a long, long time and --

LEG. STERN:

Tim.

P.O. LINDSAY:

-- it's much needed for our east end population to get the veterans proper medical care.

LEG. SCHNEIDERMAN:

Tim, myself as a coponsor.

LEG. BROWNING:

Tim?

LEG. ALDEN:

Isn't it true that --

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

I think that the other clinic that's out out there will remain in operation, though.

P.O. LINDSAY:

The one in Westhampton?

LEG. ALDEN:

Isn't that true?

LEG. ROMAINE:

I believe so, but it has very limited access and limited hours.

LEG. ALDEN:

Right.

LEG. ROMAINE:

Very small.

LEG. ALDEN:

But they're not closing that --

LEG. ROMAINE:

It's very difficult to get into.

LEG. LOSQUADRO:

Use your microphone.

D.P.O. VILORIA-FISHER:

Your mike, Ed.

MR. ZWIRN:

No. Yes, that's going to remain open.

LEG. ALDEN:

Thanks, Ben.

P.O. LINDSAY:

As I remember, and I think you were involved and myself and Legislator Caracciolo about five or six years ago, and at the time what we found is that the range of services were very limited and that it was a real difficulty to get our veterans, especially any of them that lived east of Riverhead, into Northport --

LEG. ALDEN:

It's a two hour ride.

P.O. LINDSAY:

-- and then back out again in the same day. So it was really a difficulty placed on them and an exceptionally long ride for some of them that were really ill, you know.

LEG. ALDEN:

Good.

P.O. LINDSAY:

Okay. I think that's good work, we did something good today.

Ways & Means

1600-08 - Appropriating funds in connection with the acquisition and implementation of a District Attorney Case Management System (CP 1136) (County Executive).

LEG. COOPER:

Motion.

LEG. LOSQUADRO:

Second.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Motion by Legislator Cooper, second by Legislator D'Amaro.
Any questions? No. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

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

D.P.O. VILORIA-FISHER:
Eddington is in the back.

MR. LAUBE:
Yep, I got him.

P.O. LINDSAY:
Okay, the accompanying Bond Resolution 1600A, same motion, same second; roll call.

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
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.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay, we've got ***IR 1606-08 - Authorizing the extension of the lease of premises located at 250 Executive Drive, Edgewood Drive, Edgewood, NY, for use by the Department of Probation (County Executive).***

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Going to page ten. ***IR 613-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Brookhaven (SCTM No. 0200 -- 339.00-05.00-040.002) (County Executive).*** Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1615-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Brookhaven (SCTM No. 0200-930.00-06.00-011.000) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1621-08 - Directing the County Attorney to determine the feasibility of taking legal action against sub-prime mortgage lenders (Horsley). Legislator Horsley?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve, second by Legislator --

D.P.O. VILORIA-FISHER:

Gregory.

P.O. LINDSAY:

Gregory; I just can't get that out yet, you know? Yes, on the question, Legislator Barraga.

LEG. BARRAGA:

I was wondering if the sponsor would answer a question for me. How do you define securitizers? You have it down here in the bill, they're investment banking firms from Wall Street; that's a very generic type of term, like mandates. Do you have any specific investment banking firms that you have in mind when you use the term securitizers?

LEG. HORSLEY:

There were a list of banking operations. If you go down -- if you take a look at almost any paper today and you take a look at who are on the forefront of foreclosures, they're probably on the list. The list actually comes -- that we have asked our County Attorney to take a look at, comes from cases that have been brought forth by Baltimore, Cleveland, Buffalo, and I think I'm missing a city, that has already filed suit for similar issues. So there is a list, I could get that for you if you'd like.

LEG. BARRAGA:

All right. In the case of --

LEG. HORSLEY:

It's about eight or nine --

LEG. BARRAGA:

-- Cleveland, Ohio and Baltimore, Maryland, they filed lawsuits against lenders. Are these lenders, are they national in scope, are they world-wide in scope?

LEG. HORSLEY:

Some of them are national in scope, yes.

LEG. BARRAGA:

I mean, are we taking a look at any of our local banks or are banks excluded from this? The way

the bill reads, it looks like the investment banking firms provided cash to, I guess, other banks to make loans; we're not holding those banks those responsible but we're going after the so-called securitizers in Wall Street.

LEG. HORSLEY:

Uh-huh.

LEG. BARRAGA:

So a Chase Manhattan, an Astoria Federal, a Citibank, all the local banks out here are not subject to this bill?

LEG. HORSLEY:

They're not mentioned in the bill, no.

LEG. BARRAGA:

Okay. In your bill you talk about securitizers. Is there any mention anywhere in the bill, you know, of those individuals who knew they couldn't afford a house but they went through the process anyway? It got them out of an apartment into a house and then really couldn't make the payments; it takes usually six months to a year for a bank to dislodge them anyway. I mean, is there anything in your bill that would require Suffolk County to take a look at some of the so-called buyers who knew that from the get-go they couldn't afford this house, and yet they went to a closing and whisked by us. When they go to a closing they have an attorney, the bank's attorney is usually there, you have the title search person, the person selling the property. I mean, no questions, everything is on the securitizer, there's no responsibility or accountability or nobody's questioning any of the buyers?

LEG. HORSLEY:

Well, it's -- I'm not sure that the --

LEG. BARRAGA:

Your bill doesn't do that, right?

LEG. HORSLEY:

My bill does not do that, that's correct.

LEG. BARRAGA:

Okay, thank you very much.

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Has there been any discussions preliminarily with the County Attorney's Office regarding this resolution? I mean, are they on board and have they made any comments?

LEG. HORSLEY:

They are not on board as of yet. There is discussions going on. We have -- we have brought them to some of the -- we have brought them the information that I've provided for them from the Justice League, I believe it is, of New York State. There's a number of casework that I have brought to the County Attorney. Whether or not we have standing is certainly the question, but that's what this is asking today. Take a look at it and see where, you know, maybe we could become a friend of the court, maybe we could -- you know, where could we take a look at and say, "Hey, listen, there is a blame here. There were false instruments involving these banks in some of the types of mortgage

proposals that they brought forth and I think that we should look at it." And so that's all this is about, just asking our County Attorney, let's look at it.

LEG. MONTANO:

Mr. Speaker, I see that Mr. Brown has approached the podium; I would like to question him on this.

P.O. LINDSAY:

Go right ahead.

LEG. MONTANO:

Dennis, some of the -- I read the resolution and all it says, it's just asking you to look at the feasibility of instituting legal action. I'm sure you've read the resolution prior to today; is that accurate?

MR. BROWN:

Sure.

LEG. MONTANO:

And what cause of action would this be? You know, what can you tell me about what your preliminary impressions are with respect to this resolution?

MR. BROWN:

All I can tell you -- let me preface what I'm about to say with the fact that the County Attorney has been looking at this directly and she is on her way, so if you have any specific questions you might want to hold the questions or you might want to pass over this until this afternoon where she can directly answer some of your questions. Because the resolution right now just does ask us to look at the viability.

LEG. MONTANO:

Okay, I have no problems with that. Whatever your pleasure.

P.O. LINDSAY:

Would you like to pass over this and wait for the County Attorney to talk about it?

LEG. HORSLEY:

I would prefer to vote on it, but that's fine

LEG. BARRAGA:

Vote on it.

LEG. MONTANO:

Yeah, personally, if you're prepared to look at it you're in favor of the resolution in terms of taking a look at it, you're already looking at it. My understanding is this resolution just mandates that you come back in 60 days and tell us what you found.

LEG. HORSLEY:

That's correct.

LEG. MONTANO:

So it's really a harmless -- you know, it's a harmless resolution in the sense that if you don't feel you can bring an action you won't, but if you do you'll come back and say, "I think we can sustain an action, this is what we're looking at and we'd like your approval"; is that correct?

MR. BROWN:

I think you're correct, I think it asks for findings.

LEG. MONTANO:

All right, so I see no reason to delay it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

No, it's got to be 17, Legislator Vilorina-Fisher is out of the room.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, *IR 1651-08* --

MR. LAUBE:

Check that, 16 (Not Present: Legislators Vilorina-Fisher & Nowick).

P.O. LINDSAY:

-- *Establishing a Truth and Accuracy Policy to reflect the impact of New York State Equalization on Suffolk County Real Property Tax Billing (County Executive)*. I'm going to make a motion to table.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga. I see that -- Mr. Zwirn, is it all right if we table this and you guys can have more dialogue.

MR. ZWIRN:

Yes, that's fine. And you'll notice that in your -- yes, and in your packet you'll have -- we were going to do a CN on what we call IR 1736. We're working with the Receiver of Taxes. Our concern was to try to get this done before they printed up the new tax bills and they've assured us that they have time to do that, so.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

So we're going to ask this one to be tabled and for the other one.

P.O. LINDSAY:

Okay, Legislator Romaine.

LEG. ROMAINE:

Yes, Mr. Presiding Officer, in our audience today, besides some of the Tax Receivers, was the Assessor or Brookhaven Town. He sent me a letter by e-mail and that letter is from yesterday, I made a copy of it for everyone outlining some of his objections --

P.O. LINDSAY:

He testified under the public --

LEG. ROMAINE:

No, that was the Tax Receiver, not the Assessor.

