

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTEENTH DAY

August 19, 2008

MEETING HELD AT THE SUFFOLK COUNTY COMMUNITY COLLEGE

CULINARY ARTS & HOSPITALITY CENTER

20 EAST MAIN STREET, RIVERHEAD, NEW YORK

Minutes Taken & Transcribed By:

Alison Mahoney & Lucia Braaten, Court Stenographers

[THE MEETING WAS CALLED TO ORDER AT 4:03 P.M.*]

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

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

(Not Present).

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen -- Fifteen (Not Present At Roll Call: Legislators Kennedy, Nowick & Cooper).

P.O. LINDSAY:

Okay. Good evening, everyone. Welcome to our Riverhead meeting at this beautiful facility. I'd like to call Legislator Schneiderman to the podium to lead us in the salute to the flag.

LEG. SCHNEIDERMAN:

All rise.

Salutation

P.O. LINDSAY:

And if I could ask Legislator Schneiderman to remain, and if everyone would remain standing for the introduction of our visiting Clergy.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. And thank you for scheduling this meeting out here on the East End. For those of us who live in Montauk, and there's quite a few in the audience, it's still a long way from home. And Montauk, as you know, it's pretty busy this time of year, a lot of people out summering, but it's really a year-round community and a very special place. And the community life out in Montauk in many respects revolves around the Catholic Church, St Therese. And it's interesting, you know, normally it's a very peaceful place, but a few years ago there was a big debate about what to do with the church; it had fallen into a state of disrepair, some wanted to tear it down, others wanted to rebuild it and there was a lot of division within that church. And right around that time the Diocese of Rockville Center sent out a priest named Father Peter {Labasi} to the church, and since they couldn't meet anymore in the church they started meeting in the basement of the Catholic school. And through his leadership and his prayers, the community came together in a way I have never seen. Suddenly their faith in God was so strong, their sense of community so strong that they weren't arguing about what to do, they put their heads together and decided to build a new church but retain a lot of the elements of the original church, some of the beams and start a future and it was a very special time. And they started a fund-raiser, unbelievable, all of us in public life would wish we could have a fund-raiser like this; they raised the money, they built this absolutely gorgeous church. And very much like Moses not entering the promised land, Father Peter was called on to do other things; in fact, he was made Monsignor and then became Bishop {Labasi}. We all miss him out there in Montauk but he comes many times. But in the spirit of the unity that he brought to Montauk, I certainly hope he brings that type of unity here to this Legislature and we ask him to lead us in prayer.

BISHOP {LABASI}:

Thank you for your remarks, very kind of you. I appreciate Jay's words, but I also appreciate all he did to be a man who speaks for family, who continually speaks for community and our growth. But now together let us bow our heads and pray.

Oh, Lord our God, we pause at this time to bow our heads to you, the source of life and founder of all that is good. You are the Lord of history and the master of time, yet you entrust us now in our

time with the care of your creation. Others have gone before us, others will follow after us, but now we must assume the responsibility for the unfolding of this moment in history, the life and welfare of our people in this present time. The task of governing is never easy, yet there is a certain satisfaction in knowing that we have given back to the best of our ability a portion of what we ourselves have received. We, therefore, pray you, oh Lord, grant us the gifts of prudence and wisdom, patience and understanding, enable us to work together for the good of our society and our country. May the role we fulfill here be for the highest benefit and the common good of all. May we never tire of this work entrusted to us, nor allow discouragement to overtake our sense of duty. And grant then that after having offered this service under your guidance and watchful care, we may in the company and presence of all, at last hear your most comforting words, "Well done, good and faithful servant. Come share your master's joy." And so may the Lord bless you all and keep you. May the Lord cause his face to shine upon you and be gracious unto you, and may the Lord look upon all of you kindly and give you peace. Amen.

*(*Amen said in unison*)*

P.O. LINDSAY:

Thank you very much, Bishop {Labasi} and Legislator Schneiderman.

If we could remain standing for a moment of silence for the following individuals; Anthony J Bivona, who is a former Suffolk County Legislator, passed away on August 3rd at the age of 79. In 1983 he represented the Northport/Centerport/Greenlawn area after he won a Special Election for the seat vacated by Robert Mrazek; and also for Suffolk County Correction Officer Andrew Reister who died unexpectedly on August 9th at the age of 40 after he was strangled while working as a bouncer in Southampton; and also for, as we do every meeting, a moment of silence for all the men and women who have given their lives for our country and are today as we speak in harm's way.

Moment of Silence Observed

Please be seated. I need some to bring in the cards -- there we go. Just two further announcements. Today we're very pleased to have with us Jane Stanley-{Osherline} who served as a Legislator from January, 1970, to December, 1971; she's visiting with us from Port Richie, Florida. Jane, where are you? Okay, thank you for coming back and saying hello.

Applause

And I also want to -- we also want to wish a Happy 30th Birthday to Ed Hennessy today from the County Executive's Intergovernmental Relations Division.

MR. PEARSALL:

Stand up, Ed.

P.O. LINDSAY:

There you go. You could just feel the love, you know?

Before I get into the public portion, I'm going to call our Treasurer to the podium, Angie Carpenter. Angie, as one of our elected officials, has an issue of concern to a resolution that she'd like to talk to us about. Go ahead, Angie.

MS. CARPENTER:

Well, actually -- good afternoon, Presiding Officer and Legislators. And this is an incredible facility, is it not? It really is wonderful to see.

I received an e-mail yesterday from the Presiding Officer's Office that there might be some questions about a resolution that you have before you that was just discharged from committee without recommendation to add another bank to our list of authorized depositories. Just for a little history, I was approached by the President, I believe is his title, Tom {Boniotto} of the bank -- and it's Empire

Bank, he was formerly with Long Island Commercial Bank -- that they wanted to do business with Suffolk County. And as you well know, unless a bank is an authorized depository authorized by this Legislature, we cannot do business with them. So I explained to him again what the process was, to please, you know, put it in writing to me that you wish to be included and I would pass it along to the Legislature. I received that letter, sent it along to the Presiding Officer and, hence, the resolution to include them or amend the authorizing resolution to include them.

But just for a little bit of background, once an institution has been deemed authorized to do business with the County by this Legislature, the next step for them is to execute collateral agreements with the Treasurer's Office. And any money that any institution has of the County's has to be backed up at least 100% by collateral, so we are never at risk. It's not a matter of FDIC insurance or anything like that. Every single dollar that's in any of the banks has to be backed up 100%, and the collateral agreements do take some time to execute.

In fact, over the course of the past number of months you have approved the addition of three banks, I believe, and of those three, only one of them just yesterday finally completed the collateral agreement. And that does not mean that we are necessarily going to do business with them because the way it works for me is that unless a bank can demonstrate that they're going to be paying us more interest than we're getting for the dollars that we have, that's when I will move money. And again, it's not so simple sometimes to move accounts because depending on the kind of account it is, if it's an account like the Social Services account and welfare checks, there has to be a number of branches to enable people to cash those checks, so that diminishes the number of banks that you can deal with. So again, the whole point in this exercise was to broaden the base, allow me to have more banks to deal with.

Now, I know that there was some concern, and I only learned of this because I received a call from a reporter, as to did I know that -- and they named two individuals who are members of the Board of Directors of this particular bank and, quite frankly, I was not aware of it. But as I said to the reporter, I don't see where that's an issue. You know, it's public information, a Director invests X amount of dollars, it's fully disclosed. I mean, they're vetted through the State Banking Department, all kinds of regulations, not only State but Federal, that they have to subscribe to before a bank can be opened and that process is years and years.

So to that, if there are any, you know, particular questions that I might not have covered, I'll gladly entertain them.

P.O. LINDSAY:

Does anyone have any questions of Angie while she's here?
Legislator Alden.

LEG. ALDEN:

Unless somebody else can answer it. What does this bank do?

MS. CARPENTER:

It's a commercial bank. Again, we cannot do business with any bank that is not a commercial bank based on State Charter or State regulations, and they are a commercial bank and they're able to take money deposits and pay us interest.

LEG. ALDEN:

How much of a history do they have in Suffolk County? And the problem is right now we have a whole bunch of banks that have been placed on the watch list and banks fail every day. You know, Suffolk County --

MS. CARPENTER:

Well, wait a minute, just stop right there.

LEG. ALDEN:

I'm looking for -- maybe you're not the person.

MS. CARPENTER:

I don't have a list of banks that are on a watch list, but certainly none of the banks that we deal with are on a watch list.

LEG. ALDEN:

How long have these guys been in business?

MS. CARPENTER:

I would imagine a couple of -- let me just try and see, they had -- I'm going to guess about six months.

LEG. ALDEN:

And I don't mean to put you on the spot because maybe you're not the person that should be answering the questions. Because, you know, I would think that we would want somebody that can demonstrate that they've done something in Suffolk County, something good for the people or for business and they promote it with --

MS. CARPENTER:

Well, I think the fact that, as this Legislature has deemed, no business can do business with Suffolk County unless they have a branch in Suffolk County. So they would have had to have demonstrated some sort of commitment to the economy of this great County by siting at least one branch in Suffolk County. So yes, this bank has two branches I believe in Suffolk County, one in Legislator Browning's District that I'm aware of, and I believe that they're adding a third branch.

LEG. ALDEN:

Do we know how much business they've supported in Suffolk County?

MS. CARPENTER:

I don't have that information. And quite frankly --

LEG. ALDEN:

I know, that's what I'm saying --

MS. CARPENTER:

-- it's not anything -- I have to be concerned with maximizing the return on our investment. Our hands are tied as far as who we can do business with. It's got to be an authorized depository, it has to be a commercial bank, and as far as I'm concerned, it has to be someone that's giving us a fair rate of interest. And in my brief tenure there, the very first year, reviewing our accounts scrupulously and looking at the rate of return we were getting on our monies, we went from earning two thousand -- in 2005 earning \$11 million to earning \$23 million in 2006. And even in '07 when the market started going in the direction that they were starting to lower interest rates in the last quarter, we still earned nearly \$20 million, far and above what was earned before this policy of really trying to maximize interest earnings to their absolute nth degree. You know, quite frankly, it causes work for the people in our department, but they're very professional and they're very dedicated and they get it. We have a responsibility to get the most dollars that we can on the County's money.

LEG. ALDEN:

How many banks do we have on the list right now that we could do business with?

MS. CARPENTER:

We have about 12, I believe.

LEG. ALDEN:

And do you think that by adding these guys it's going to improve the situation?

MS. CARPENTER:

I can't say with any certainty it's going to improve the situation. All I can say to you is that the more I have to pick and choose from, when a bank comes to me and says, "Gee, the Feds just lowered the rate, we're going to have to lower your interest a half a point," and three weeks later they call and say, "Up, the Feds lowered the rate again, we're going to have to lower your interest rate," if I've only got two or three banks to deal with, you know, we're boxed. The more we have to deal with the more, you know, leverage I have in trying to secure the best.

LEG. ALDEN:

The thing that concerns me, though, is that obviously these people have not been in business, they don't have an established record that they've actually helped business and contributed to our growth in Suffolk County, that they have a dedication here. So that would be some of the things that I'd like to hear, and not from you because you're not a member of the bank, but maybe from hopefully someone will be here from the bank that can answer some of those questions. Because six months, if that's what they've been doing business here --

MS. CARPENTER:

And again --

LEG. ALDEN:

That's not much of a track record.

MS. CARPENTER:

I'm not saying that with any certainty that that is the exact amount of time, and it's probably longer if they've already got two branches here. But --

LEG. HORSLEY:

Angie, we just checked it, they have four.

MS. CARPENTER:

Four; thank you, they're moving very quickly.

LEG. ALDEN:

Do you know where their main -- where their main --

MS. CARPENTER:

I believe they're in Islandia and they're in business four years. Thank you very much, Legislator Horsley.

LEG. ALDEN:

Okay, so we got a little information. Thanks.

MS. CARPENTER:

You're very welcome.

P.O. LINDSAY:

Okay, Legislator Nowick wants to ask you a question, Angie. I thought she was waving to me, but she's --

LEG. NOWICK:

I am, I'm waving to you anyway.

P.O. LINDSAY:

I'm a little slow tonight.

MS. CARPENTER:

That too.

LEG. NOWICK:

No, I'm not saying pro or con for the bank, but again, if you would just tell the Legislators, when you say collateralize; just to assure them, collateralize by a different bank such as Chase, JP Morgan.

MS. CARPENTER:

Right, it all has to --

LEG. NOWICK:

A bank that has been around for years and years.

MS. CARPENTER:

Exactly. It all has to be back-upped and insured 100%, in some instances it's 105%. But if they want to take, you know, \$20 million worth of the County's deposits, they have to back it up by at least \$28 million in collateral agreements that are -- you know, every I is dotted, every T is crossed and is executed quite professionally and properly. Any other questions?

P.O. LINDSAY:

I'm sorry.

MS. CARPENTER:

That's all right.