P.O. LINDSAY:

Okay, I'm sorry.

LEG. ROMAINE:

Jim Ryan is the Assessor of Brookhaven Town and an Attorney-At-Law. And Some of the questions she raised about this poorly constructed resolution is here for every member of the Legislature to read. I welcome the County Executive's willingness to work on the wording of this so that it more accurately reflects when a tax bill comes out, what it should without creating confusion. Thank you.

MR. ZWIRN:

Mr. Presiding Officer, we're going to work on it and I'm sure before we're done Mr. Romaine will be a cosponsor on this bill.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I doubt it.

P.O. LINDSAY:

All right, we have a motion to table and a second.

LEG. ALDEN:

Motion to what?

P.O. LINDSAY:

Table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

That's it?

P.O. LINDSAY:

No, don't go home yet.

D.P.O. VILORIA-FISHER:

We could go to lunch?

P.O. LINDSAY:

No, no, no. We have an Executive Session in ten minutes, but the one thing --

LEG. ROMAINE:

You want to do the CN's?

P.O. LINDSAY:

Well, the one thing I want to do is -- we're going to have a public hearing this afternoon and it has to be posted, so I need a motion.

MR. NOLAN:

No, no.

P.O. LINDSAY:

No?

MR. NOLAN:

It's already been posted.

P.O. LINDSAY:

Oh, it's already been posted. Go ahead. Mr. Counsel, explain what it is.

MR. NOLAN:

Yeah, we just want to announce that the County Executive issued a CN for IR 1736, a Local Law to enhance the County's Truth & Accuracy in property tax bill policy. It was posted -- this is a companion to the bill we just tabled, but it's posted for a public hearing at 2:30. We're just making the announcement to the public that there will be a public hearing on this Local Law after the lunch break.

P.O. LINDSAY:

Okay. So we don't need a motion on that, it's just an announcement. So that's done.

We can go into **CN's:**

IR 1737-08 - Accepting and appropriating 100% reimbursement fund for the new End-of-Life Care Program.

D.P.O. VILORIA-FISHER:

Motion.

LEG. STERN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. STERN:

Tim, cosponsor.

P.O. LINDSAY:

Okay, ***1740-08 - To establish eligibility by the Towns of East Hampton, Shelter Island, the Villages of Amityville, Asharoken, Northport, Westhampton Beach for public safety revenue sharing.*** What this is about is these two towns and three villages did not apply in a timely way for their revenue sharing money; is that correct --

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

-- Mr. Zwirn? And the money has already been encumbered. So even though they didn't meet the requirements, we want to give them the money. Legislator Gregory, you want to make the motion on that?

One of them is your village.

LEG. GREGORY:

Yes, I make a motion.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

If I might just add, I spoke with newly-elected Legislator Gregory earlier today, or earlier this week, we talked about the Village of Amityville will get \$330,000 as part of their share of this. And we know the villages and some of the towns, everybody is struggling to get revenue. This money has been encumbered and would normally be passed through, because there was a late filing with some of them we have to do it by resolution.

P.O. LINDSAY:

The only thing that I would ask is the Legislators that represent these areas, especially with all the controversy around revenue sharing, could somebody give them a talking to, please?

LEG. SCHNEIDERMAN:

You bet.

P.O. LINDSAY:

Apply for the money in a timely manner.

MR. ZWIRN:

Well, if I might, Mr. Presiding Officer. Three of the Villages that are on this list that we're doing a good deed today were three of the five villages that sued us and then they didn't apply for the money in a timely manner.

LEG. SCHNEIDERMAN:

It's amazing to me, you know, as their Legislator fighting to get them what I believe is their fair share of the money, they're not even taking the money that they're getting by simply filing for it; it's I think somewhat embarrassing. What is the number -- do you know, Mr. Zwirn -- on Westhampton and East Hampton?

MR. ZWIRN:

Yes, if you like, I'll give you the breakdown. East Hampton, they were late in 2006 but timely for 2007 and their total is 533,767 in one payment and the second payment is for 586,217. The Town of Shelter --

LEG. SCHNEIDERMAN:

Were they late in two years, is that what you're saying?

MR. ZWIRN:

No, only one year. But because they missed one year, going forward the program could literally be suspended. The County would have -- we have to do it by resolution otherwise the County could keep that funding.

LEG. SCHNEIDERMAN:

So we have held over a million dollars.

MR. ZWIRN:

Well, 533,000 and then that would -- then they held up the second one until all the paperwork was done for the first one. So together it's over a million dollars.

LEG. SCHNEIDERMAN:

Right, and apparently they need the money pretty badly right now. Okay.

MR. ZWIRN:

Well, I live out there, I could use the money myself. The Town of Shelter Island is nearly a hundred thousand, \$95,561. I stand corrected, the Village of Amityville is almost \$400,000, it's \$392,302, which is a nice first day's work, Legislator Gregory; they're going to expect that every meeting now, though, I think. The Village of Asharoken, I know that former Mayor Kelly was a big critic of the County, so there's some justice here that they didn't apply, it's 34,089; Village of Northport, 320,212; and the Village of Westhampton Beach, \$66,501.

LEG. SCHNEIDERMAN:

Now, can I ask with -- I guess East Hampton is the oldest there because it goes back to 2006. You're saying the money is encumbered, doesn't this money go into the General Fund or the fund balance and then get applied to other things?

MR. ZWIRN:

Budgetarily the money was isolated and identified so that at a future time it could be paid.

LEG. SCHNEIDERMAN:

Right.

MR. ZWIRN:

So it just wasn't -- money just wasn't --

LEG. SCHNEIDERMAN:

And I'm not suggesting that --

MR. ZWIRN:

I'm not saying -- it's a bookkeeping manner as opposed to the actual cash.

LEG. SCHNEIDERMAN:

And we're doing this basically as a favor, there's no legal requirement that they get these funds.

MR. ZWIRN:

That's correct. Well, not a favor, but it's a -- yes, in a way.

LEG. SCHNEIDERMAN:

They missed out on that year's allocation and we're giving it to them anyway.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

See that? We have a heart, Jay. We don't want to --

LEG. SCHNEIDERMAN:

How about that.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Ben? Ben, before you go away. Part of the history here was that the County was not getting the accountability from some of the Police Departments. They felt that, you know, as-of-right and they could spend the money anywhere and anyplace that they wanted to.

MR. ZWIRN:

Right.

LEG. ALDEN:

The restrictions on these are many; am I not correct on that?

MR. ZWIRN:

Yes, they have to identify where the money is going. But if you -- even Westhampton Beach, locally in the paper, their overtime budget has gone through the roof. They're reluctant to hire new Police Officers because of the expense, so this money, most of this money is going to go to salaries and overtime.

LEG. ALDEN:

And is the requirement onerous on the --

MR. ZWIRN:

There's paperwork that has to accompany any -- all the requests.

LEG. ALDEN:

And it just has to show that it's a valid type of expense, not that --

LEG. SCHNEIDERMAN:

It's not onerous. The main thing, Cameron, is that since the checks go to the towns and villages, not to the Police Departments, the County's concern is that the money goes into the Police Department, it goes to public safety functions and not to other town or village functions like, whatever it might be, you know, harbor patrol.

LEG. ALDEN:

Well, I was sitting here and basically we had some towns come in and thumb their nose at us. You know, "You have to send us the money anyway, we'll do whatever we want with it," and we put a provision in that they don't get the money if they don't fill out the proper paperwork and verify it.

LEG. SCHNEIDERMAN:

The towns have been complying with the requirement.

MR. ZWIRN:

Yes.

LEG. SCHNEIDERMAN:

And according to the Chiefs I spoke to, it's not been onerous. I don't know why they haven't filled out, you know, in these particular villages or towns for those years.

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

Okay. Yes, Legislator Gregory.

LEG. GREGORY:

Mr. Chairman, these are funds that are due to the village. Yes, they didn't do their due diligence and file the paperwork in a timely manner, but it's going to a good cause. They're going to services that are servicing the people of the villages throughout -- that are listed on this resolution and the people in the village of my village in Amityville that I'm a resident of. So I think -- I plea with my colleagues to support it and we'll work better with our villages to make sure that they comply with the requirements in future years.

LEG. NOWICK:

Bill?

LEG. ALDEN:

You convinced me.

LEG. HORSLEY:

Cameron, I was just thinking the same thing.

MR. ZWIRN:

That's not easy.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

And I may be wrong about this, but didn't this happen a few years ago --

P.O. LINDSAY:

Yeah, Riverhead.

LEG. NOWICK:

-- where Riverhead --

P.O. LINDSAY:

Riverhead, we had to do a special resolution to give them the money.

LEG. NOWICK:

-- Nissequoque, and we did do the resolution and we did pass it and I think that sets a precedent; I say no more.

P.O. LINDSAY:

Yeah, we made the Supervisor come in and do mea culpas here.

LEG. BARRAGA:

Mr. Gregory's comments were so good, I think we ought to swear him in a third time.

LEG. HORSLEY:

Here, here.

P.O. LINDSAY:

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

LEG. COOPER:

Cosponsor, please.

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. HORSLEY:

Cosponsor.

LEG. GREGORY:

Cosponsor.

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Late starters?

P.O. LINDSAY:

Yeah, I can do Late Starters.

MR. NOLAN:

He'll be here in three minutes.

P.O. LINDSAY:

Well, I can take a picture, too.

MR. NOLAN:

You can take a picture? Either way you want to do it, he'll be here any minute.

P.O. LINDSAY:

Okay. All right, what I'm going to do is we still have five minutes before we go into Executive Session. We're supposed to take a picture at 12:30, why don't we take the picture now, how's that?

LEG. LOSQUADRO:

Why don't we do the Late Starters?

P.O. LINDSAY:

All right, they want to do the Late Starters first.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

All right, I'm going to make a motion to waive the rules and lay the following Late Starters on the table.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Losquadro. 1734 to EPA; 1735 to Public Works; 1738 to Labor, Workforce & Affordable Housing -- Don't everybody leave, I need a quorum -- 1739 to Parks; 1741 to Economic Development, Higher Education & Energy; 1742 to Ways & Means; 1743 to Ways & Means; 1744 to Public Works; 1745 to Public Works; 1746 to Public Works; 1747 to Ways & Means and that's it.

LEG. ROMAINE:

1748.

P.O. LINDSAY:

Oh, 1748, I missed -- oh, 1748 to EPA. All right, we have a motion and a second. All in favor?

Opposed? Abstentions?

MR. LAUBE:

Hold on.

LEG. NOWICK:

Let's do the picture.

MR. PEARSALL:

The Pirate people aren't coming until 12:30.

P.O. LINDSAY:

Oh, okay. They're just telling me we can't do the picture because the Backpack Pirate people aren't coming until 12:30. But I think our attorney just walked in the room?

MR. NOLAN:

Yes, he did.

P.O. LINDSAY:

Okay, so we can go right into executive session.

MR. NOLAN:

Correct. Make a motion.

P.O. LINDSAY:

I'll make a motion to go into executive session, second by Legislator Romaine to discuss the MTBE settlement. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Would everybody clear the room except for Legislators?

MR. NOLAN:

And somebody from the County Attorney.

P.O. LINDSAY:

And someone from the County Attorney's Office.

(*Executive Session: 12:00 PM - 12:19 PM*)

P.O. LINDSAY:

Okay, if I could have everybody's attention, please. I don't think I have the mike yet. We're going back on the record.

The Executive Session has been complete. The only thing is it's about a potential settlement, so I would ask my colleagues to keep it under wraps until we have the resolution before us. With that, I'll make a motion to recess for lunch.

LEG. LOSQUADRO:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

We'll be back at 2:30 for a public hearing.

LEG. SCHNEIDERMAN:

Are we doing the photo?

P.O. LINDSAY:

Yes. All in favor? Opposed? Abstentions? Recessed.

MS. ORTIZ:

Seventeen.

[*THE MEETING WAS RECESSED FOR LUNCH AT 12:20 P.M.*]

[THE MEETING WAS RECONVENED AT 2:37 P.M.]

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

P.O. LINDSAY:

Okay. We're going to start our Public Hearings. Mr. Clerk, please call the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yep.

MR. LAUBE:

Fourteen (Not Present at Roll Call: Legs. Beedenbender, Montano, Cooper and D.P.O. Viloría-Fisher)

LEG. ALDEN:

Does he have to be sworn in again?

P.O. LINDSAY:

No, we're not going to swear in Legislator Gregory again, unless you want to. Do you want to?

LEG. GREGORY:

No, thank you.

LEG. ALDEN:

He was having fun.

P.O. LINDSAY:

Yeah, I know. Okay. We've got Public Hearings. First up is ***I.R. 1174 - Approving rates established for Davis Park Ferry***. And I have a few cards here. First up is Lori LaPonte. And you have five minutes, Lori, if you're here.

MS. LAPONTE:

Decline.

P.O. LINDSAY:

LaPonte?

MS. LAPONTE:

Decline.

P.O. LINDSAY:

You decline?

MS. LAPONTE:

Yes.

P.O. LINDSAY:

Okay. Charles Sherman?

MR. SHERMAN:

Yes. I'm Charles Sherman, President of --

P.O. LINDSAY:

Wait a minute. Just -- we got to get your mike on for you, sir.

MR. SHERMAN:

Okay? I'm Charles Sherman, President of the Davis Park Ferry, and I'm here to state the necessity for and increase for Davis Park Ferry. We're a small family-run business that has been operating for the past 61 years between Davis Park and Patchogue.

The recent fuel increases have devastated us financially, leaving us unable to give our employees any increases in pay, cutting our maintenance program to the bare minimum and cutting back on services. I'm embarrassed by the condition of our boats. They're in badly need of paint and other cosmetic improvements. The Davis Park residents and businesses deserve better than this. Because of the delays in our application for a rate increase, these cutbacks will continue into the Fall, and possibly for the next few years. We've projected a loss of about \$181,000 without an increase this year, and have exhausted all our resources, with small losses over the past few years. These cutbacks are the only way for this company to survive.

I urge you to retire the Public Hearing and to pass the resolution as soon as it's possible and to ensure the survival of the company. I'm prepared to answer any questions the Legislature may have and address any issues brought up by the Budget Review report. Thank you.

P.O. LINDSAY:

Does anybody have any questions for Mr. Sherman at this point? You're going to stick around, too --

MR. SHERMAN:

Yes.

P.O. LINDSAY:

-- because we're going to hear from Budget Review. Okay. We'll start with Legislator Beedenbender.

LEG. BEEDENBENDER:

Hi, Mr. Sherman. At Public Works last Tuesday, we had discussed you were going to get some documentation about that \$10,000 undertaking that was to be filed with the Clerk.

MR. SHERMAN:

Yes, I did. The Hartford Insurance Company, I was not able to find the original bond, so they rewrote the bond, and I gave it to Legislator Eddington and he gave it to the Clerk.

LEG. BEEDENBENDER:

Perfect. Thank you.

MR. SHERMAN:

Okay? Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, sir. Were you successful in getting the County Executive to come forward with a CN so we could vote on your rate fare today?

MR. SHERMAN:

Negative. I spoke to Ben Zwirn and pleaded my case, and he spoke to the County Exec, and I also sent him a letter, and no Certificate of Necessity has come through.

LEG. ROMAINE:

I'm sorry to hear that, because I know that my colleague, Mr. Eddington, lobbied very hard for that, and I was supportive of his efforts and was prepared to vote for this today.

MR. SHERMAN:

Well, thank you for your effort, but to no avail.

P.O. LINDSAY:

Anyone else? Okay. Mr. Sherman, if you'd just have a seat and wait around and see if there's any -- you know, after Budget Review --

MR. SHERMAN:

Okay. Thank you.

P.O. LINDSAY:

-- speaks, maybe we'll have some questions. Mary {Parlor}? {Padar}?

MS. PARKER:

Parker.

P.O. LINDSAY:

Parker. Oh, I had a little problem with the --

MS. PARKER:

Too easy for you.

P.O. LINDSAY:

No, it --

MS. PARKER:

Hi. I'm Mary Parker. I'm --

P.O. LINDSAY:

Oh, yeah, now I can see it's a "K". I thought it was a "D". Okay, okay. Sorry about that.

MS. PARKER:

I'm representing the Davis Park Association, the Homeowners Association in Davis Park. We're here to support a rate rise. It's not often that you find homeowners asking to pay more for ferry service, but we're very concerned about the Ferry Company and about our level of service at the moment. We've already had significant cuts in the summer schedule. It's affecting the businesses, the homeowners, the merchants out there, the day-trippers, it affects everyone when the service is cut so significantly.

You heard about the projected losses for the year. At the time we asked for the increase, the loss was projected to \$30,000. Since the increase didn't come through in the early going and we don't yet have the Certificate of Necessity, the loss is now projected at over \$180,000 this year on revenues of less than a million. We're all very concerned about this. It's affecting our lives. We also feel that the increase in fuel should be compensated, and we would like to see this increase go

through as soon as possible. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Parker. John Lund.

MR. LUND:

Good afternoon. John Lund, President of the Property Owners Association at Davis Park. For the last 23 hours I've been trying to reach the County Exec's Office, and with no avail, to request the CN be implemented. Can't do it, I guess.

Oh, you've heard the -- you've heard the stats. This is going to be not too nice a Fall going from Patchogue to Davis Park. They're going to have to cut whatever their proposed Fall schedule is. You can just throw so much money at running an operation before you really have to cut back. So I thank Legislator Eddington, Romaine, and a few others that I spoke to regarding the CN, and there were a number of people who were looking to move forward with that if it came down. So, please, if you can, let's retire, close this Public Hearing, because I believe that the Ferry Company is now faced with the Six-Month Rule. They came in in March with this, I believe, their last -- their last application, so it will die and will start the process all over again. In starting the process all over again, there will be more paperwork needed, more lawyers required, more accountants required, and all it's going to do is ultimately raise the rate even more than they've requested now. So thank you very much.