P.O. LINDSAY:

Anybody else? Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Madam Treasurer, I apologize for coming in late; if you spoke about this already then just let me know.

You have a portfolio or an investment strategy, I guess, that's assembled or provided for you as far as accounting for where portions of the County's collections or revenues are going to go so collectively you maximize, I guess, whatever the interest rate is that's being done. Is that something that's developed in-house or do we -- do you get the benefit of financial advisors; how do we do that?

MS. CARPENTER:

We do have -- the County certainly does have a financial advisor. And there were many years ago, probably in the ten neighborhood of years ago, there were investments on the County's side in other than banks.

LEG. KENNEDY:

Uh-huh.

MS. CARPENTER:

At the time, they were paying higher interest rates than the banks were. That was not the case over the last number of years; everything got shifted and went into banks only. And again, it has to be an authorized depository charging the State of New York, commercial bank only and authorized by this Legislature. So right now we've got about 12 or 13, I believe, banks that we are authorized to do business with and that's basically what we're doing.

LEG. KENNEDY:

Do you move from -- are there other government obligations? Do we do purchases of let's say short-term T bills --

MS. CARPENTER:

No. We do --

LEG. KENNEDY:

-- or things along those lines?

MS. CARPENTER:

There are -- and there has been a history of doing some T bills but not a lot; basically now it's almost all exclusively in the banks.

LEG. KENNEDY:

Which would be liquid types of arrangements, a money market account or something?

MS. CARPENTER:

Very liquid. And, you know, in some instances we are able to go into CD's, it depends on the kind of funds that we're talking about. But we're always aware of the fact that at any given time, you know, this Legislature may request the Tax Stabilization money. If you decide to raise taxes and you can tap into this Tax Stabilization money, that you may require that. So we always try to keep a portion of the funds liquid and not tie it up so that we don't have the ability to tap into the revenue if we need to.

LEG. KENNEDY:

Okay, thank you.

P.O. LINDSAY:

Anyone else? Thank you, Madam Treasurer.

MS. CARPENTER:

You're very welcome. Thank you so much.

P.O. LINDSAY:

Before I get to the public portion, one announcement. There will be an Executive Session somewhere around six o'clock having to do with the LIPA lawsuit. Our Counsel should be there at that time.

Public Portion

First up is Dot Kerrigan. Yeah, right there, Dot. Maybe, Barbara, you could help Dot with her paper work.

MS. KERRIGAN:

Thank you very much, Honorable Legislators. My name is Dot Kerrigan, I reside in Suffolk County. And thank you once again for hosting this public session. I'm here as an employee of Suffolk County Department of Health Services and I work at the John J. Foley Skilled Nursing Facility. I was away last week camping in one of our beautiful State Parks on Lake George. While I was away my sister saved a newspaper article for me and I believe the article is mainly the words of our current County Executive, who I will refer to in my following comments as the CCE, current County Exec.

In my opinion, this article conveys just how little our CCE knows about John J. Foley and the residents of Suffolk County. This is the study that our CCE had contracted with HMM; it took from May of '07 to approximately July of '08 to reach the public. It's 33 pages long and has many attachments and addendums, but this is the actual study. Two prior studies have been completed and recommendations for improvements to our facility were not followed. In my opinion, the taxpayers' money was spent by our CCE to go with his HEAL 7 application to close our facility. The other two studies, in my opinion, did not satisfy that application. The CCE in the news article I

mentioned states, "Lawmakers are cow-towing to a small group of people." I have right here, these are -- this is the original --

LEG. LOSQUADRO:

Use the mike.

MS. LOMORIELLO:

You have to do it on the record, speak into the mike.

MS. KERRIGAN:

These are the copies of the petitions that we have, these are the originals. We passed some out at prior meetings, but we have added to the number. There's approximately 11,000 signatures on this petition. This is not a small group, these are taxpayers and the numbers are growing every day. The few people he thinks we represent at John J. Foley are many, not few. The many cannot come, we are the lucky few who can -- we're not handicapped, we're not severely ill, we're not working two jobs with no time off. We have tremendous community support, we have the support of, I'm proud to say, all of our local Legislators here and in Albany. And I just want to thank you all for representing the residents of Suffolk County and the residents of the John J. Foley Skilled Nursing Facility. Thank you once again for listening us.

Applause

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Kerrigan. Elaine Kahl. And after Elaine Kahl is Herbert McKay.

MS. KAHL:

Good afternoon, everyone. Congratulations. I'm from Southampton, I am the Co-Chair and spokesperson for the Suffolk County Coalition for Legal Immigration/No Amnesty. And I wish to report to you today the result of my investigation regarding the happening at the -- by the New York State Department of Labor in partnership with the Mexican Consulate as reported in Newsday.com dated 7/27.

It was reported that -- I'm here today because I'm very concerned about one thing, a breach in security. And we taxpayers wanted to know, my group wanted to know who required this particular visit at St. Rosalie's Church on the grounds for -- to attract what kind of workers, to discuss -- we also -- I understand from the article that there was a bilingual person there to try to educate the workers as to what their rights are and to what their rate of pay should be.

Okay, this is fair, this is good. This could have good meaning, okay, it's not all bad. But the problem is not everybody in the community that's out of a job, an American citizen, was made aware of this visit. Number two, people did not know what was happening in the community. And number three, when I called the State Department they said that this was taxpayer-based, so that set me into a turn-style because I said here we go. Levy has always said anything that's taxpayer-based has to be approved or whatever. But I got an immediate education, the Assembly had no control over it except one thing that's important, they do give the funds to the Department of Labor, it does report directly to the Governor, okay?

So I'm here to say why did we not have our leaders in our town notified of this visit? I went before them to request were you aware of it, did you know they were coming into our town? The answer was, "This is the first we're hearing of it." Other people have mentioned the same thing. At the meeting that evening, people were horrified that the citizens didn't know about it. We have a major problem on the East End with undocumented workers, okay. And we have been trying to deal and mitigate and litigate the situation. But to have to say all this, with compassion of course, but to really, really get down to it, I am here today because I saw the stats on the state of our fiscal problems here and we're in the billions. I really don't know what it is.

I know Governor Patterson has been down to Washington last week or the week before requesting aid for us here, but let me humbly say to all of you -- I'm looking, and we are as a taxpayer, we're very concerned because if we have to still continue to support an underground workforce and we do not advocate amnesty and we do not have -- one more sentence -- a defined, sustainable immigration policy and a defined immigration class of type, you know, in the H1, H2, HB visas as is required. We are Federally speaking, I went to them, they said, "Go locally, then go to your State, then go here." Well, Ladies and Gentlemen, I've been this for four years. I'm tired of playing ping-pong. Really why I'm here is we better get a handle on our fiscal responsibility here and who we're taking care of. Are we going to take care of citizens or are we going to take care of the whole world? And we would like to do that, too. But fiscally speaking, we're going to have to look at it when we have problems and I'm reaching out to everybody in this community. We all have constituents, we all have considerations, the American citizen has rights as well. Thank you.

Applause

P.O. LINDSAY:

Thank you, Elaine. Herb McKay.

MR. McKAY:

Good evening. I'm delighted to see so many of you people present right here and now. My name is Herbert McKay. I drove in from Montauk to give this little treatise. I'm the Co-Chairman and the Executive Director of the Suffolk County Coalition for Legal Immigration, Legal/ No Amnesty. We're talking about an organization that's huge, it's large. We've got people all over the County interested in what's going on and here we take a look, they don't even notify us. The Department of Labor comes in, they don't notify us, we make requests to find out what are you going to do, where is the money coming? We've got a tremendous shortfall. I don't have to tell you what's happening out in our particular County out there in Montauk. We're \$14 million in the hole. The State is \$6 billion. Where is it coming from? It's coming from the taxpayers. And nobody's paying attention to the basic problem that could solve this. We've got to stop catering to this illegal, people coming into this country, not conforming to the laws, not paying taxes. Oh, I know there's a great report out there. You know what the problem with that Adelphi Report is? They come up with the conclusions they wanted and then they wrote the report to fit the conclusion; wonderful. They're paying taxes; baloney. My taxes are going through the roof, so are your taxes.

I'm here to plead with you, let's get a handle on this immigration problem. I don't want to go to a Legislator, and the Legislator on the local level tells me, "Well, it's the County level," and I go to the County level and the County tells me it's the Federal level. And guess what, I go to Schumer and Clinton and they tell me, "Oh, we know knowing nothing about this. This is on the local level." I mean, we're running around, it's the dog chasing his tail. And who's suffering amongst us? It's the taxpayer, it's the guy that's willing to sit here and work. You're losing a tremendous workforce, I'm talking about the legal contractors that are out here on the Island. I'm talking about some of the union people that are out here. These people are losing their jobs because you have unqualified people coming in, taking the jobs, most of them are not even residents let alone citizens. We've got a major problem in this country. A hundred people come across the border, it's a walk in the park; a thousand people come across that border without the proper application and the proper visas, we've got a small little contingency somewhat similar that just took place in George, except they come over with tanks. We have people coming here. We've got over 20 million people that have entered this country illegally. Does anybody look at these people? Does anybody know who they are? Of course not. They just come across the border; they come across the border and break our laws.

That brings me into another thing. Some of these people --

P.O. LINDSAY:

Mr. McKay, you're out of time, if you could wrap up.

MR. McKAY:

Oh. Why don't you give me another 30 seconds?

P.O. LINDSAY:

Just wrap up.

MR. McKAY:

Okay, I'm going to wrap up.

P.O. LINDSAY:

Wrap up.

MR. McKAY:

There are other people that are here illegally and the people that are here illegally have what we call R1 Visas. They're religious people that are coming into this country and they're coming here with a political motivation and that's absolutely disgraceful. I've got people within the churches that are talking about if you're going to come here with a religious organization and take advantage of an R1 Visa, which is a religious thing, then we're going to find out what facilities are you using. If you're using the church facilities, we have people here that are going to say use it for a political purpose, be a political individual, we're going to demand that that particular institution starts to pay taxes, then we're going to see how much they really believe.

P.O. LINDSAY:

Okay.

MR. McKAY:

I want to thank you --

P.O. LINDSAY:

Thank you, Herb.

MR. McKAY:

Thank you.

P.O. LINDSAY:

Pat Flynn.

MS. FLYNN:

Good afternoon. My name is Pat Flynn and I come from Montauk. I'm with Suffolk County Coalition for Legal Immigration/No Amnesty also.

I would just like to thank representative Beedenbender again for showing an honorable American -- showing he is an Honorable American by trying to help the Veterans and American citizens as he did in the past with his bill to require employers to check the legal status of employees. I am imploring the rest of you to show the same courage and follow up on the Mexican Consulate brazen actions in handing out passports and maticular -- matricula ID cards to illegal aliens in our own country. I would like a complete investigation of those responsible from St. Rosalie's Roman Catholic Church in Hampton Bays where this occurred, and an investigation into those who invited them. Also, the Department of Labor was there translating and that was provided by my tax money.

My hope is that all of you have the courage to support American Citizens in the rule of law and you not cower in the corner like a bunch of scaredy-cats. Thank you.

Applause

P.O. LINDSAY:

John Cooke.

MR. COOKE:

Good afternoon. My name is John Cooke. I've lived on Strongs Neck Setauket for 48 years. We now have an issue regarding our life-style and it's over-flying of airplanes and helicopters.

The helicopters are the worst. They come all weekend and sometimes very early in the morning; they can literally throw you out of bed. They shake our windows. And I know it's an FAA problem, but you gentlemen and ladies and gentlemen should come up with something to guide these people. They're supposed to go out over the water but they don't. They're suppose to fly at 2,500 feet but they don't. I know it's a fuel problem in the helicopter, I can understand that. But it is, you know, a life thing with us. The noise is just not acceptable. Why they can't go down Route 495 or 27, Sunrise Highway I don't understand. Why they have to fly over the land I can understand because it's the shortest route because we stick out into the sound.

I don't know what you ladies and gentlemen can do about this, but I know it's been a big problem and it has to be solved. They pay \$2,900 a flight to come out here to the Hamptons, I don't regret that, I certainly couldn't afford it, but it's been changing our life. Why they can't fly at three or 4,000 feet instead of even 2,000, some of them are down as low as five feet in back of our house, they fly over the water at five foot. Something at your level must be able to come up with a guideline. I know Chuckie Schumer has been talking about this, but that's about it, talking. So that's why I'm here today. Thank you very much for your time, I appreciate it.

Applause

P.O. LINDSAY:

Thank you, Mr. Cooke. Adelaide Czerwonka?

MS. CZERWONKA:

I'm Adelaide Czerwonka, East Quogue, 75 years old. And I have talked with Legislator Stern's office, thank you. I've talked with Jay Schneiderman, my Legislator's office in some of the matters regarding senior citizens' monetary problems and harassment problems, etcetera etcetera. And I won't say too much today, just that I'm still here and I still will be. I'm still looking for an attorney and there are no attorneys available at a minimum rate, if you can find them. So I can -- not bother you not much, I might have talked to you about some of the things that I've talked about.