P.O. LINDSAY:

Mr. Lund, just a comment. Certainly, closing the Public Hearing is within our purview. I'm sorry to hear that we're not getting a CN so we could give some rate relief, and especially the fact that both the residents and the Ferry Company seem to be on the same page in that some relief is needed from the exorbitant energy costs. But we can't do anything about the CN piece. The other piece, we can do something about it.

MR. LUND:

Right, I realize that.

P.O. LINDSAY:

Okay. Thank you very much.

MR. LUND:

Okay. Thanks.

P.O. LINDSAY:

Okay. I don't have any other cards. Anybody else in the audience want to comment on this Public -- on this Public Hearing? Seeing none, before I close, I want to ask Kevin, where are we?

MR. DUFFY:

Our report was issued on Davis Park Ferry on June 18th. We've issued a supplemental report dated July 29th, 2008. If the Legislature wishes, it does have the ability to close the Public Hearing. We've discussed a number of issues in our report and, as far as 1174 of 2008 as it now stands, the Budget Review Office would not support it.

The history of Davis Park goes back quite a number of years. I've done the ferry reports for 21 years, and in 21 years this is only the second time they've been here. The problem relates to the fact that for a period from 1987 through 1995, the Company had improperly raised its rates six times under the COLA Provision without giving notice to the Clerk of the Legislature, as required by the law.

The company was last here in 2005, and during that time period, they had appeared or provided financial statements of three different accountants; their first normal accountant, who would not

certify statements, the second accountant, who certified statements, but had not proper peer review, and the third accountant, which is the accountant who has done the work in these financials, those were the financials that we used.

During the review in 2005, a number of concerns were found, and the rate relief that was granted, which was also granted under a Certificate of Necessity in 2005, imposed four conditions upon the Ferry. In our report, we discuss the efforts made by the company to reach those conditions. Unfortunately, if we were to hold Davis Park Ferry to the same standards as we hold the other Ferry Companies to, they have not met them. If there's any questions, I'll try to answer them.

P.O. LINDSAY:

Well, the only question I have is, Kevin, is you've reviewed the past history. Where do we stand today on this rate application?

MR. DUFFY:

Where we stand today? We've issued our report. We're indicating that the conditions that were imposed basically have not been met to our satisfaction. And our report is advisory. If the Legislature wishes to approve the Resolution 1174 as it stands, that's your decision.

P.O. LINDSAY:

Well, this is just a Public Hearing for now and --

MR. DUFFY:

Yes, but --

P.O. LINDSAY:

All right. But could you be more specific about what conditions they have not met?

MR. DUFFY:

Okay. If -- we attempted to do that in our letter of July 29th. Okay? In that, yes, the Company has now furnished a surety bond. Okay? The conditions that we had, the first one was the buyout of Fred Sherman. Basically, what has happened, as shown on the Company's balance sheet, is a \$332,559 payments over the years that have been made to this brother. Our concern with this payment is that if the payments had not been made, this money would still be in the Company and, theoretically, there may not be a need for a rate increase.

Our second issue with that was we're not sure whether or not those -- that payment relates to just Ferry business or to other items such as real estate, which were involved.

And the third condition with this is that the Ferry -- use of Ferry Company revenues to buy out the interest of Fred will increase the shares of Charles and Matthew, the two remaining brothers. We've raised this issue before in other Ferries such as South Ferry and it still continues to be a concern.

In looking and looking at how other Ferries have been treated, back in 1997, Sayville Ferry, when they appeared before the Legislature, had two similar concerns. There was a problem with their cash controls, and there also was a loan that the owner of the Ferry Company had made to himself. Prior to them receiving rate relief, the Legislature required that the owner execute a note and to pay back the \$500,000 loan, which he did and the loan was paid back. And, in addition, he also instituted a new cash control system.

With regard to the other agreements, our concerns are -- we listed a number of agreements. The lease for the office, the lease with the Town of Brookhaven, and the lease with the National Parks Service. At the meeting at Legislator Eddington's Office, we were supplied with an update of the lease with the Town of Brookhaven. Basically, part of our concern with it is that we do not still have the full details of the lease.

One of the things we looked at when we were looking at the amount of ridership is that there -- in 2006, the only year we attempted to reconcile, there were 3,314 deadheads, or passengers for which a fare was not charged, who were under this Town of Brookhaven lease. That's a concern. Also, under the National Park Service, it indicated that there were 523 free rides. And also, there was a category of non-payments of 988.

With regard to the cash controls, the Company has made progress, but our problem is that we have not been able to reconcile the ridership to the revenues to the logs of the Company. In doing that, we came across that part of the problem with rates, that if you look at the 2005 resolution, there are only seven passenger fare categories. The reconciliation that the company has provides 20 possible categories. When we made our recommendation in our report, we felt that the categories should only detail the fares that have been authorized by the Legislature. The company also in its revenues had a 60-trip ticket, which was not authorized. A 60-trip ticket, which my understanding is what they did, was they took the price of a 40-trip and then halved the price of a 20-trip. This is not authorized by the rate structure. All the Ferry Company can provide is -- and charge for -- is what is authorized. And similar to that, in 2005, after the Ferry Company was granted its increase, the Company went back and surcharged those tickets, which had been previously bought, to detail the new rate.

I've attempted to outline the issues we still have, if you have questions.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. You know, it's -- when I listen to that, if I wanted to keep with the nautical theme, I'd say, "Let's get Corky Sherman up here, let's flog him and then let's move on." I mean, I hear --

LEG. LOSQUADRO:

A keel hole.

LEG. EDDINGTON:

A keel hole, yeah, that's just another thing.

LEG. ROMAINE:

Keel hole.

LEG. EDDINGTON:

Let's look at -- you know, BRO does a wonderful job. They give us numbers, charts, graphs and projections. And, of course, the attorneys have a look at that and they look for culpability. I come from an education/social work background. I'm looking for problem-solving approaches and conflict resolution. And so, when I sat and looked at this, and I've been spending over seven months on this, I did an analysis of the service delivery system. And what I have found out, because you hear what Kevin says, and I'm not questioning it, there has been a tremendous communication problem between the County and this Company, and it's been going on for years. And I'm not looking to blame, I'm looking to move on, because, certainly, there's enough blame to go around. But we have an operation that's been in the family and the management for 61 years. We've got the Reverend Father Frank Pizzarelli asking for help so he can get his parishioners to church. We've got the Councilman, Tim Mazzei, asking for help. We've got the residents here asking for help. I've asked the County Executive to help with a CN. I've called everybody here and -- of course, that was yesterday when I got commitments from 12 people. That could have changed today, I know how that works, but I think it would have passed. And what I'm seeing is that they are -- the Company is working to comply. And I'm tired of hearing 20 years ago, 18 years ago, six years ago. I'm here now, and in the Committee, in the Public Works Committee, I committed to make sure that I will be part of getting this solution. I can't talk to three years ago, I can only talk about now. We're here

now. They're operating in the red and we're asking them to maintain the service and continue to lose money, and they need help now.

So, obviously, the CN isn't coming. So what I'm going to ask us to do is to close this and move on with as much haste as possible, because these -- this Company is trying to do everything. I mean, I know Charles' wife is going to be on the boat as soon as she leaves here, to drive it, if she's not there now. So this is hurting our community. I don't want to continue to hear it was bad, they didn't do this, they -- they're doing it now. They're trying everything to catch up. We have to help them now in any way we can, and I'd ask for all your cooperation.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a brief comment. This is possibly an opportunity for us to reflect on the possibility of changing the Charter to allow the Legislature to issue its own Certificate of Necessity with a 12-vote margin, a motion to be made from the floor. I certainly think it is worthwhile. It would certainly lighten the bread of government by allowing this branch of government to have the right to bring things forward as they see fit with, of course, a super-majority, a two-thirds majority, and it's something worth considering.

I obviously say this in respect to my fellow member, Jack Eddington, but all of us have compelling issues that, for some reason or not, most of the time the Legislature's an afterthought for the Executive, but it would allow this branch of government an opportunity to bring things forward that they felt should be brought forward in a timely fashion before this body for consideration, and we would not do this lightly, it would require a two-thirds majority. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Anybody else? Yeah, Legislator Alden. I'm sorry, how did I overlook you?

LEG. ALDEN:

I don't know.

P.O. LINDSAY:

Oh, damn.

LEG. ALDEN:

But there it is. Kevin, and I have to compliment you, because I have, you know, a Ferry Company in my District, and you do a remarkable job. So the things that you brought up are definitely things that we have to look at. And I'd like to take the -- a similar approach to what Legislator Eddington was talking about before and moving forward. Is there a way that we can monitor what we'd like them to do going forward if we pass this resolution today? Does it still give you the ability to have submissions to your office?