And the other thing is I just heard about the airplanes; that's true. I live a mile from Gabreski Airport and I've had very unhappy situations. I have had that and to find out who owns the airport is another problem. They tell you to call the Police Department to get the number off the Police -- off the plane, or you have -- that was five years ago, it's changed, because I think Legislator Schneiderman did do something for us when he was at the meeting at the church in East Quogue. Well, it's a little better. But believe me, they have students learning to fly and they fell things right on to your unit, where you reside. It's very -- this isn't what I'm here for, but I picked up on that, and I can go on and on and on.

Life is difficult. But I appreciate anything you do. And it takes a lot of time for each individual to check who's who. And as she just said, they tell you to go to the County, then you go to this and you go -- and you find out. Thank you.

P.O. LINDSAY:

Thank you, Adelaide. Donna Keppinger. Donna Keppinger?

MS. KOPPINGER:

Good afternoon. My name is Donna Koppinger, I reside in North Sea, the Town of Southampton,

New York.

The two main issues of why I am here before you today, the first is to support a bill brought before you from Mr. Beedenbender requesting that our troops servicemen have our help when they come home, to be able to have homes and not in foreclosure. This seems to me to be common sense, when we hear about on the news how our money is being spent on all private investments and to bail out large companies. So I come before you to let you know personally that myself as a United States born and raised citizen, want my money and tax dollars to be spent especially in support of our servicemen for this bill and anything they need in the future, because it is common sense, it is the right thing to do. And without our veterans, you all and myself would not probably have our homes or the jobs we have today and the freedoms.

The second issue I wanted to talk to you about is U.S. Citizenship, our freedoms and laws, prior bills, special interest groups, large companies, individuals that are using the American system for their own profit and easy -- easier lifestyles for themselves with taking advantage of my kind, good heart as well as millions of Americans, their kind, good hearts. This issue is about legal immigration as opposed to illegal immigration.

I wanted to ask about your definition between what's the difference between legal and illegal immigration, but I don't have enough time right now, so. And also, I wanted to also ask a question for you to think about and hopefully in the future to answer, especially in Suffolk County here, if you are willing for us to become a union, the North American Union, with Mexico and Canada. I ask this to each member; in the future I hope we can get some answers, at least here in our County.

My view is that of old school patriotism, the pride and honor of all those United States Citizens that fought for this country, this democracy, that each and close to every other country is trying to emulate or individuals that are willing to swim through sewage to get here. My answer about a union is no. I believe in free-trade, but I will never, ever believe in trade of people. So I am the definition of a racist; so be it. My beliefs, honor and pride will help those in need, but I am far from being naive right now and definitely not stupid about this issue.

So as the Pope stated, follow the B attitudes and still hold on and obey the laws in the United States, review the tape -- I know I have -- it's up. Review the tape of his journey here into the U.S., my quote is verbatim. Thank you.

Applause

P.O. LINDSAY:

Thank you, Donna. Elizabeth Lewis.

MS. LEWIS:

Thank you. My name is Elizabeth Lewis, I'm a parishioner at St. Rosalie's Church in Hampton Bays and Elaine Kahl asked me to read this letter which I have written to the Pastoral Council for St. Rosalie's Church. Father Dennis, the Pastor, did not see fit to give me the names of the members of the Pastoral Council, so I had to send him six copies of my letter which I hope he will distribute to the members.

"Dear Council Members, A recent event which occurred on Wednesday, July 23, is disturbing to me, perhaps because I am always aware of the rule of law, having been secretary to a Federal Judge in New York City for 20 years. Upon my arriving for the 8 AM mass, there was an inordinate number of cars in the parking lot. I saw a line of approximately 40 to 50 people waiting outside the parish center, obviously waiting to get inside. At that time a van with a Maryland license pulled up and some 10 to 12 people began exiting the van, some with luggage, and they went into the large auditorium inside the parish center. I asked the driver if he had driven up from Maryland; after some hesitation, he said, "No, New York." I then asked him why the people were coming here, and

after much hesitation and fumbling of words, he said they were here to get passports. I inquired if they were American citizens and he said, "No, Mexicans." If they were not citizens, why were they here to get passports?

I make no judgment as to what is going on in the parish. But as a member of this parish, I feel strongly that I'm entitled to know what is happening. Is all of this under the aegis of one person or does it have the sanction of the Diocese of Rockville Center? I love my church, as is evidenced by my participation in many aspects of life in this parish. I'm a Eucharistic Minister, both at mass and taking Eucharists to three home-bound citizens. I have written the names of deceased parishioners in calligraphy in the Book of Deceased Parishioners since November, 1997, and I started a project of sending books to the troops. Am I being unreasonable in wanting to know what is going on in my parish? Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Ms. Lewis. Jennifer Fay?

MS. TAY:

Good afternoon. Hi, my name is Jennifer Tay. I serve --

P.O. LINDSAY:

Tay; I'm sorry, Jennifer.

MS. TAY:

Say again?

P.O. LINDSAY:

I'm sorry, it looked like an F.

MS. TAY:

It's okay; I probably wrote it quickly. I've been here before, in Hauppauge. I serve as a Registered Nurse at John J. Foley Skilled Nursing Facility on a Dementia Unit and I'm here today because I wanted to touch on an article that Steve Levy commented in last week. He mentioned that all of the Legislature are somehow -- he implied that you're somehow weak for cow-towing to a small group of people; I guess he means us. And I thought about that a lot. I thought that it was great that we had your support, but it made me -- it made me wonder about what if you didn't? What if you didn't? Does that mean that if you're weak and small in number you could be stomped on by Mr. Levy, we would go away? I thought that's what it means. And it's scary for us because it shows that he has power, and if he doesn't use that power responsibly we risk losing the facility.

I stand here on behalf of the 200 people that work there, 300 people, and more importantly the residents, and that is a small number, 250 residents. But we are their family, we take care of them every day, they would have nowhere else to go, many of them. We invite you to come there and see the good work that gets done every day, for the meek and the people who can't afford it.

I can't thank you enough, Mr. Lindsay, for -- finally, finally we open the paper and read, instead of something negative, instead of Mr. Levy having the slant on the press, finally we all read this article today and we come away with a good feeling. I'm just so grateful that we have your support. I'm grateful that we have all of your support. And I hope that we will be able to get up each day to go to work and not have to worry anymore, that we would no longer have that burden and fear of being closed. And it looks like we're closer in that direction because of you all. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Jennifer. Robert Abrams.

MR. ABRAMS:

Hi. I'm in the Material Control Division of John J. Foley Skilled Nursing Facility. I order supplies every day for the entire facility. It sounds pretty boring, but the thing I thought of was I'm cutting costs as often as I can. If say there's an item from one vendor that's too expensive, I can go to another vendor, which I did for one item, I cut the cost from \$130 a case to \$68 a case, so that's about 250 a week, 13,000 a year; that's just one item. I'm not saying it for me, I'm saying in general, that's one way I can help to cut costs, helping taxpayers like myself.

And I'm not doing it to save money per se, I'm not saying, "Okay, I have to do it to help the facility," I'm doing it because it's the right thing to do. I would do it in my daily life. You know, you look to economize and cut costs, like I said. So, I mean, it just seems -- I'm bringing it up here because it's about the money, basically, so I have some control in what can be done. That's all I've got.

P.O. LINDSAY:

Thank you very much, Robert.

Applause

This next one I'm struggling, I think it's Thomas Young.

MR. YOUNG:

I apologize for my handwriting.

P.O. LINDSAY:

That's all right.

MR. YOUNG:

I've had my hand slapped many times for that, it didn't work. My name is Thomas Young, I'm an attorney in Deer Park. I'm here on behalf of Gerald {Pulatta} who was the successful bidder on District 500, Section 441, Block 2, Yard 44 at the auction on October 16th, 2007, and in support of bill No. 1747 to set aside sale.

The property may be known to some of you as the old Beefsteak Charlie Property in Bay Shore. Mr. {Pulatta} bid on the property in good faith expecting to get clear and marketable title. He ordered a title search promptly and the title report showed noticeable -- excuse me, serious defects, most notably that the necessary notice was not given to a party to the action. The defect was revealed to the County by the title company; the title company requested proof of service of notice and the County has and remains unable to provide that proof and cure the defect, nor have they denied that the defect exists. The case law is clear and goes as far as the U.S. Supreme Court decision in the case of Jones V. Flowers, a 2006 case which held that before a State may take property and sell it for unpaid taxes, the due process clause of the 14th Amendment requires the government to provide the owner notice and opportunity for hearing appropriate to the nature of the case. The county here has not proof of any notice being given to the owner or its designated agent. Proof of notice must satisfy due process, but here the County acknowledges that they cannot show any proof that the notice was given.

The issue is also addressed in the New York State Court of Claims Case of McCann V. {Padutto} in 1987 where Justice Kay said that each current owner of real property effected by a tax lien sale is entitled to notice. The County has been unable to provide proof of notice of service for the unpaid taxes for the year 1994-95 which is the subject of this sale. The issue of the cases cited and the facts here are that due process must be adhered to; to do otherwise would put in jeopardy the ownership of every citizen's property, nor should anyone lose their property without due process.

No one should be forced to purchase property that was taken without due process. Should Mr. {Pulatta} be forced to close on this property, the County would be selling property that it does not have title to. The owner who, in fact, still owns the property -- and to do so would set a precedent which would encourage governmental agencies to disregard due process. Should Mr. {Pulatta} purchase the property as it stands, he would be irreparably harmed since the County does not have title and the issue would be raised by any subsequent title company which are not obligated to follow this company. Mr. {Pulatta} intended to clear -- to develop the property and increase the tax value of the property; if that was done the property would be unsalable and unmarketable. The key here is that there's a cloud on the title which will prevent the development and sale of the land.

P.O. LINDSAY:

Mr. Young, on this portion, the public portion you only have three minutes and you're out of time.

MR. YOUNG:

Oh, okay.

P.O. LINDSAY:

I don't know what your calendar looks like for tonight, but if you can stick around, as soon as I get through the public portion I'll take this issue up and some of my fellow Legislators might have some questions that maybe you could clear up, if you have the time.

MR. YOUNG:

If that's what you wish, sure.

P.O. LINDSAY:

Okay, thank you. Paul J. Forthmuller.

MR. FORTHMULLER:

Good afternoon, Legislators. I'm also a member of Suffolk County Coalition for Legal Immigration/No Amnesty, and I just wanted to read a comment by the Department of Labor Commissioner Patricia Smith. Quote, "The Labor-on-Wheels van will reinforce the message to all workers that regardless of their immigration status, they deserve to be protected and get paid a fair wage." Now, what this woman is now saying is that regardless of the fact that they are illegal aliens, we're going to help them get these jobs where they don't have to pay taxes. Now, this is to me totally outrageous, totally outrageous. So I just want to make the Legislative body aware of this issue and I thank you.

Applause

P.O. LINDSAY:

Debra Alloncius.

MS. ALLONCIUS:

Good late afternoon, Members of the Legislative Body and Presiding Officer William Lindsay. I stand here before you on behalf of AME and the -- Cheryl Felice and the members who want to thank everybody who -- you Legislators who signed off on the letter that went to Commissioner {Danz} to hold off the -- granting the \$20 million to close JJ Foley and we are here to offer any help that we possibly can give you in making sure that that does not happen. And we look forward to working with the Legislators who did not sign the letter, who do not support the closing of the nursing home. And I think it's more than just a dollar issue, as you have been told over and over and over again. The mismanagement is quite evident, the fact that we did not go for any of the -- any of the increases in the State and Federal funding, the fact that we don't take any insurances, we don't market, we don't look for -- we have veterans sitting there, we don't apply for aid and attendance which are over several thousand dollars a month. We do believe that we can turn the nursing home around and we are willing to work with the Legislature in that capacity. Thank you for your time.

Have a good evening.

Applause

P.O. LINDSAY:

Thank you, Debra. John Lund.

MR. LUND:

Good afternoon. It's my third or fourth Tuesday with this group; thank you very much one more time. Davis Park Ferry. The homeowners at Davis Park recognize that this is approximately a 22% increase on the highest ticket, and we are imploring you to please approve it today. Thank you.

P.O. LINDSAY:

Thank you, John. Mary Parker.

MS. PARKER:

Hi. I'm Mary Parker from Davis Park and I'm here representing the Homeowners Association.

As John said, the ferry company, the homeowners and Representative Eddington, we've all been working together to try to get this rate increase affected. Our summer service has been reduced, we are looking at a large loss in terms of the ferry company being able to continue to do business. We're looking at a reduced fall schedule, homeowners are concerned, the merchants are concerned; it's been a very tough summer. We're here today to please ask you to pass this petition and provide the raise in rate for the Davis Park Ferry. Thank you very much.

P.O. LINDSAY:

Thank you, Mary. Christopher Destio.

MR. DESTIO:

Good afternoon. My name is Christopher Destio, I'm here once again to speak about John J. Foley.

As human beings, it's our responsibility to take care of those who cannot afford or have the means to take care of themselves. And as government, you oversee and enact laws to make sure that these people get the help that they need and deserve. If we adhere faithfully to these principles, I think it's possible for us to keep this facility running now and into the future. We have been pounding these exact issues that Presiding Officer Lindsay mentioned today in Newsday, but the only person that is not listening to us is our County Executive.

Another issue being brought to the table about our facility is contractual issues. We have Grade 6's in the laundry, we have Grade 7's in our food service department and Grade 9's as CNA's; that's some of the lowest grades you can find in the County. AME is the lowest paid compared to other unions in the County and John J. Foley Skilled Nursing Facility is probably the lowest in AME. Our nursing staff and custodians on a daily basis deal with the risk of exposure and handling of infectious waste. They're always at the risk of contracting Norwalk virus', CDIF, Scabies, Hepatitis C and HIV, and how can you put a price on that?

Then you hear about the untold stories like that blond nurse that was up here, Jennifer Tay. She comes in on her day off to bring a resident to Wal-Mart to buy her clothing because she doesn't have family to do that for her. Or you have Rico's Clothing donating a full suit to a resident who has passed away, or you have an RN like Kathy Reeves with other nurses donating money so a dementia resident could get her hair done so she would look nice if she gets a visitor. So this shouldn't be all about money, and where is the human factor about this? I think it's just a shame that the residents of this home are being pushed into a corner by our County Executive and they can't defend themselves. This is why we need your support and you've got ours. Thank you for your time.

Applause

P.O. LINDSAY:

Thank you, Chris. Charles Shazman? I might be mispronouncing it; Charles Shazman, Davis Park Ferry? I probably --.

LEG. EDDINGTON:

Sherman.

P.O. LINDSAY:

Sherman; I'm sorry, Mr. Sherman. I should put my glasses on.

MR. SHERMAN:

My name's Charles Sherman, I'm President of Davis Park Ferry Company and I'm here to urge you to approve Davis Park Ferry's rate increase. Fuel increases and delays in getting the rate increase before the summer season has financially crippled this company. The amended resolution dated 8/8/08 has been reviewed by Budget Review and the major issues have been addressed and all the Budget Review recommendations have been accepted by the ferry company. If this increase is not approved it will be six months old on September 4th and we'll have to start all over again. Thank you.

P.O. LINDSAY:

Thank you, Mr. Sherman. Christopher Perugi.

MR. PERUGI:

Hi. I'm Chris Perugi, I live in Suffolk County and I'm here for hydrogen fuel cells. I have good news for everybody. Kate Murray, who's the lady in West Hempstead who just got a million dollar grant from the Fed for her first hydrogen fuel cell fueling station, and I've been in contact with her and I've written letters to Jay Schneiderman about me starting in the Westhampton area for the buses that run to the city and back to Montauk with the clean-air hydrogen fuel technology for the schools, the colleges, the Brookhaven National Lab where I saw the first engine 30 years ago run. And money is fuel, fuel is money, and I think we should get the grants that the Fed has, I think they have a \$300 million grant for the County, maybe if we can get it and we put, you know, 20, 30 buses on the road going to the city and back. They're worth about \$4,000 a day in fares. So if you want to save money, you change the boats over to fuel, the trains or whatever, there's other countries doing it. And I'll be in touch with Schneiderman, which is one of my contacts. And by the way, the lady in Nassau County has a full -- she has a surplus of money in her budget. So, this lady was on stage, she was on WLIW last night and she's the Supervisor of the Town of Hempstead and her facilities are above the money that they need. So she's getting a grant for a million dollars for one station and we need one in the Manorville area and I would like to spearhead that. Thank you.

P.O. LINDSAY:

Thank you, Mr. Fahey. Mike DePauli.

MR. DePAULI:

My name is Mike DePauli, I'm a resident of South Setauket. I'm here to offer some ideas or some suggestions to save a life. It costs nothing to think outside of the box, it costs nothing to go ahead and say, "I care for my fellow citizen." But there's something that each and every one of us can do, it can be done as a Legislature to propose legislation, it could be done through administrative memo. And just as a consideration, what I want to do is just show my colors and one of my colors is bright orange. One of my colors on a vest would be bright orange. You all see Police Officers in dark blue; look at the contrast. The days are getting shorter. Where are the bike safety laws in Suffolk County? We send our children out, we send our Police Officers out, we send public safety officers out. For a few dollars we can recommend that everybody have a vest or have something bright and cheerful, something colorful that you can see in the dark. We read in Newsday, we read in the local papers every day that somebody gets killed, especially at night, especially as the days are getting shorter. We can save a life, you can save a life here today. You can do it through legislation or you can request it through administrative memo through members of public safety, our men in blue, you

can do that through administrative office memo also. But Suffolk County has been a leader in the past, it can be a leader in the future by starting in the County and emulating it through the other 62 counties in New York State.

Item number two for consideration, and I would have to change colors here, I am a Vietnam Vet and I have made a presentation to Mr. Stern in association to the Veteran's Committee. Right now we hang American flags in front of our flag poles in reference to our soldiers and in honor of our country. What I'm suggesting to you right now is we go back to the World War I and World War II scenarios where each and every family of every veteran hang that blue star back in the window. Hopefully it doesn't go to the gold star, but it's something more that we can show patriotism across our land for those that are dying right now in Afghanistan, in Iraq and in many other places throughout the world.

I made a presentation to Mr. Stern and Mr. Beedenbender and also Ms. Browning, I gave them a flag. And I'm suggesting possibly that this County hang that flag in the Legislative front office so the residents of Suffolk County can see it and set a precedence. I thank you.

Applause

P.O. LINDSAY:

Mike, we're not supposed to question or anything, but someone did give us one of our flags and we're going to hang it in the lobby in Hauppauge.

MR. DePAULI:

That's great. I hope it's emulated by the other Counties and possibly through the State and other States. I thank you.

P.O. LINDSAY:

You're welcome. Art Binder.

MR. BINDER:

Good evening. My name is Art Binder. I live in Baiting Hollow which is in Riverhead Township. Right now people in our area are under area -- aerial assault, helicopter aerial assault. Not only are helicopters attacking us from well below 2,000 feet, but we're in a situation where one of our neighbors owns his own helicopter. Some of you may be familiar with the case, it's the Deep Hole Road Helicopter Case. It's been publicized, the Town of Riverhead has taken this individual to court and was successful in litigation. This gentleman with the helicopter took it to the Appeals Court and was overruled in the -- he was overruled in the Appeals Court. So the first justice still stands. He is my immediate neighbor. He comes and goes in his helicopter as he pleases. We're not talking about a little one or two seat helicopter, we are talking about a helicopter that could probably accommodate one-third of the Legislators sitting at this dais.

We own a horse farm; helicopters and horses are not compatible. It's done damage to my property. I've been hurt, last January the 12th handling horses when he decided to come in from the south about two miles out, flying at about 150 feet above the table until he got to his backyard where he put it down. His backyard, he has a five acre piece, we have acreage as well, but he landed no more than 250 feet from my property line; this is very dangerous. I've been in contact with the FAA, the Town of Riverhead, the attorney Dan McCormack knows much about the situation here's the way it falls right now. Someone's going to get hurt, it's just a matter of when and how serious.

This individual, I believe, right now is in contempt of court. Less than a week ago this helicopter came in and went over the rise and disappeared. Now, what did it disappear into? He purchased a ten acre abandoned sand mine that's probably a hundred feet below ground grade. And that's where his helicopter went. Now, you can't see it down there because it's so far down and it's his property, if you go on there to photograph it you're trespassing. The only way we can get around this situation is by the Legislator to approve legislation that prohibits landings and -- that prohibits flying

of helicopters below 2,500 feet except for landings or take-offs. If he was below 2,500 feet, he had to be landing or taking off, that's a given, if you pass this legislation.

Right now we can't take the photographs, like I said, and it's his word against ours. But with your cooperation, I hope you support this legislation and protect all the horse farms, there's about seven of us within the agricultural preservation zone that is being directly affected by this guy before somebody gets hurt, it's only a matter of time. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Young. I don't have any other cards. Is there anyone else in the audience that would like to address us? Please come forward, sir, and identify yourself for the record.

MR. FAHEY:

My name is Bill Fahey, I'm with the Pattersquash Creek Civic Association.

P.O. LINDSAY:

Oh, Mr. Fahey, did I miss your name? I saw your card.

MR. FAHEY:

I know I made out a card out there.

P.O. LINDSAY:

I did call Bill Fahey, right? Yeah. Did someone else talk?

D.P.O. VILORIA-FISHER:

(Inaudible).

MR. FAHEY:

No, I didn't hear you call my name yet --

P.O. LINDSAY:

Oh, I'm sorry.

MR. FAHEY:

-- in the session here or anything like that.

P.O. LINDSAY:

I'm sorry. Go right ahead, Mr. Fahey.

MR. FAHEY:

Okay. I'm here to support the bill put up by Legislator Romaine about Social Service clients being put in houses that have to have a C of O before they go into the house. I think it's important that when these houses are being used the people can live halfway decently in them. But there's an associated problem that we have -- I'm from the Mastic Beach, Mastic and Shirley area -- which Social Service policies where our own tax money is destroying the community and the quality of life. We're making millionaires out of slumlords with our own tax money. There are people here speaking today about the economics of government, I don't see why we should be making millionaires out of slumlords somewhere along the line.

And also, the people you're impacting with this quality of life issue, there are a lot of veterans who went and fought for this country. I know of one individual personally, he was in the first Army, he went up through Africa, Italy and then they made the invasion and they were away for four years. He was chased out of his house by two Social Service families in the area, he had to move to Florida; that's a disgrace. Anybody that can do something like this has no feeling for the people who

are still in the service and their families are in these neighborhoods and nobody is doing anything about it.

I myself personally, I recently had a crack house behind me and the usual routine with people across the street, a few years back, it's been going on 15 to 20 years. The first one that comes in, you get a woman in with two or three children, two weeks later the boyfriend comes in, then the girlfriend comes in with another boyfriend and at night, about 12 or one o'clock, people are stopping by these houses for two minutes to pick up the dope or whatever else they're doing. I don't think government should be in the business of destroying communities. I don't think that you should be doing these things to hard-working taxpayers.

When they put these people out, nobody seems to monitor what's going on. They throw them out there and then they pull a Pontius Pilate and wash their hands and walk away. And whatever happens in the community, no matter how bad it is, no matter how much the community is destroyed, nobody does a thing about it. You have a responsibility. If you are going to put people in an area, you have the responsibility of making sure they don't ruin the lives of the other people in the community. It's become a slumlord's paradise out there.

P.O. LINDSAY:

Mr. Fahey, you're out of time, if you could wrap up.

MR. FAHEY:

Okay. I just appreciate it if -- this is a first step with Legislator Romaine's bill. There are also bills that should be taken care of at the State level and the Federal level. As I say, government shouldn't be destroying communities with their taxpayers' own money. Thank you.

P.O. LINDSAY:

Thank you, Mr. Fahey.

Applause

Is there anyone else in the audience that would like to address us? Yes, please come forward and identify yourself.

MR. {OGNO}:

Thank you, Legislators. My name is Christopher Ogno, I'm a delegate of AME and an extremely proud co-worker of the John J. Foley bunch. Thank you, Mr. Lindsay, for the article that was printed today.

I'm not here to tell you how special our facility is because now most of you know it by now. I'm here to talk about the employees. If the John J. Foley were to be closed, it would be a very sad day in Suffolk County. I pride myself in being honest and an extremely hard worker. In the past years the employees at John J. Foley have been berated by management, they've been treated horribly. The job is stressful, physically, mentally and yet these people show up and do their job to the best of their ability every day and give it a 120% no matter what, because that's how much they care about their job. Thank you very much.

P.O. LINDSAY:

Thank you. Is there anyone else here to address us? Seeing none, I'll accept a motion to close the public portion.

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Alden.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, I'm going to jump around a little bit because I would like to get Mr. Young out of here, in deference to his client who is paying him.

*(*Laughter From Audience*)*

MR. YOUNG:

I've got two college tuitions, if that means anything.

P.O. LINDSAY:

And then I'm going to try and do the college vetoes, in deference to our upper echelon from the college who I'm sure has better things to do than sit around here.

So let's -- I'm going to take up IR 1747. I'm going to make a motion to take 1747 out of order.

LEG. HORSLEY:

What page, Bill?

P.O. LINDSAY:

It's on page 10, last resolution.

LEG. ALDEN:

Second on the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, the motion is before us.

1747-08 - Cancelling auction sale of property (SCTM No. 0500-441.00-02.00-044.000).

And I have Mr. Young at the podium who is available if anybody has any questions, and I see Mr. Zwirn is pacing patiently to I'm sure state the other side of the case. So does anybody -- Legislator D'Amaro, did you have a question, or did Mr. Young, did you want to say something else beside your public portion statement?