MR. DUFFY:

What you would have to do is -- and I -- George, if he wants to correct me, he can, but my understanding would be, is that we would put conditions into the resolution, which the Company would have to agree to.

LEG. ALDEN:

Because you raised something, it's a valid point, that if we're asking ridership to pay for, you know, a buyout, that's got to be disclosed. If they took care of the property through some of the purchases and some of the money that was paid out, that's a different story. But if we're asking for a buyout of a partner and we're going to structure a fee on that, that's very important to know. Also, cash controls are very, very important. And you do raise -- I did read your report. Deadheads, there's way too many of them, so that really has to be tightened up. And I find it

problematic that if you've got twenty categories and only six or seven of them are authorized, that's another major problem.

So I would like to see this resolved, I'd like to go forward with it. And I have a different idea than what Legislator Romaine has, as far as us proceeding even today, but I do want to see, you know, some control.

One of the companies that was in my district had a major problem, and I think one of the partners actually ended up in jail, or, if not, pleaded guilty to some kind of --

MR. DUFFY:

My understanding is he pleaded guilty to tax evasion.

LEG. ALDEN:

Okay. And you can't hurt -- you can't hurt riders and have them, you know, pick up the whole nut because some guy went and actually stole money from the company. So, you know, I'd like to see the controls tightened up and -- but I would definitely support a close of this hearing right now. And, if you want, I could tell you my idea and how we could vote on it today. Waive the rules, discharge it from committee and put it before the full Legislative body and vote it up or down right today. We don't need to change -- in the future, maybe changing the Charter would be good, but today, I think we could do it that way. There's my two cents.

P.O. LINDSAY:

That sounded more like five.

LEG. ALDEN:

Close to a dime there.

P.O. LINDSAY:

Anybody else? Anybody else? No, not seeing anybody else. Okay. I -- so we have a motion to close by Legislator Eddington?

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Second.

P.O. LINDSAY:

And seconded by Legislator Alden. And before we vote on it, I think that Budget Review's analysis are very important and I don't think it should be taken lightly, and it sounds like some of the recommendations in the past were taken a bit lightly by the Company. But, by the same token, in this extreme time of energy costs like going crazy, I get the feeling that, you know, we could wind up with a defunct company, and then what are the riders going to do, you know?

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. It stands closed.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. Seventeen.

LEG. ALDEN:

I would just request, and maybe if you could just think about it while we go through whatever other business we're doing, if this -- it is your resolution, if it could be amended to include some compliance with certain requirements. I don't think they're substantial that would require a new Public Hearing, but certainly some of the things that were raised by Budget Review really should be looked at in a close manner. And then I would make a motion to discharge whatever amended resolution you have.

MR. NOLAN:

You can't --

LEG. ALDEN:

Well, I would make a motion to waive the rules. What?

MR. NOLAN:

You can't amend the resolution. We can't vote on it today without a CN. Seven-day Rule, that's in the Charter.

LEG. ALDEN:

It's basically a nominal type of --

MR. NOLAN:

No, you can't -- in terms of making amendments to the current resolution, any -- we have a Seven-Day Rule, which is in the Charter, it's not in our rules, so it's got to be in final form for seven days. So, if you change the resolution right away, you know, you can't act on --

LEG. ALDEN:

Okay. Then aren't they covered by whatever rules the Charter actually provides on this? They have to come in compliance with what Budget Review would require. There's got to be cash controls. There's got to be -- you know, they have to apply for certain schedules of ridership. So, instead of operating under 20, they would be -- they would actually be required to operate under what we approved in the past. I'm just asking, basically, if under the current situation of the law there still is a hook that Budget Review has to review.

MR. NOLAN:

Well, this is a new resolution, so it's going to supersede any prior resolution. Now, in terms of, you know, the cash controls and so forth, that's going to be more a factor going forward, because the next time they come in for a rate increase, you know, the same issues may be there.

LEG. ALDEN:

But what are franchise requirements? So maybe that's what I'm getting to. What are the franchise requirements, that the County sets the number of or the amount -- the County sets the categories, the County sets the -- even the service, right? They can't deviate from that without approval?

MR. NOLAN:

The applicant submits a petition that sets forth all of those things, what the schedule is going to be, the level of service, the fares, the categories, and then we act on it, and that's what is before us right now. If the applicant is amenable to making changes, and this happens all the time with the ferries where the original petition, after that -- they submit that, Budget Review makes recommendations. Quite often, those changes are incorporated into an amended resolution. That

has not happened yet.

LEG. ALDEN:

Through the Chair.

P.O. LINDSAY:

Go right ahead.

LEG. ALDEN:

Kevin, if this is passed today, do you have enough law at your disposal to make them come into compliance with say, for instance, cash controls, things of that nature?

MR. DUFFY:

If the resolution -- in my opinion, if the resolution is passed today, you've passed a resolution with no controls providing them the fares that they've requested. Correct me if you think --

LEG. ALDEN:

But there are no -- there's no --

MR. DUFFY:

And, as George said, in the procedure that occurs is that the applicant files a petition showing the rates he wishes to use and the Legislature approves those rates. What had happened in the '05 resolution is that the applicant had also agreed to several conditions, including improvement of cash controls, the producing of leases, providing us with an agreement with the brother and showing how much was owed. And, if we pass a resolution that doesn't have those conditions, in my opinion, those issues are --

LEG. ALDEN:

Non-enforceable?

MR. DUFFY:

Non-enforceable.

LEG. EDDINGTON:

We had a motion and a second, right?

D.P.O. VILORIA-FISHER:

To close.

LEG. ALDEN:

To close, right?

P.O. LINDSAY:

It's closed already.

LEG. ALDEN:

We had a vote?

P.O. LINDSAY:

Yeah, it's closed.

MR. LAUBE:

The Public Hearing is closed.

P.O. LINDSAY:

Yeah, the Public Hearing is closed. You know, Legislator Alden brings up an interesting issue, and Legislator Viloría-Fisher just asked me, why didn't we put these controls in the original resolution? I know it's my resolution, but it usually comes from Budget Review.

MR. DUFFY:

The resolution and the petition are filed by the petitioner. We review what they've submitted.

P.O. LINDSAY:

Okay.

MR. DUFFY:

We make our recommendation in our report.

P.O. LINDSAY:

Okay.

MR. DUFFY:

And, theoretically, as I understand the Gowan decision, the Legislature has the ability at that point to either accept it, reject it in whole, and, if the applicant is willing, to negotiate with the applicant as to those things that the Legislature may have concerns about.

P.O. LINDSAY:

Well, I would strongly suggest -- I mean, we're all on board I think trying to get these folks some rate relief and support our colleague, Legislator Eddington, for his community, to get the people back and forth to Fire Island. I'm a little bit nervous that we don't have the -- in the resolution the controls that should be there. And I would strongly suggest that the applicant, between now and the next time we meet, you know, amend their request and put in the additional controls that we think are needed.

LEG. ALDEN:

So, as long as that happens seven days before the next meeting? No, because it goes through a committee cycle. When would the cutoff date be?

LEG. ROMAINE:

Today.

MR. NOLAN:

No, no. It would be the -- if we're looking at voting on this in two weeks, it would be next Monday, next Monday, the end of business Monday.

LEG. ALDEN:

This would have to be amended --

MR. NOLAN:

By this coming Monday.

LEG. ALDEN:

By this coming Monday.

P.O. LINDSAY:

And maybe, Legislator Eddington, you can monitor that process and get the proper assurances there that -- because, if we -- you know, we've had a history here, too, of not the best of compliance with requests.

LEG. EDDINGTON:

If that had been a recommendation when we started this seven months ago, it would have been in

it.

P.O. LINDSAY:

Yeah, I know it would, I know it would.

D.P.O. VILORIA-FISHER:

I have a question.

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. George, would it be possible to pass this as it stands and have a subsequent resolution with the requirements?

MR. NOLAN:

No. I think we'd have to do that one --

D.P.O. VILORIA-FISHER:

It has to be in one?

MR. NOLAN:

Right. We can't go back and -- you would be essentially amending their license. I'd have to look at 287, but I think that cannot be done with it, unless the petitioner, the applicant would almost have to ask for those changes after the fact. I don't think we would control that. In terms of -- you'd be essentially amending their license and that is more -- my recommendation is, if we're going to put it in, let's do it in one shot. Changing it -- passing it as is and then trying to amend it later would be problematic.

D.P.O. VILORIA-FISHER:

Okay. Even if -- well, if the petitioner were eager enough to have it discharged today and passed and they were willing to petition to have those -- I'm just asking theoretical questions.

MR. NOLAN:

Yeah. I don't think there would be any way to bind them to that.

D.P.O. VILORIA-FISHER:

Okay, okay.

P.O. LINDSAY:

Okay. ***I.R. 1272 - A Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores.*** 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 Schneiderman, what is your you -- what do you want to do with this?

LEG. SCHNEIDERMAN:

Recess it.

P.O. LINDSAY:

Recess it, okay. We have a motion to recess, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I.R. 1343 - A Charter Law to change the Legislative Term of Office. 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 -- yes.