LEG. D'AMARO:

Well, Mr. Presiding Officer --

P.O. LINDSAY:

Go right ahead.

LEG. D'AMARO:

-- if I could. We took this up at the Ways & Means Committee and I just wanted to ask Mr. Young if he could just kind of boil it down to what the major -- what the major objection his client has to closing title on the property.

MR. YOUNG:

The significant item legally is --

MS. MAHONEY:

Speak into the microphone, please.

MR. YOUNG:

The significant item legally is that that a necessary party was not served, the owner of the property was never served, never given notice. The County has been asked on numerous occasions to provide that proof of notice, which they were not able to do. The -- as a practical matter, the property has a cloud on the title. If anyone were forced to take this property at this time, they would not be able to develop it, they would not be able to sell it. Because, one, when you go to sell property that you own, as -- I've been doing this for 40 years as a real estate attorney, the seller will be asked to sign a document that says they know of no liens or clouds on the title; there clearly is a cloud on the title. So that would not be able to be passed on. They could not recover against the title company for the value of the improved property, quite probably not even for the value of the vacant property because they have knowledge of the defect. And I think it's got to be kept in mind that Mr. {Pulatta} had nothing to do with creating the defect, the County created it many years ago, so probably no one in that office now, but they did create that situation. All of the equities require that the County not force someone to take this property, only the County could correct this and they would have to go all the way back to step one.

LEG. D'AMARO:

Right. So Mr. Young, I wanted to ask you then, in effect what happened here is your client went to an auction --

MR. YOUNG:

Right.

LEG. D'AMARO:

-- a County auction of real estate, was the successful bidder.

MR. YOUNG:

He was the successful bidder.

LEG. D'AMARO:

The title search was done and it turns out that there was a defect in title which was substantial --

MR. YOUNG:

Yes.

LEG. D'AMARO:

-- in that the finding was that there was not sufficient notice given to the owner, therefore clouding the County's legal right --

MR. YOUNG:

Right.

LEG. D'AMARO:

-- to even go ahead with the sale. The problem, I think what you're expressing to us here today and also that you expressed during the Ways & Means Committee is that it's not even so much whether you go ahead and purchase today, but then your client intends to make a substantial investment into the property --

MR. YOUNG:

That's correct.

LEG. D'AMARO:

-- to rehab or to redevelop it, and then would go ahead and have to sell that property eventually when another title search would be done.

MR. YOUNG:

Right.

LEG. D'AMARO:

And when that other title search is done, once again you would see this cloud or defect --

MR. YOUNG:

That's right.

LEG. D'AMARO:

-- on title that really it's in the County's hands to cure because the defect --

MR. YOUNG:

That's correct.

LEG. D'AMARO:

-- revolved around the notice the County was required to give.

MR. YOUNG:

Correct. And no subsequent title company would be responsible to accept what the prior company -- if a prior company did ensure.

LEG. D'AMARO:

Right. So I guess the way I look at this is there's a legal analysis, what contractually can the County compel the successful bidder to do. But beyond that there's a policy analysis as well --

MR. YOUNG:

Right.

LEG. D'AMARO:

-- that says that if the County is going to be conveying title, especially of commercial property, we want to be sure that we're conveying title that gives people security that if they're going to make a substantial investment and develop the property and put it back on the tax rolls, that they're not going to be handed a clouded title that's going to be come a major problem for it in the future.

MR. YOUNG:

That's correct.

LEG. D'AMARO:

Okay. That's my understanding, Mr. Presiding Officer.

P.O. LINDSAY:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Young, I don't know if this question is so appropriate to pose to you or to maybe somebody from Division of Real Estate. I agree with everything that Legislator D'Amato has said. However, I also do believe that when properties are offered at auction, it's basically as-is, where-is and for what it's worth; no, that's not correct?

DIRECTOR KENT:

That's not correct.

LEG. KENNEDY:

We offer -- through the Chair, can I --

P.O. LINDSAY:

You want to talk to Mr. Kent?

LEG. KENNEDY:

Yes, please.

P.O. LINDSAY:

Okay. Mr. Kent, could you come forward and maybe help to clarify this issue a little bit further, okay?

LEG. KENNEDY:

Then I apologize for my misunderstanding. My understanding in the past was that real estate auction, basically the burden was upon the purchaser to go ahead and to do their due diligence. Now, the County made every effort to go ahead and convey good title if it could be had. But more importantly, being aware of this omission, and that is a highly regulated function that goes on through the Treasurer's Office as far as the notice and the mailings that go on, and our inability to produce those proofs. Did we make any effort to cure? Did we make any effort to go to court to acquire title? Did we do anything?

DIRECTOR KENT:

Okay, let me explain. First of all, your first question, about what type of title we convey. We do convey the property as is, but it depends upon what kind of deed we're going to deliver as to what guarantees we're making as to the title. In this case, we were doing a bargain sale deed which means that nothing is done that in any way clouds title. So we're not giving him a quick claim deed, we are giving him a bargain sale deed in this instance.

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

LEG. KENNEDY:

And we were giving bargain and sale based on the way it was represented at auction, or we elected to go ahead and make those representations? How was it represented at auction?

MR. KENT:

This one was a bargain sale deed offered at auction.

LEG. KENNEDY:

Okay, fine.

MR. KENT:

Now, let me answer your second question as far as the title goes. There was notice given to this owner from which we took the tax deed. The problem stems from the tax year that is cited in the deed that conveyed the property to the County, did not cite the year upon which we gave the notice for. There was adequate notice, but it was for a different tax year than the deed cites. Okay?

LEG. KENNEDY:

Okay. Keep going.

MR. KENT:

We do have, though -- I want to tell you, under the rules of the auction, if we could deliver insurable title, the successful bidder is required to take it. In this instance, we can deliver insurable title, because the title company, the very same title company that was underwriting the purchaser's title insurance had given us a clear title report, and I have it with me today and I have 20 copies, if anybody would like a copy of it.

LEG. KENNEDY:

I would be interested in seeing a report, Counsel, but I also agree with Legislator D'Amaro, that we get down to not only a legal analysis, but also a policy analysis. And insurable title is a business decision that a particular title insurer may make, and this purchaser may not have the same benefit should a subsequent purchaser select a different title insurer. So I don't think that's acting in good faith if we were to try to insist on closing the sale this way. My issue is more along the lines of have we made any application to quiet title or to have any kind of court-appointed remedy?

MR. KENT:

No, we have not.

LEG. KENNEDY:

Is there a reason for that?

MR. KENT:

Well, there is a way to clear title without going to a court; it would be to file a correction deed, and we could do that. The deed just has to cite the correct year upon which the notice was given. The notice was given in multiple tax years. The deed incorrectly cites the 1990 -- and this is how far back we're going here -- 1994-95 tax years, what's cited in the deed. The notices were provided in 1990-91, 91-92, 92-93. So, whoever made that error, I can't go back and say who made that error, but we do have Fidelity National Title Insurance Company, which is the same insurance company that issued the title report for Mr. Young, has issued a report to us that omits those exceptions from the title report.

LEG. KENNEDY:

It occurs to me that I don't know that it's -- first of all, I'm not on the Committee where this was vetted. And if it was vetted at this level at the Committee, I apologize.

Again, I guess, then I would ask Mr. Young, has there been any discussion with your client as to if there was a way to remedy, not that you were limited to Fidelity, but that we were able to convey, not marketable title, but legal title or good title?

MR. KENT:

If I could just add one more thing on the rules, which was approved by -- which were approved by the Legislature. It provides that we have to give these people insurable title, not marketable title, insurable title. It's what they sign on for, and we can deliver insurable title, and we can do it through a company of our choice or their choice. In this case, it's the same company, it's Fidelity, which is who they ordered their insurance from and who is now providing me a report omitting that exception from their title report. Now, not only --

LEG. KENNEDY:

What's the --

MR. KENT:

Not only have we delivered an alternative company, we're having the company that they selected omit from the report the exception that was raised in their report.

LEG. KENNEDY:

Why don't we just make a motion to Supreme to acquire title or to cure title?

MR. KENT:

We could do that. That will take a little younger, but --

LEG. KENNEDY:

Well, Mr. Young --

MR. KENT:

My first effort was --

LEG. KENNEDY:

-- would your client be of a mind to close were that court-ordered remedy --

MR. KENT:

My first effort would be to deliver insurable title, which I can deliver.

MR. YOUNG:

I'm very perplexed by this, because --

LEG. KENNEDY:

You are? So am I, sir.

MR. YOUNG:

-- none of this has been delivered to us. I have spoken directly to the Regional Council, Fidelity, who said they would -- when they knew the facts here, wouldn't touch it. And none of this changes the fact that there was a substantial error made.

LEG. KENNEDY:

Sir, I'm not disagreeing with you, but what I'm asking you is, is if, in fact, there was an application made to Suffolk Supreme to secure and quiet all of the irregularities? It's analogous to something that used to be prevalent in Suffolk County, which is register title, as you know no longer exists. But, nevertheless, you can quiet title through an application to Suffolk Supreme. If that was remedied, would your client be of mind to go forward?

MR. YOUNG:

Well, my understanding from the Title Company was that the only way that this -- the problem with that is the owner still has right to this property.

LEG. KENNEDY:

I disagree, sir.

MR. YOUNG:

And what they're telling me is the only way that they can go back -- if they don't get notice, you can't take the property, and that's what happened here. And all of this aside, is that the direction that the County wants to go in? Now, this property was in the County's hands since the mid-90's. The County had every opportunity to cure it. And my understanding is, normally, before a county would put a piece of property up like this, they would verify that they had the good title and would cure it before they put it up.

LEG. KENNEDY:

Sir, I hear what you're saying, and I think, at least from my perspective, what I'm asking is before we go to the fairly drastic remedy of abandoning what was an offer at auction, is there any alternative that might have been discussed, explored or agreed upon?

MR. YOUNG:

Well, there's nothing that's been discussed at this point, and for the reason that we have been told, and I do -- I just want to say this. If the County had title reports -- we've been going around and around for a long time. The Title Company has been asking for the proofs. Nothing has been produced. And a title report -- and a title policy in itself doesn't tell us how the objections were addressed.

LEG. KENNEDY:

I'm familiar with them, I've seen a few.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

I'm going to yield to the Chair.

P.O. LINDSAY:

Legislator Beedenbender, and then Romaine and Alden.

LEG. BEEDENBENDER:

Hi, Mr. Young. I'm not a lawyer, so I'm going to try to take this from a different perspective. I guess, actually, my first question is probably for Mr. Kent. Mr. Kent, at the end of the Ways and Means Committee, you handed me this piece of paper. I think it's -- is this the Purchase Agreement, the Sale Agreement at auction? I'm specifically talking about Number 14. It seems to be 70 some-odd pages. What is this document? It's the rules.

MR. KENT:

Well, these are the rules of the -- rules of the auction --

LEG. BEEDENBENDER:

All right.

MR. KENT:

-- that were approved by the Legislature for the 2007 auction.

LEG. BEEDENBENDER:

And what you were talking about before, in Number 14, one of the paragraphs, it says, "If the Purchaser's Title Company refuses to insure without objections, the County may select a different equally qualified Title Company, and the Purchaser agrees to accept insurance from the alternative insurer, provided no additional cost resulting thereby over and above the cost of the original." So I assume that's what you're referring to, that and the part in Number 8 that is -- in Number 11 that's referenced earlier.

MR. KENT:

That's correct.

LEG. BEEDENBENDER:

Okay. So I guess my question, and I want to follow up on something Legislator Kennedy just asked you, Mr. Young, because, if there was an answer, I didn't hear it. If this didn't exist, would your client be willing to go forward? And the reason I ask is because, if your client signed this document that said, "If we could provide insurance, you'd take the property," where -- I understand there's another policy discussion, but if there's a contract that says you'd take the property, according to these rules, and we can provide you something with -- according to these rules, then how can we

back out?

MR. YOUNG:

Well, I have not been shown anything, nor has Fidelity been shown anything, to cure the defect. To my knowledge, nothing's been delivered. I've been told now, after all of this time, they have someone that will insure it. Well, if that were the case, why wasn't it produced to our company, to our agent, so he could review it, so he could see if it was properly addressed?

LEG. BEEDENBENDER:

Okay. Well, then I guess my question would be, Mr. Kent, if you have this piece of paper in your hand, can we hand it to Mr. Young --

MR. KENT:

Well, it's --

LEG. BEEDENBENDER:

-- and then see where we can go?

MR. YOUNG:

But it's more than -- it's more than a piece of paper.

LEG. BEEDENBENDER:

Well, I'm saying, if we -- I know, I know it's not that simple.

MR. KENT:

Right.