LEG. GREGORY:

Mr. Chairman, I'd like to make a motion to recess.

P.O. LINDSAY:

Okay. Motion to recess by Legislator Gregory.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Oh, Ed Romaine, on the subject.

LEG. ROMAINE:

Yes, on the subject. Since this is a Charter amendment that I assume will be put on the ballot for the public to vote on, may I ask of Legal Counsel, before he leaves the room, what the time frame is, because then this resolution is totally meaningless if it doesn't have the ability to be put before the public. What is the time frame for us voting on this and having it then before the public to make a determination whether a term should be elongated or not?

MR. NOLAN:

All right. For this particular year, count 60 days back from Election Day. Everything would have to be done. We would have had to have passed it, the County Executive would have had to hold his Public Hearing and signed it and filed. So that all has to be done 60 days prior to this General Election.

LEG. ROMAINE:

While I'm reluctant to speak on this, because the sponsor isn't here, I obviously don't know his wishes or what his intent was when he drafted this resolution, I just feel that if he wanted this resolution to be put on the ballot, it may have to be voted on today to meet the very tight time frame, because even two weeks from now it could be delayed by the Executive signing it, and, as a result, fail to make the ballot.

LEG. ALDEN:

Which might not be the worst thing that could happen.

LEG. ROMAINE:

You're leaving us, some of us are staying.

P.O. LINDSAY:

Yeah, you don't really care.

MS. GELLERSTEIN:

He wants to recess it. He asked me to recess it.

P.O. LINDSAY:

Okay. Legislator Cooper's Aide has indicated to us that he wanted it recessed as well, so all right. We have a motion to recess and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I.R. 1358 - A Local Law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles. I don't have any cards on 1358. Is there anybody in the audience

who would like to speak on this subject? Seeing none, I need a motion. Go ahead.

LEG. GREGORY:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1499 - A Local Law to require that Probation Department employees use County vehicles while conducting County business.

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Wait, let me see if anybody's here. We have no cards on this subject. Anybody else in the audience like to speak on this? Seeing none, Legislator Losquadro --

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

-- makes a motion to recess, I'll second that. All in favor? Opposed? Abstentions.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

J.R. 1505 - Alteration of rates for Fire Island Ferries, Incorporated. I have two speakers. Mario Posillico.

MR. POSILICO:

Mario Posillico, Village Administrator for the Village of Saltaire. Over the years, the Village of Saltaire has maintained a strong working relationship with Fire Island Ferries, and we have found that they have continually provided capable and professional service to Saltaire and its residents. They have always proven willing and able to provide Saltaire with freight and passenger service of the highest quality, and have cooperated with us to ensure a well-scheduled, well-run enterprise that has been of tremendous benefit to the residents of Saltaire. We wish for that to continue. However, the Village questions whether the 25% rate increase requested is reasonable and justified to cover the increased cost of operations, particularly when an increase of 10.3% was awarded only last year.

We do not question the argument that the increased cost of fuel has, to a degree, negatively impacted Fire Island Ferry's bottomline profit. However, the request for a rate increase must be based on a standard of reasonableness and justified through a detailed analysis of the impacts of the cost of marine fuel on the cost of their operation. We are not privy to that analysis and urge the Legislature to thoroughly review the financial data presented by Fire Island Ferries to assure that the fare is reasonable based upon their overall cost of operation and profit margin, and is not an overreaction to the price of gasoline that we all pay at the pump. A 38% increase in the ferry fare since 2006 does not seem reasonable on its face and a thorough review is warranted.

Additionally, there are some mitigating factors that the Legislature should consider when reviewing the Fire Island Ferry's request for fare increase. When reviewing the total application, including their

financial statements, please consider the following:

The Legislature should examine the reasonableness of interrelated company fees that are charged against the income of Fire Island Ferries. These fees charged by closely-held family companies for the use of the facilities are significant and need to be considered, so a more accurate picture of their financial position can be drawn.

Secondly, the Legislature should keep in mind that although the cost of fuel has increased recently, it is a commodity subject to fluctuations, which may lead to decreases in the future. Once a fare increase is approved, it is unlikely that the fare will be reduced if the cost of fuel goes down. Moderate increases in the ferry fare will prevent that type of unintended boon to the ferry operator.

Thirdly, the Legislature should keep in mind the potential decrease in travel that such an increase may cause, and the negative economic impact that this would have, not only on Fire Island, but also on the South Shore communities.

The Village of Saltaire would not object to a reasonable fare increase warranted by the current economic climate. A viable ferry operator serving Fire Island is in the best interest of all concerned, and a reasonable fare is necessary to support that operation. We simply ask that you consider all relevant data and approve a moderate fare increase that is reasonable for the residents of Fire Island, as well as for the Ferry Company. Thank you.

P.O. LINDSAY:

Thank you, Mr. Posillico. Anybody have any questions for Mr. Posillico? Seeing none, our next speaker is Timothy Mooney.

MR. MOONEY:

Good afternoon, Mr. Chairman, Ladies and Gentlemen. My name is Tim Mooney. I'm president of Fire Island Ferries. And, really, based on what we're hearing today, with no CN coming forward, we're really talking about a rate increase for 2009. 2008 is virtually over at this point, and by the time this process completes itself, it will be post Labor Day, so we're talking about a 2009 increase. And we started this process back in May of this year. I know Charles started it even earlier than that. And, you know, we regret having to do this increase. And, you know, like Davis Park, where our fare structures are today, that's a going-out-of-business strategy for both of us, and it's something we can't sustain over a long period of time.

You know, we didn't come to the Legislature until our fuel prices doubled, and so we went from, you know, paying \$2 for, you know, a gallon to \$4 a gallon. So once that strike price hit, we feel we had to make a move at that point.

Fire Island Ferry has been in business for 60 years, and my father's here with me today, he's been here since 1948, helping run the ferry business, so he's seen a lot of things over the course of time. And we really are operating in unprecedented times at this point. And I understand the frustrations of, you know, Mario and people of Saltaire, and any other residents of Fire Island, and, you know, we share that frustration. And the one thing that we can't control is the price of fuel at this point, and we are subject to that at this point, whether we like it or not.

The BRO has made a recommendation as kind of a wait-and-see, you know, approach at this point, since we are so close to the end of our fiscal year. And, you know, basically, you know, based on that timing and the process that it takes to go through this thing, we're projecting to lose \$187,000 this year. And I asked Kevin if he would cut me a check if we do lose that much money and he declined to do so at this point.

And, you know -- and I know the County can't help us make up that shortfall, I'm not asking for that, but, you know, with the process in place and how rapidly fuel prices change, we're subject to that at this point.

And for all of you, keep in mind, we are a private Ferry Company. You know, we're privately operated, we are for-profit organizations. We're regulated by the County as a result of a State Law, so the State handed it down to you guys and, you know, we get to work with each other to put these fare structures together. And, you know, we're not the typical transit you have to deal with in other organizations, we are for-profit, we are private, and we provided over 60 years of safe, reliable service to Fire Island with Fire Island Ferries, and we're providing service to one of the best resort areas in the country, and at least in New York State, Fire Island.

Our business model is rather strange. We make money three months a year, we break even two months a year, we lose money seven months a year, and that's if the weather cooperates and we don't have any storms or hurricanes to monkey with that. Our average {OI} for the last five years is 3.1%, and that's going to go down this year when we add in the loss that we're projecting for this year. So I'm sure many of you wouldn't be satisfied with a 3.1 return on your investments. And you say, "Geez, how can I get into this high-risk, low-reward business?" And, you know, that's what we're facing with. The Shermans face that, Kenny Stein faces it, we all face it.

The fare increase allows Fire Island Ferries to get back to profitability, maintain our current level of service, and, number one, pay our fuel provider, allow us to upgrade and maintain our equipment. This September, next month, we'll be laying the keel for a new boat. That new boat is going to be about two-and-a-quarter million dollars, and that's to continue to improve the level of service that we provide our customers. We have engines that need to be upgraded. They're circa World War II engines, all the old Detroit 12-71 engines. And we'd like to be able to take advantage of that new technology and fuel efficiencies and the emission standards that come along with them. We have 45 of these old engines in our boats at this point in time, and replacing those is in excess of 3 million dollars.

This fare increase is a necessary evil. We don't -- you know, we don't enjoy the fact that we have to come up here and do this at this point in time. But given the business climate and the realities that we face, a fare increase is a necessity. And as always, Fire Island Ferries will work with the County, the Budget Review Office, to provide any information or any additional information that you need at this time. And we just thank you for your consideration. And, if we can put this on a fast track, the sooner it gets done, the better for us. Thank you very much.

P.O. LINDSAY:

Okay. Mr. Mooney, before you go, Legislator Barraga has a question.

LEG. BARRAGA:

Mr. Mooney, I just want to ask one question. Yesterday, I received an E-mail and a follow-up phone conversation from Mr. Gene Levy. He's the President of the Fair Harbor Community Association. And the E-mail indicates, and in my conversation with him he also supported this, he understands the potential need for a fare increase. His concern is a decrease in ferry service to the Hamlet of Fair Harbor. He's very concerned, because, if I quote his E-mail correctly, he says, "I've been approached by a Fire Island Ferries Company representative who indicated to me that Fire Island Ferries planned to drastically reduce Fall and Spring ferry service to Fair Harbor, even if a fare increase is granted by the Legislature." And he goes on to say that they've already experienced recent decreases in ferry services. Can you enlighten us a little bit? Is that the game plan? Do you find yourself having to --

MR. MOONEY:

The game plan is to have a profitable organization; okay? That's my responsibility, my fiduciary responsibility as President of Fire Island Ferries. We're doing analysis of our ferry ridership for the Fall, from last year, and if we need to make adjustments in that schedule, that schedule will be adjusted, and we have no choice at this point. To make runs for one or two people going into some of the smaller Hamlets over on the Island, it just doesn't make financial sense for us to do that on a schedule that may be as aggressive as it has in the past, and the fuel prices just aren't going to

allow us to do that.

LEG. BARRAGA:

I think a schedule adjustment would be a lot more drastic or draconian depending upon when you get the fare increase. The later it comes, the more of a change you'd have to make in your schedules?

MR. MOONEY:

You know, quite honestly, at this point, what we are going to do, it's going to be based on ridership and demand, you know, in essence, demand that the customers have put on us over the last several years, and we're going to take some averages and we will do some consolidation, there's no way around it. We may take five trips and cut them into four, or we make take three trips and cut them into two, but we are not going to eliminate service to any of the communities.

LEG. BARRAGA:

How much, percentage-wise, does your ridership fall off after Labor Day?

MR. MOONEY:

Well, that depends on the weather. But our ridership on weekends stay strong right through Columbus Day. But during the week, the ridership falls off by probably as much as 90%.

LEG. BARRAGA:

So the benefit associated with a fare increase is really during the summer months.

MR. MOONEY:

Absolutely.

LEG. BARRAGA:

And, obviously, the way things are going around here, you're not about to benefit from any sort of an increase in your Ferry --

MR. MOONEY:

That's correct. That's why I said, it's -- really, we're discussing a 2009 opportunity at this point.

LEG. BARRAGA:

Okay. Thank you very much.

P.O. LINDSAY:

Okay. Kevin, where are we?

MR. DUFFY:

What we recommended in our report was that Fire Island Ferry had a very profitable year last year because of the ideal weather. What we're saying for this year, since we already are in August, and why not -- we should wait until Labor Day, and I've already discussed with the Company, there are two wild cards out there, the first being that profitability of a ferry company is revenue times ridership minus expenses. It's true, the price of fuel oil has gone up. Where it's going, we don't know. It appears to be moderating at the moment. What we've said to the Company and what we want to do is that we want them, once Labor Day is over, because they will have received the majority of their income for 2008, we want them to provide us with a preliminary income statement that will show us what happened in 2008. If, say, the weather is beautiful from now through Labor Day and ridership is way up, what type of increase they may need may be very slight. If it rains every day and we have three hurricanes coming and no one takes the ferry, we will have them supplying us with the data, because it will now be history and we can see what they did.

What Mr. Mooney said is true, and it also applies to Davis Park, the Summer of 2008 is over. What

you're doing with this rate increase is you're looking to 2009. And what the -- as far as Fire Island Ferry, we felt that, at this point, it would be premature for the Legislature to grant them a rate increase, because it has no real or very little monetary effect. And you then have them supply the latest information, which would be their accountant's estimate showing us what did occur for Labor Day. Any questions? I'll try and answer them.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And I was in a similar business. They have "X" number of fixed runs, which would mean their gas consumption is almost like a fixed cost. And if that went up double, you know, if they had 10 million more people ride on their boats, God bless them, but their fixed costs, you know, we can actually -- we can project that, because they give us a schedule. We know what they're running, we know what they consumed last year. And now you can see, though, that the cost --

MR. DUFFY:

They gave us their cost estimates.

LEG. ALDEN:

The cost of fuel, the cost of fuel doubled, so --

MR. DUFFY:

That's one of their expenses. But if ridership is way up, their revenues will be way up. And what we're saying is, at this juncture, since --

LEG. ALDEN:

But I have a problem of maybe the concept, then, of -- if somebody is willing to go out and start a company and take all the risks, why shouldn't they have the rewards, too? So, if we know what their -- we know what their constant cost is, because we require them to make "X" number of trips, and that's in their -- whatever you want to call it, the -- that's in their charter or in their franchise agreement. Why shouldn't they have the upside for profitability, too?

MR. DUFFY:

Well, the pre-tax income, and I've had discussions with the Mooneys about that, that's the basis I use, because it's consistent throughout the companies. For 2007, it was over a million dollars. So I felt uncomfortable with a pre-tax profit of a million dollars and, at this juncture, recommending that rates be raised and --

LEG. ALDEN:

I'll give you an example. One of my bus companies, we ran under franchise. We took all the risks, and if there was no riders, we still had to -- we had to abide by the franchise agreement and we could lose our shirts. But why shouldn't we -- on the upside, if our buses were packed every day, why shouldn't we enjoy that profitability? I think that's one of the formulas that we're using that might be a little bit skewed, because, on the downside, they have 100%, you know, of the liability and the risk, yet, on the upside why shouldn't they have 100%?

MR. DUFFY:

Well, my understanding of what our process is is that the Legislature acts in a fiduciary capacity to try to balance the interest of the owners of the Company with that of the ridership and --

LEG. ALDEN:

Right. And, in the past, if it's been a fair balance, that's fine, but they're still taking all the risk. And if it's bad weather, they still have to provide that service. Even if it's for one rider, they're still providing those boats. Plus, the other thing we have to realize, and I didn't have this risk, but if there's -- a storm hits, they have to make many, many trips, where the crew and the captains are risking their lives, because there might be a hurricane coming in. They evacuate the Island,

because there's really no other way for us to get people off of Fire Island if there is a major hurricane or a major storm. So, again, that's something they have to be prepared to do. And I would hate to see -- you know, that's American as apple pie, that if you take the risk, so what if you make a lot of money? I don't see where we want to hold them down.

MR. DUFFY:

I think you're doing -- I think you're saying the argument of the oil companies, they take the risk exploring for oil and they're making the most tremendous profits they've made ever.

LEG. ALDEN:

And that's the American way, if they want to run the risk. Otherwise, who's going to step up to the plate and do it and drill a well, or even in this place. Who's going to come with maybe 100 million dollars to start a ferry company in this regulated day and age, where their profits are squeezed down here, yet their liability and on the risk side is 100%. It's almost like no one wants to do that. And, actually, in the bus company, which is a pretty good example, now we don't have companies doing that, we subsidize them, so it ends up the taxpayers paying for it, which I would hate to see in this instance, because these guys are private enterprises willing to take the risk.

MR. MOONEY:

Well, just quickly, three years ago, we lost a quarter of a million dollars, we lost \$250,000. Then we got a rate increase. The next year we spent filling in that hole that we dug for ourselves the year before, and then last year we finally got to make some money. And I've had this conversation with Kevin, I feel like it's being held against us. But, you know, our overall rate of return over five years is 3.1%. And I'll bet you, if anyone of you had a portfolio that had 3.1% return on it, you would get rid of it pretty quick. So that's -- you know, that's an underwhelming performance at this point.

P.O. LINDSAY:

Okay. Any other comments? The only thing, Mr. Mooney, is you've got a 10% increase last year and you're looking for another 25 this year, right?

MR. MOONEY:

Correct. We're going to spend another \$750,000 on fuel this year and it's going to double from last year. I wish I had another formula that I could use for that.

P.O. LINDSAY:

Okay. Do we have a motion? We don't have a motion yet, no? Do we have a motion on this?

MS. ORTIZ:

(Shook head no).

LEG. ALDEN:

Motion to close.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to close. And second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Okay. That's the only motion we have. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay. The Hearing is closed. ***I.R. 1605 - A Local Law amending County Legislature's Organizational Meeting date requirement.*** I have no cards on this subject. Anyone in the audience want to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Second. Okay. We have a second to close it. And this is to change --

LEG. LOSQUADRO:

I'll explain, if you'd like.

P.O. LINDSAY:

Yeah.

LEG. LOSQUADRO:

I spoke with Counsel about this. I was trying to do it as a one-time shot. Counsel felt that it would be better to actually put a permanent change in for these situations. As it turns out, this year our Organizational Meeting would fall while schools were still on vacation, just because of the way New Year's and Christmas fall this year. It would create, I would imagine, for anyone who has children or anyone dealing with the school calendar, would create a hardship in terms of trying to schedule. So I wanted to -- I saw it really as something that wouldn't occur very often. I want to make a one-time exception. Counsel felt it would be better to put it in as something that, moving forward, we would account for these eventualities as well. So just trying to think ahead so we're not scrambling late in the year and having people say that they can't make it on those days, being that many people's children will still be out of school and perhaps planning family vacations around that school calendar.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Tim, I was the second.

MR. LAUBE:

Got it. Seventeen.