LEG. BEEDENBENDER:

I was being glib. But I was just -- if we table this today and you transmit the documents, maybe at the next meeting, we can move forward and approve this or find some other remedy, because it seems as if we're not really at a policy debate or a legal debate. Mr. Kent says he has something, you say you haven't seen it, you need some time to review it and see if that solves your problem. So it seems like the best thing to do here would be to table it, exchange the information, and then, at a later date, make a decision, unless I've simplified it too much.

P.O. LINDSAY:

Is that a punt?

MR. YOUNG:

It refers to a property in Lindenhurst.

LEG. BEEDENBENDER:

What?

P.O. LINDSAY:

Punt.

LEG. BEEDENBENDER:

Punt, yeah. Well --

MR. KENT:

No, no. They just made a mistake here.

MR. YOUNG:

They just made a mistake?

MR. KENT:

Yeah, I guess they did, because all --

LEG. BEEDENBENDER:

That's perfect. Look, they're going over information.

P.O. LINDSAY:

All right.

MR. KENT:

I'll get that corrected.

P.O. LINDSAY:

Are you done, Legislator Beedenbender.

LEG. BEEDENBENDER:

Yeah, yeah.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I would just make a couple of points. The defect is that of the County by failing to provide proper year in the tax deed. The County should have remedied that defect. Mr. Kennedy made all those points. It could have been done with a correction deed, it could have been done with court action to quiet title. There were many ways to correct this minor defect. And despite the long list of rules, I'm sure this County is not in the business of forcing people to take title to property for which there may be a cloud or a question as to title. And, as Mr. Kennedy adequately pointed out, there's a huge difference between clear title and insurable title, and there is a huge difference and that's the difference that we're here today.

Now, Mr. Kent says, "Well, I have an insurance company, Fidelity, that has agreed to insure it." Well, guess what, the attorney for the potential purchaser says, "I never heard of that." So somehow there's bad faith also in communicating. Don't shake your head, because then that document should have been on that man's table yesterday or the day before yesterday.

MR. KENT:

The document's dated today, so I --

LEG. ROMAINE:

Yeah.

MR. KENT:

I had it produced today from Fidelity based on conversations I've been having with Fidelity and whether we could deliver clear title. He ordered his insurance from Fidelity.

LEG. ROMAINE:

And again, -- again, this is -- again, Mr. -- Legislator Kennedy pointed out quite correctly, this is a business decision, and business decisions on insurable title vary from insurance company to insurance company. I don't know how much business it does with Suffolk or why they might have issued that document when they told the other attorney things to the contrary. Nevertheless, nevertheless, regardless of the rules, this County has an obligation when we auction property to auction property that has clear title. That is our obligation.

And, by the way, I just wanted to point out, we've held this property, what, 13, 14, 15 years? This is commercial property? Boy a change in the Tax Act where we would -- we would auction the lien

and get our money right away instead of holding something, where we made all the other jurisdictions whole, might be in order of consideration, because we've held that property 13, 14, 15 years. And now, at the end, we think we're at the end of the process and a minor defect is upsetting it and delaying it even further. Something to think about, about tax policy.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Mr. Kent, is there a Mennonite problem, or is the problem in the actual deed that we took from -- where does it go, from the Treasurer to the --

MR. KENT:

To the County.

LEG. ALDEN:

To the County, okay. So --

MR. KENT:

There was actual notice given. The deed itself was -- had a defect by referencing the wrong year, the wrong tax year from which we gave proper notice.

LEG. ALDEN:

Okay. I've done a couple of closings. When you schedule a closing, you can offer that type of correction, or so to speak, at the closing. It's similar to removing a cloud on title that would be there by a mortgage or some other kind of claim. So, as far as my -- and I've changed my mind now since the Ways and Means Committee meeting, because at Ways and Means, I thought we didn't give them any notice. It looks like we did give them notice. It's just when we produced our deed, we just mistyped or made a mistake, which can be corrected at closing. When was this auction done?

MS. YOUNG:

If I may, the Title Company specifically --

LEG. ALDEN:

You have to use the microphone, though.

MR. YOUNG:

The Title Company specifically asks for that proof of notice, specifically, or sent notices for different years and told that they could not locate that one. So to now say it was a typographical error is just to rewrite history. We'll make the deed fix the notices that we did give.

LEG. ALDEN:

But did we give notice or did we not give notice?

MR. KENT:

Prior years.

MR. YOUNG:

But they didn't for the year that's involved.

LEG. ALDEN:

That could be a typographical error.

MR. YOUNG:

No, no.

LEG. ALDEN:

It can't be a typographical error?

MR. YOUNG:

No, because the notice has to be given that year. There was nothing --

LEG. LOSQUADRO:

Use the microphone, sir.

MR. YOUNG:

There was nothing given. I'm sorry. There was nothing given. The Title Company --

LEG. ALDEN:

Where in the Real Property Law does it say that you can't -- you can't fix a cloud like that on title?

MR. YOUNG:

If you don't --

LEG. ALDEN:

Then it would actually be in two places, but I think you can fix it.

MR. YOUNG:

But they -- you have -- they cannot show that they gave the notice. What they said to us on the phone, what they tried to say to the title company was we gave it all these other years, so we must have given it the proper year, yet they could prove the notice for those other years --

LEG. ALDEN:

Well, now they're saying --

MR. YOUNG:

-- but not this year.

LEG. ALDEN:

Now they're saying they'll do a correction deed, which --

MR. YOUNG:

A correction deed doesn't change the notice.

LEG. ALDEN:

Why wouldn't it change the notice?

MR. YOUNG:

The notice is what was required.

LEG. ALDEN:

For the year that we took title. They could do a correction deed.

MR. YOUNG:

No, they're two different things.

LEG. ALDEN:

For the year that we gave notice, we could do a correction deed and take it on that year. The owner had actual notice.

MR. YOUNG:

So, all right. What you're proposing then is that the County be party to changing the records.

LEG. ALDEN:
No, no, no, no.

MR. YOUNG:
Changing what happened.

LEG. ALDEN:
No. What I'm proposing is that your client made a bid on a piece property --

MR. YOUNG:
Right.

LEG. ALDEN:
-- and we have, right up until the date of closing or the time of closing to clear any defects, and that would clear a defect. Your client's still bound by the --

MR. YOUNG:
It would only clear a defect if they could produce the notice.

LEG. ALDEN:
And they will for the year prior to that, and that's when the deed will be --

MR. YOUNG:
But they've said they can't.

LEG. ALDEN:
They'll do a correction deed.

MR. YOUNG:
A deed doesn't --

LEG. ALDEN:
Mr. Kent just said he could.

MR. KENT:
We cannot provide notice for the year that is stated in the deed, we can provide notice for prior years, which is actually better --

LEG. ALDEN:
Can you do a correction deed?

MR. KENT:
Which is actually better than subsequent years, because at least you're taking title to a property where the owner already had notice in prior years of nonpayment.

LEG. ALDEN:
And can you do a correction deed?

MR. KENT:
We could do a correction deed. The issue with the correction deed, it could start another six-month period to commence for the owner from 1991 to come in and redeem the property. But, under the rules, we have 18 months to clear title.

P.O. LINDSAY:
Legislator Barraga. Maybe he could add some sense to this.

LEG. BARRAGA:

I am not an attorney, but, obviously, I'm listening to you, and then having previous conversations on this topic, there is a legitimate difference of opinion between the buyer and the seller. And, you know, I don't see a positive outcome coming out of this. And I guess the question, the overall question I have, is why does the County want to push this? No, it's rhetorical, you're not answering, I'm speaking. It would seem to me that, you know, just give him his money back and put it up for auction again. Put it up for auction again. Let him have his -- because this is something that there's a difference of opinion. I can see just by the questions here there's not going to be an amicable solution to this. Let him have his money, put the property back up for auction, then you say have proper title at that point. Let somebody else buy the property and end this.

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

Here-here.

P.O. LINDSAY:

Legislator Alden wants the last word.

LEG. ALDEN:

Just in answer to Legislator Barraga, the whole purpose of an auction is to establish a price value on a slice of time. And it's the risk that both parties would take. The seller would run the risk that the property value goes up, the buyer would run the risk that the property value goes down. In this instance, probably what happened was, if you bought it in '97 -- no, '07?

MR. KENT:

2007.

LEG. ALDEN:

If you bought it in '07, you might have come in on the tail end of properties leveling off and now they've fallen off the cliff, so that --

LEG. BARRAGA:

They're not in that area.

LEG. ALDEN:

That area, yeah.

LEG. BARRAGA:

They're not in that area.

LEG. ALDEN:

That area is --

LEG. BARRAGA:

That area is pretty good.

LEG. ALDEN:

It's dropped.

LEG. BARRAGA:

We have a difference of opinion, that's why he should get his money back.

LEG. ALDEN:

It used to be my Legislative District, but now it is Legislator Barraga's --

LEG. BARRAGA:

That's right.

LEG. ALDEN:

-- Legislative District, so --

LEG. BARRAGA:

Doing extremely well.

LEG. ALDEN:

But, also, that's why you have an auction. You give somebody an opportunity to come in, one shot, you bid on it and you take all the risk, and that's unfortunate the way an auction is. If we are going to go in and reverse all our auctions, you know, people are going to say, "I could make a bid. If everything falls in line, I can resell the property. I'll go through with the auction. If I can't, I'll come before the Legislature and ask them to reverse the outcome of the auction." So I don't know about getting two or three bites at the apple, I don't know if it's fair.

P.O. LINDSAY:

Legislator D'Amaro. I just feel that, you know, Murphy's Law is settling in here, you know. Go ahead. Go ahead, Legislator D'Amaro.

LEG. D'AMARO:

I thank you. Just very briefly, again, I just want to reiterate, I mean, I agree with most of what I heard, Legislator Barraga, Kennedy, Romaine. Legislator Alden, I agree with you on a legal level, that there is arguable issues here where the County could compel the successful bidder to buy this property legally. Although the defect here is substantial, it's notice, it's a notice defect, which is a substantial defect in title. The thing I want you to consider, though, is we just had a 15-minute discussion about a cloud on title and we can't agree, and some of us are lawyers. Go figure.

LEG. NOWICK:

Yeah.

LEG. HORSLEY:

We've noticed.

LEG. D'AMARO:

So I'm going to take off the lawyer hat and let's just talk about a policy level here, you know, and the policy level here is that you have a substantial parcel in Bay Shore that definitely needs to be rehabbed or reconstructed. It's a valuable piece of property, as Legislator Barraga said. The County is in a position where we could re-auction this property and probably get as much, if not more, than we've already gotten at an auction. And do we really want to be in a position of forcing people to close when there's this type of question that goes to title, and I think the answer to that should be no.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I have a quick question. This may be more towards Mr. Kent. During this auction, was Mr. Young's client the only bidder?

MR. KENT:

No.

LEG. GREGORY:

Okay. Now, what is the County's policies or rules as to releasing obligation from the top bidder and going to the second bidder?

MR. KENT:

We can't do that.

LEG. GREGORY:

Can't do that? Okay. Why not?

MR. KENT:

Well, we don't have a -- we don't have the ability to -- pursuant to our rules, we don't have the ability to release the top bidder and award it to the second highest bidder, unless they fail to close out at the auction. But he did close out at the auction, he left his hundred thousand dollar deposit at the auction.

LEG. GREGORY:

Okay. All right.

MR. KENT:

And signed the papers and agreed to all the rules.

P.O. LINDSAY:

Okay. Legislator Kennedy, and then Stern.

LEG. KENNEDY:

Just a couple of, quick, more questions.

P.O. LINDSAY:

Quick.

LEG. KENNEDY:

Mr. Young, maybe if I can ask Mr. Kent. So it was a hundred thousand dollar deposit. What was the bid, what was the accepted bid?

MR. KENT:

Five hundred thousand.

LEG. KENNEDY:

It was a \$500,000 -- how big is the parcel?

MR. KENT:

Well, if you give me a minute, I can tell you, I have the title report in front of me. It's two-thirds of an acre.

LEG. KENNEDY:

Two-thirds of an acre, five hundred grand. What's it zoned?

MR. KENT:

The zoning is -- it's a commercial zone.

LEG. KENNEDY:

It's a commercial piece of property?

MR. KENT:

Town of Islip.

LEG. KENNEDY:

Okay. Do we know anything about what its prior use was, what may or may not be on the parcel?

MR. KENT:

It was Beefsteak Charlie's. It was a restaurant down on the waterfront in Bay Shore.

LEG. KENNEDY:

Did your client do an environmental assessment, Mr. Young, did he do a Phase I on it?

MR. YOUNG:

Not at this point, no.

LEG. KENNEDY:

No. So we don't know whether or not, what the extent of any kind of environmental --

MR. YOUNG:

Not to my knowledge. Did he do a search?

LEG. KENNEDY:

And how long has it been since he tendered his deposit in the first instance?

MR. YOUNG:

I think it was October? October.

MR. KENT:

It was October 16th, 2007.

LEG. KENNEDY:

So we're coming up on a year. Okay. I'll yield.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

And if this sale does not go through, approximately how much time will pass until the property goes up for auction once again?