P.O. LINDSAY:

I.R. 1608 - A Local Law to add hardship caused by military deployment as a basis for a Section 215 Conveyance. I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, what would you like to do, Legislator Beedenbender?

LEG. BEEDENBENDER:

Motion to close. But I'd just like to note that I'm sure everybody's happy to see a Local Law of mine having nobody speaking on it.

LEG. BROWNING:

I'll second.

LEG. EDDINGTON:

I'll second that.

P.O. LINDSAY:

Life is good. Second by Legislator Browning. All in favor? Opposed? Abstention to closing?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Moving right along. *I.R. 1645 - A Charter Law to implement a two-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfalls.* I have no cards on this subject, unless former Legislator Caracappa wants to speak on this. This was one of his favorite subjects. Okay. Seeing none, I'll entertain a motion.

LEG. BEEDENBENDER:

Motion to close.

P.O. LINDSAY:

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

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Okay, that does it for the Public Hearings.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I want to set the date for the following Public Hearings of August 19th, 2008, at 6:30 p.m., at the Suffolk County Community College Culinary Arts Center in Riverhead:

I.R. 1656 - A Charter Law to improve the Capital Budget Process.

I.R. 1657 - A Local Law to require licensing of sign hangers (in Suffolk County).

I.R. 1669 - A Charter Law to increase Legislative Oversight of RFP Process.

I.R. 1673 - A Local Law to establish a minimum altitude for operations of helicopters.

I.R. 1688 - A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers.

I.R. 1708 - A Local Law amending the Suffolk County Empire Zone to include Nanz Custom Hardware, Incorporated.

I.R. 1709 - A Local Law to enhance personal privacy protection for recorded documents and authorizing the County Clerk to collect certain fees for recording, entering, indexing and endorsing a certificate of any instrument.

I.R. 1733 - A Charter Law to protect taxpayers' interests by requiring individual Legislative override

votes on each Budget Amendment that is vetoed by the County Executive.

And that's it. Okay. Back to the agenda. We passed over --

MR. NOLAN:

You need a motion.

P.O. LINDSAY:

Oh, yeah, I need a motion on setting those hearing dates.

LEG. LOSQUADRO:

Motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Before everybody runs away, we've got --

D.P.O. VILORIA-FISHER:

Oh, the Sheriff's thing.

P.O. LINDSAY:

Yes. I think we had two. One or two we skipped over? Just one.

MR. LAUBE:

You skipped over two. Don't we have a CN?

P.O. LINDSAY:

Okay. If you are on the paper sheet, go to Page 8. ***1599 - Authorizing an agreement with the County of Oneida for services provided at the Central New York Psychiatric Center Forensic Unit.*** And we do have a motion and a second on this, as I recall.

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. If someone from the Sheriff's Office could come forward, because there were some questions about it. Who had the question?

LEG. ALDEN:

I had a couple.

P.O. LINDSAY:

Oh, Okay. Legislator Alden, I'll turn it over to you.

LEG. ALDEN:

Well, first, maybe these two gentlemen could identify themselves. Are you both from the Sheriff's

Office?

MR. SHARKEY:

Yes, we are.

UNDERSHERIFF CARACAPPA:

Good afternoon, Legislator Alden.

LEG. ALDEN:

How are you doing?

UNDERSHERIFF CARACAPPA:

Stan Smith. Joe Caracappa, Undersheriff, Sheriff's Office. Joining me is Chief of Staff, Mike Sharkey. And before we get into it, the entire Sheriff's Office would like to congratulate Legislator Gregory on his election. We look forward to working with you.

LEG. GREGORY:

Thank you.

LEG. ALDEN:

Joe, I had some questions just as far as who determines that these people need psychiatric help?

MR. SHARKEY:

It's determined by -- it's determined by our internal Psych workers on-site at the Correctional Facility.

LEG. ALDEN:

Oh. Now, are these State-ready prisoners?

MR. SHARKEY:

No, they are not.

LEG. ALDEN:

Okay. So these --

MR. SHARKEY:

These are -- the only prisoners that are covered by this agreement are sentenced Suffolk County prisoners, prisoners sentenced to Suffolk County time.

LEG. ALDEN:

Okay. Have any of them been to PC or any of that type of procedure?

MR. SHARKEY:

To the best of my knowledge, the ones that have been transported -- it's very infrequent, it's maybe a couple of times a year, have been identified by our Psych Department at the Correctional Facility and transported. It's usually a short term that they wind up going to Marcy.

LEG. ALDEN:

So this actually just applies to a few people, that's it?

MR. SHARKEY:

Very limited application.

LEG. ALDEN:

But, by the definition, though, most of the people in -- that we're holding in jail, don't they need psychiatric help or --

MR. SHARKEY:

That wouldn't be up to me to determine.

LEG. ALDEN:

All right. No, I know you have a Psych Unit, right, that comes around. All right. Those were my questions, basically, so thank you.

P.O. LINDSAY:

Legislator --

LEG. ALDEN:

And I'm sorry to pull you guys --

P.O. LINDSAY:

-- Kennedy has a question.

LEG. ALDEN:

-- from wherever you were down here to answer just a few questions, because I know that you're doing important business, right?

UNDERSHERIFF CARACAPPA:

We're trying.

P.O. LINDSAY:

What does that mean?

LEG. ALDEN:

No, they're working hard.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I also just had a couple of questions this morning, and I appreciate you being here as well. The questions that I posed this morning were Oneida I think is fairly remote. Our officers, I guess, what, are traveling there with the inmates when they're deemed that they have to be hospitalized --

MR. SHARKEY:

Yes.

LEG. KENNEDY:

-- over this period of time?

MR. SHARKEY:

Suffolk County Deputies transport the prisoner.

LEG. KENNEDY:

Right. Did anybody take a look at anything closer? Poughkeepsie, I guess, and Mid-Hudson also has a Forensic Correctional Unit as well, I believe. And I was just curious as to whether or not there had been any kind of comparison, or if this really was the only opportunity that we had?

MR. SHARKEY:

Yeah, we've had -- we've had an ongoing relationship with this facility, they have space. They fit the

requirements for a secure facility and --

LEG. KENNEDY:

So all things being equal, it helps you guys to meet the mission that you have when we still have somebody under our care and custody and, you know, you've done a due diligence and this is it?

MR. SHARKEY:

Yes.

UNDERSHERIFF CARACAPPA:

But keep in mind, Legislator Kennedy, not to prolong this, we fall in this very strict guideline, as you are well aware of, from the State Commission of Corrections, and when it comes to facilities that they approve of, we basically follow their lead and this is -- this falls into that category.

LEG. KENNEDY:

Okay. I know you're Jail Medical Unit is a very active unit, and, as a matter of fact, you have some strong evaluation there on the psychiatric side of it as well. That's all of my questions. I appreciate it. Again, I apologize you had to make the trip, too, but, nevertheless, it was good to hear. Thank you.

P.O. LINDSAY:

And \$125 a day is pretty reasonable. I mean, that's cheaper than we can house them here, right?

MR. SHARKEY:

All things considered, I suppose.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

You've got the transportation costs.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

That kicks it up a little bit.

P.O. LINDSAY:

Yeah, but if you classified enough of them, you send the bus up there.

UNDERSHERIFF CARACAPPA:

But, again, keep it mind, this is a very, very limited application over the year.

P.O. LINDSAY:

Yeah, okay. Okay. Thank you very much, fellas, for coming. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

All right. Before you go, we screwed up and we had said -- there was another hearing that we set this afternoon. Where is the resolution?

LEG. BEEDENBENDER:

The equalization rate bill.

MR. NOLAN:
I.R. 1736.

LEG. BEEDENBENDER:
1736.

P.O. LINDSAY:
Got it. Okay. We made a motion this morning to have a Hearing this afternoon, and we made an announcement this morning on *1736, adopting a Local Law to enhance the County's truth and accuracy in property tax billing policy*. Is there anybody by chance that happened to stumble in and know that there was a Public Hearing today? Seeing none, is there anyone else in the audience that would like to speak on this subject? Seeing none, I will make a motion to close this Public Hearing.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
I have a second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
All right. It stands closed.

LEG. ALDEN:
Just a procedural question. Anybody that sent in those, you know, letters of opinion, would that be included with this hearing, because there were a couple of Tax Receivers that weighed in in writing.

MR. NOLAN:
They're a part of the Public Portion.

LEG. ALDEN:
They'll be part --

MR. NOLAN:
Those are part of the Public Portion.

LEG. ALDEN:
All right.

P.O. LINDSAY:
Okay. We'll assign this, as well as the other bill was assigned, to Ways and Means. So I'll make a motion to assign it to Ways and Means. Do I have a second?

LEG. BARRAGA:
Second.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. And with that, I don't think we have any other business right, Counsel? Counsel, we don't have any other business, no procedural motions? Yeah. No, we did everything, so I'll make a motion to adjourn.

LEG. EDDINGTON:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

We stand adjourned.

[THE MEETING WAS ADJOURNED AT 3:45 P.M.]

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