MR. KENT:

I would think we -- I would try -- if you terminate this deal right now, I will try to get it on 2008, but I don't know if I'll have time to do a correction deed and try to make these things to make the title appropriate for conveyance, even though I think it's insurable, because what I have today. I'll be glad to distribute these, if anybody's interested in the title report.

LEG. STERN:

All right. Thank you.

MR. KENT:

If not, it would probably be 2009.

P.O. LINDSAY:

Okay. Has everybody had their fill of this Beefsteak Charlie's?

All right. I don't have a motion. Anybody want to make a motion?

LEG. D'AMARO:

I'll offer a motion, Mr. Presiding Officer.

P.O. LINDSAY:

Motion to approve the resolution.

LEG. D'AMARO:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

And seconded by Legislator Romaine. On the question, does anybody want to -- I mean, I should get the motion first. That would have been better. All right. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. BEEDENBENDER:

Abstention.

P.O. LINDSAY:

Okay. We've got --

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

One opposed, one abstention. It stands approved. Okay. That was quick.

MR. YOUNG:

All right. Thank you very much for your time and attention to this.

P.O. LINDSAY:

Mr. Young, okay. I know, I'm going to do the College. I'm going to do the College, but before I do the College, there's one Procedural Motion in the packet approving a partial settlement of the MTBE litigation with Defendant. This is something that was -- that we heard in Executive Session last time, but we need the official resolution approved to finally settle the litigation, and it's time-sensitive. Somebody's going to pick it up tonight. A motion to approve by Legislator Vilorio-Fisher and I'll second it. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We're really jumping around. I'm going to go to the vetoes. They are -- I believe it's in your main folder, but somebody gave me an index, which I think you might be able to follow better, if everybody can see the index of the different vetoes. Everybody has that? What I'm going to do, before I seek a motion, I'm going to ask Ms. Vizzini from Budget Review to go over them, and she might need some help from Mr. Nolan as well. So, Ms. Vizzini, could you give us a synopsis on these?

MS. VIZZINI:

Thank you, Mr. Presiding Officer. I'm very pleased to report that none of the budgetary line items were vetoed by the County Executive. As you recall, we increased revenue by 166,400, which was necessary to apply to the County contribution, an increase of 66,400, to assure that the maintenance of effort was the same this year as the upcoming year. Also, the Welfare to Work Mentoring Program is continued, as is the County Technical Training for employees. And the final available revenue was used to modestly increase fuel for heating. None of those line items were vetoed. However, the County Executive did veto nine Resolved Clauses. And, as typical, the Budget Review Office has prepared for you a line item.

P.O. LINDSAY:

He just can't help himself, you know what I mean?

D.P.O. VILORIA-FISHER:

I'm not saying a word.

MS. VIZZINI:

A line item summary of what those Resolved Clauses are, and this way you can determine how you're going to approach these vetoes. Very briefly, Item 1, Resolved Clause 3 is the typical resolution that is included in many of the County Executive's recommended budgets. It would generally be inconsistent to adopt this resolution within the body of a budget, especially when you have your own resolution to adopt, the Operating Budget.

The remainder of the Resolved Clauses really pertain to schedules that the Budget Review Office and the Omnibus legislation authorized be included in the College Operating Budget. Schedule A clarifies the relationship between the Operating Budget and the General Fund. Particularly, it would clarify the two lines that make up the County contribution and maintenance of effort, assuring more transparency in the presentation, and also assuring that it would be less likely that any kind of error in presentation in terms of maintenance of effort would be repeated.

Schedule B, which is Resolved Clauses 6 and 7, explains the relationship between expenditures and revenue, and identifies where in the budget document you can actually find these items.

And, finally, Schedule C is a clarification of how they reconcile the fund balance, which last year's omnibus authorized the financial officers to meet and reconcile the fund balance with the financial statements.

The other Resolved Clauses recommend that Schedule A and B be continued in the budget presentation. We thought this would be timely in light of the litigation involving the County and the College that we make the budget as transparent and straightforward as possible.

P.O. LINDSAY:

Okay. Does anyone have any questions of Ms. Vizzini or Mr. Nolan about any of the subject matter? Seeing none, do I have a motion on this? Someone want to make a motion?

LEG. ROMAINE:

Motion to override.

LEG. HORSLEY:

Motion to override.

P.O. LINDSAY:

Motion to override as a group?

LEG. ROMAINE:

As a group.

P.O. LINDSAY:

Okay. Do I have a second?

[SECOND SAID IN UNISON BY LEGISLATORS]

Second by Legislator Kennedy. Anymore discussion? All in -- okay. Counsel would like to take a separate vote on it to take it as a group, so I'm going to use your resolution and Legislator Kennedy's --

LEG. ROMAINE:

Same motion for the --

P.O. LINDSAY:

Yes, to make a motion to take them as a group and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

They're in front of us as a group. Same motion, same second. All in --

D.P.O. VILORIA-FISHER:

Separately?

P.O. LINDSAY:

No, we took a vote to take them as a group. Okay? Now we're voting on overriding the whole group.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

They stand overridden. I know it is six o'clock, but I don't see Mr. Like here yet, so I'm going to continue with the -- oh, he's here. Okay, very good.

Mr. Nolan would like us to do one other Procedural Motion. It's in your packet. It's ***Procedural Motion 23 - Authorizing funding for the Community Support Initiatives, Phase VI.***

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. What I'm going to do is I'm going to leave all of you here and the Legislature's going to resume with Mr. Like in -- where the food is to have the Executive Session. So we're going to chase all of the people out of there and the food will be all ours.

LEG. D'AMARO:

Mr. Presiding Officer, please just note my recusal on the record, as per my previously filed statement.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Thank you, Legislator D'Amaro. So I made a motion to go into Executive Session, I need a second. Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We're into Executive Session in the room across the way, the kitchen.

[EXECUTIVE SESSION WAS HELD FROM 6:00 P.M. TO 6:30 P.M.]

Okay. Mr. Clerk, call the roll, and then I'll make a motion to close Executive Session.

D.P.O. VILORIA-FISHER:

Second.

(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:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'm going to make a motion to close the Executive Session.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And we're at 6:30. Yes, Legislator D'Amaro.

LEG. D'AMARO:

Just recuse me on that vote.

P.O. LINDSAY:

Yes. Would you please, Mr. Clerk, note that that was 17, that Legislator D'Amaro is recused on that vote?

MR. LAUBE:

Yes, 17 on the closed for --

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Is there a motion to vote on the Consent Calendar?

P.O. LINDSAY:

No. I think we have to go into the Public at 6:30, we have to go into --

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Yeah, we have to go into Public Hearings at 6:30, that's what they're advertised for. I need the cards on the Public Hearings; if you'd turn to the Public Hearing section of the agenda.

Okay. Public Hearings. The first one up is ***I.R. 1272 - A Local Law to protect children from accidental poisoning by requiring proper storage of toxic chemicals in retail stores.*** We have no cards on that subject. Is there anyone in the audience that would like to speak on that subject? Seeing none, I'll entertain a motion.

LEG. SCHNEIDERMAN:

Recess.

P.O. LINDSAY:

What was that, recess? Legislator Schneiderman makes a motion to recess. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? It stands recessed.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

MR. NOLAN:

That was withdrawn.

P.O. LINDSAY:

Oh, I'm sorry, it was withdrawn, Counsel is telling me. Is that right?

LEG. COOPER:

We ran out of time.

P.O. LINDSAY:

Okay. So there's no public hearing. *I.R. 1358 - A Local Law to reduce the emissions of pollutants from the County's diesel-fueled motor vehicles.* 1358, there's no cards on that subject. Is there anyone in the audience that would like to speak on that subject? Seeing none --

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1499 - A Local Law to require that Probation Department employees use County vehicles while conducting County business. Do we have any cards on that?

MR. NOLAN:

I see no cards.

P.O. LINDSAY:

I don't see any cards on 1499. Is there anyone in the audience that would like to speak on this subject?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1656 - A Charter Law to approve the Capital Budget process. We don't have anybody on 1656? No. Seeing none, I'll make a motion to close. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1657 - A Local Law to require the licensing of sign hangers in Suffolk County. We don't appear to have any cards on 1657. Anybody in the audience want to speak on 1657? Seeing none, I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1669 - A Charter Law to increase the Legislative oversight of RFP Process. 1669?

D.P.O. VILORIA-FISHER:

No, I didn't see any.

P.O. LINDSAY:

No. Anybody in the audience like to speak on 1669? Seeing none --

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Romaine.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

J.R. 1673 - A Local Law to establish a minimum altitude of operations of helicopters. Okay. They're a bit out of order, so I'll take Jim Mooney first. Jim, are you here?

MR. MOONEY:

Mr. Lindsay, could he go up first? Can he go ahead of me?

P.O. LINDSAY:

Were you the gentlemen in front of Mr. Mooney?

MR. BORNEMAN:

In back of him. In front of him?

P.O. LINDSAY:

No, but we're missing a card here.

D.P.O. VILORIA-FISHER:

There's one that doesn't have a name, Art somebody.

P.O. LINDSAY:

Did you sign a card, sir?

MR. BORNEMAN:

Yes.

P.O. LINDSAY:

Come forward, we'll find your card.

D.P.O. VILORIA-FISHER:

Here he is, David. David Berger.

P.O. LINDSAY:

Come over here. Are you David Berger?

MR. BORNEMAN:

No, Peter Borneman.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

David Berger is Number 1.

P.O. LINDSAY:

What is your name again, sir?

MR. BORNEMAN:

Peter Borneman.

P.O. LINDSAY:

Peter Borneman.

D.P.O. VILORIA-FISHER:

He was Number 3.

P.O. LINDSAY:

Okay. Give me that. Go ahead, Peter.

MR. BORNEMAN:

I'm a small business owner on Long Island here. I'm also a Vietnam Veteran. I happen to run a flight school and a maintenance business for helicopters, and this legislation would totally put me out of business, put thirteen of my employees out of work and their families. We operate small helicopters. We fly very neighborly. We do flight training, we do train Police Department's people, we train military people, when they get prepared to go into the Police Department, into military. We've been here for 27 years and we have a good reputation and everybody backs us. We do power line inspection, which is obviously about 100 feet off the ground. On the power lines, we do for Grid, National Grid or LIPA, LILCO, whoever you want to call them this week. We do all emergency work during the bad weather. We have contracts with them to do it. We look for lost dogs, we look for lost boats, lost everything. That's what we do on Long Island, we're doing it for 27 years. This legislation would totally put me out of business.

We don't know who you'd use to enforce these laws, but I don't think you want to use multimillion dollar Police helicopters chasing little helicopters around the sky to see what altitude they are, or have nothing but all-night and all-day-long phone calls from people who think they know what twenty-five hundred feet is. All we're doing is opening up Pandora's box here. We're not -- this is not the way to go. I mean, we are local residents, we pay our taxes, and we've been here for a long time. I do not think the people that are complaining actually know what they're doing here to the local people. I have some notes, but I've got to think about it.

There used to be four helicopter companies here on Long Island, now there's one left. The economics, the way of dealing, and just the plain cost of operation has locked three of them out of business and I'm the only one left. Now, I've been here the longest. They took a very short period of time going in and out of business. It's not an easy operation to do. That was pretty fast for the

time I had.

We do a lot of work during thunderstorms, snowstorms, and bad climate weathers. We're here and the helicopters here that we maintain are the ones that are here, that will be here to help the people during those type of inclement weathers and things. Without them, they'll leave Long Island. Right now, the ones that are most complaining about are people that are not on Long Island, they're not Long Islanders, they come from the other side of the river. There's a handful of people here that are Long Islanders. They have the smaller helicopters, they're not running the bigger helicopters, and we fly neighborly, because they are neighbors. And this legislation would totally put us all out. And if they sold all their helicopters, my maintenance business would be out of business. Basically, that's what I have to say.

P.O. LINDSAY:

Thank you very much, Mr. Borneman. Okay. Now we found some semblance here. David Berger. Hi, David.

MR. BERGER:

Hi.

P.O. LINDSAY:

I'm sorry about the -- you were the first speaker. The cards got shuffled a little. Go ahead.

MR. BERGER:

That's okay, it makes no difference. First off, I want to welcome you all back here to the Culinary Arts Facility. We're very happy to have you here and host you here today. I'm speaking, though, today as a Southold Town Trustee. And I want to thank Legislator Romaine, and I'm urging you to support this legislation.

This has become a quality of life issue out on the East End, and believe me, I am not looking to harm the local businessman, like the gentlemen who just spoke. This is specifically to address the commercial aviation helicopters that are flying over the East End of Long Island. There were attempts made at the Federal level last year to try to take care of this matter. An agreement was reached. My understanding is an agreement was reached that Senator Schumer was involved in to try to address this issue. The helicopter industry did not -- the commercial helicopter industry did not honor that agreement. They have not honored that agreement. They do not answer the phone in East Hampton when calls are made. They realize that they can do what they want, because the FAA allows them to fly at this level.

It has affected the quality of life on the East End of Long Island. I can tell you that personally, since I live in Cutchogue. I know I wake up -- yesterday morning, or excuse me, Monday morning at 6:30 in the morning, there went the first few helicopters out of East Hampton right over my place waking me up in the morning. They have to establish a flight pattern that takes them out over the Sound or over the ocean. It's very easy to do. It's not economically favorable for them to do, because it's going to cost more in fuel to circle out around Gardner's Island, go out around Plum Island and come down the Sound. It's going to cost them more in fuel. But, as far as quality of life on the East End, that is something we need to support. And I hope this Legislature will support some type of action to help force this at the Federal level, because the good-hand agreement did not work with this industry. It's time now for elected officials to step up and take action. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Berger. Jim Mooney. The next speaker is Michelle DelGiorno, if you could be ready, Michelle. Jim, do you want to sit down and give your testimony and it would be more comfortable?

MR. MOONEY:

No, that's okay.

P.O. LINDSAY:

Okay.

MR. MOONEY:

I need the exercise. Yeah, my name is Jim Mooney. I appreciate you having me here to speak. I've been doing aerial photos over Suffolk County for the past 54 years, and we are neighborly, friendly. We don't fly low. We have certain altitudes that we tell my pilots to fly, nothing lower than 500 feet, and nothing slower than 50 miles an hour. We usually go -- we have Google maps. I find out where the place is. We can come in at fifteen hundred feet as to where we're going to be, then we come down low and we do one circle around the site. It's usually -- if it's three minutes, that's a lot. And the Robinson helicopter makes about as much noise as a Honda with a busted muffler. And it's -- we're just neighborly, friendly, and we're just trying to do the job right. And Suffolk Life used all my stuff for many, many years until they stopped.

And I'm also here to tell you, except it would put me out of business if I couldn't fly that way, the altitude, the twenty-five hundred feet is nice, but it's not what I could do for photos. If somebody wants a picture of a house, sure. The zoom lens out and we come down to a thousand feet, that's good, but twenty-five hundred feet is totally out of the question for me. If you have any questions or anything, I'll try to answer them.

P.O. LINDSAY:

Anybody got any questions of Mr. Mooney? Thank you very much, Mr. Mooney.

MR. MOONEY:

Okay.

P.O. LINDSAY:

Michelle, followed by Gary Dow.

MS. DELGIORNO:

My name is Michelle DelGiorno, I live in Setauket, New York. The past couple of months have been absolutely atrocious starting on Thursday nights. It sounds like we're being invaded, starting at 6:30 in the morning, Monday night, 12:30 at night. And it's not just the helicopters. They fly right next to the seaplanes and the propeller planes, and so, like I say, it sounds like we're at war. It's unbelievable.

I have lived in Setauket for 23 years. I have never had a problem like this. I can't enjoy my house. I didn't move by an airport on purpose. I didn't pay the money I paid for my house to have this kind of traffic over my residence. I want to enjoy my life. It's the quality of life. I get up early, yes, but not at 6:30 to thundering noises and my windows vibrating.

I called the FAA. I wrote to every official that I could on Long Island, and I wrote to Mr. Bishop and Mr. Schumer. I spoke to someone at the FAA last week, I finally got a hold of someone. They wanted me to take registration numbers off the airplanes. Come on now, I mean, that's absolutely ridiculous. I said, "You want to come stand by my house? I'd be happy to give you coffee while you stand outside my house." I like to garden out in my garden. I can't do that this summer. It's really, really sad.

And I would really like you guys to support this legislation and do whatever you can to make sure that they're flying over the Sound. I know they're trying to -- I don't know why all of a sudden the flight path is by my house, and I asked the FAA, you know. They told me they fly by visual flight plans. They don't have to put in a flight plan. And I guess now the shortest distance to where they have to go so they're saving money is over my house. So, please, support this legislation.

P.O. LINDSAY:

Thank you, Michelle.

(Applause)

Gary Dow, followed by Mike Navarra.

MR. DOW:

Good evening. I'm Gary Dow. I'm a resident of Cutchogue in a home where I get the majority of traffic coming over my house. By and far, the majority of helicopters come over above twenty-five hundred feet now. Occasionally, there's a few low-fliers. That's the major issue, the ones that occasionally come in VFR that are flying low, but the majority by and far are flying above twenty-five hundred feet.

I'm an owner/operator. I know what the altitudes that they're flying at. I use the helicopter for my own personal use and I use it for real estate. I work for Prudential Douglas Elliman, Southold Office, and the helicopters here are needed for aerial photos for the listings of the homes for basically every real estate company, not only on Long Island, but on the North Fork. Over 70% of the homes use aerial photos for their advertising. And, if we didn't have the aerial photos, the market is bad enough the way it is for the real estate, we would not be able to have the aerial photos and do the advertising for their homes. So it's a must to fly at lower altitudes and take the aerial photos. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Dow. Mike Navarra, followed by Daniel Terry.

MR. NAVARRA:

Hello. My name is Mike Navarra. I've been a North Fork resident for 28 years. I own a home in Mattituck and a business in Cutchogue, both of which are in flight paths of helicopters. My wife and myself work hard all day and all week long, come home on Friday afternoon and try to enjoy ourselves on our porch, and we listen to nothing but helicopter after helicopter after helicopter all night long while we sit there and try to relax. Our conversations are interrupted because of the noise, the low-flying. I've personally videotaped these helicopters flying extremely low.

The problem needs to be addressed by our government with strict laws, regulating flight paths, mandatory altitudes, no matter what the weather. It's been very cloudy this summer and these helicopter pilots feel that they can fly at whatever altitude that they feel is necessary, but it disrupts everybody else on the ground. It's time we start regulating this unregulated industry for the better of all of us living within the flight paths. It's time to pass legislation to stop the constant and excessive noise over the peaceful North Fork and other communities. What good is it to preserve all this land if we just pollute the skies with helicopter noise? Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Navarra. Daniel Terry, followed by Kevin Ward.

MR. TERRY:

Good evening. I want to thank you for the opportunity to speak tonight on this important matter. My name is Daniel Terry. I am a lifelong native of the North Fork. I currently live in Cutchogue with my wife and two young daughters. Our home on Highland Road is directly under the path of the

helicopter traffic, which travels to and from The Hamptons.

I was puzzled and dismayed to learn that the noisy low-flying helicopters are not breaking any FAA regulations. My eight year old has more regulations riding her bike than a jet-powered helicopter seems to. It just seems incredible to me that, in these days of densely populated neighborhoods, environmental correctness and Homeland Security, that this industry is left to regulate itself. It just doesn't make sense.

We have seen a huge increase in helicopter traffic and associated noise in the past two years. We understand that this change is due to East Hampton Airport's rerouting them away from the ocean approach that they used to use, due to their noise complaints, to a northerly approach, which impacts us. If the East Hampton Town Officials, airport management and helicopter companies didn't know that they would be bothering us with this change in the beginning, they certainly know it now, and yet they continue to thumb their nose at us and disrupt our lives for their convenience and profit, this, even after this winter's meeting at which the helicopter industry promised to voluntarily police themselves.

As the other gentleman mentioned, ask anyone on the North Fork and they will tell you that the helicopter traffic is as bad or worse this summer than it was last summer. They have used this so-called plan and the industry spokesman to stall for yet another season. They have played us all for fools. They cannot be trusted, and, sadly, we cannot count on our Hampton neighbors to do the right thing either. It is clear that the only thing that will get their attention is enforced regulation with stiff fines. We, the thousands of taxpaying voting residents of the North Fork, have had enough and strongly urge all of our representatives -- excuse me -- to adopt legislation to regulate this careless industry and return peace and quiet to our lives. We deserve that much. Thank you very much.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Terry. Kevin Ward, followed by Robert Grotell.

MR. WARD:

Good evening. I'm Kevin Ward. I'm President of the Shoreham Civic Organization, but tonight I'm here speaking just as a resident of Shoreham.

When I left Queens several -- nine years ago, so I moved out to Suffolk County full time, I left the skies around LaGuardia Airport and the noise and thought I was going to live in peace and quiet. Over the past few years, the helicopter traffic has been a quality of life issue. It has been increasingly getting worse. Over the past winter, when Senator Schumer and Congressman Bishop and all looked like they were going to make a gentlemen's agreement with the Helicopter Association, we thought there was hope. And maybe at the beginning of the summer you could see some improvement, it didn't seem like it was going to be quite as bad. Yes, there were a few mavericks who happened to want to ruin it for all. But the thing is, as the summer progressed, and I guess as they realized there was no real penalty happening, you can see weekend by weekend, it's just getting worse and has returned to basically what has been in the past. It starts on Thursday night and continues Friday, picks up again on Sunday, and, as one gentleman said, even as early as 6:30 in the morning on Monday morning for those you want to leave, you know, extend the weekend, it starts. It's time to put a stop to it.

We're not looking to hurt the businesses, the local merchants who do have helicopter services who are doing honest work and trying to be good neighbors. These are -- this is just, you know, for the benefit of those who live in the Hamptons who do not want to sit on the Expressway and looking to be -- the most convenient way to get to their vacation homes. They're impacting us on the North Shore, and since they have not fully complied voluntarily, I feel it is time that some governmental and Legislature -- Legislative action is essential to try to force compliance. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Ward. Robert Grotell, followed by Donald Kirby.

MR. GROTELL:

Yes. Hi. Good evening. My name is Robert Grotell. I'm the Special Advisor to the Eastern Region Helicopter Council. I have prepared testimony which I'd like to distribute; okay? That's the way to do it. Great.

Thank you very much for the opportunity be here this evening. I'm not going to read the testimony, because I think it's important just to try to address some of the comments that I've heard this evening, and these comments are not new. I mean, the industry has worked very, very hard and -- to try to improve the situation this year, and our statistics, which we use very, very specifically, show that we have made improvement.

This all dates back to last year. And those who spoke before did mention Senator Schumer. He was instrumental in bringing together the industry, the FAA, sitting down at the table trying to address issues that were raised to his office, as well as Congressman Bishop. We sat down around the table and we looked at the helicopter route chart that the FAA publishes, and is there or was there any opportunities to provide very much needed mitigation to a lot of the communities up on the North Shore, in the center of the Island, the North Fork, the South Fork. What we did was try to standardize a route that was already used, the North Shore route, and put that route on the map. Now the map is not a regulation, the map is a suggested recommended document that has routes all over Long Island. There's a South Shore route that's about a mile to a mile-and-a-half out over the Atlantic Ocean, and our thought was, as well as everyone else around the table, well, let's establish a similar route over the North Shore out over the Sound, a mile to a mile-and-a-half out. Now, unfortunately, the route, the agreement has been misrepresented in the media by certain elected officials. It's not that all the traffic was going to go out over the water. It is not a safe -- it's not a safe procedure to do so. The larger aircraft, the Sikorsky 76 and Bell 430s, that's -- those are the aircraft that this route was designed for, and our statistics show that they are using it, not everybody. Again, it's not a regulation, but the majority of aircraft are trying to fly neighborly, are trying to do the right thing.

We, as the industry, have done everything possible to try to make this season better than last. That was our goal, that's the agreement's goal is to try to collect data. The Helicopter Council has established a toll-free number, and I do know some of these names, because I'm the one who gets all the calls. We record them, we are tracking them, we map them, we know the areas that are being affected, and what we're trying to do is use that data to now modify the plan as we move forward. This legislation is not the way to do that.

Our statistics show, for example, just July 4th, I did a very detailed analysis of all the helicopter activity over Long Island using publicly available radar data, and it showed the average altitude over that July 4th weekend, which is a peak weakened, just like Memorial Day, just like Labor Day will be, was twenty-seven hundred feet, and the majority of those aircraft were out over the Sound, so -- but the issue is that this legislation, as I said before, is not the way to go. It falls outside your jurisdiction as a governmental entity. Only the FAA has jurisdiction for the National Air Space System. You are preempted by the FAA from implementing such an act. We testified similarly last year, last October, in Southold Township. Now, it doesn't mean that there are not alternatives. We are here to work with everyone behind me and in front of me to try to address this issue. Can we make improvements? And the answer is yes.

What we found, and it doesn't take rocket science here, is that by concentrating everyone up on the North Shore, over the North Shore, over the North Fork, there were going to be increased effects. Now, the South Shore has received significant improvement. What we would like to do --

AUDIENCE MEMBER:

No, duh.

MR. GROTELL:

Well, this is a fact.

AUDIENCE MEMBER:

Yeah.

MR. GROTELL:

Right, but --

AUDIENCE MEMBER:

We got all the traffic.

P.O. LINDSAY:

All right, all right, all right.

MR. GROTELL:

Right. But what I'm pointing out is this -- by concentrating -- this is not the way that we, the industry, want to proceed. The only solution is an equitable solution. And by putting all the activity up over the North Shore, that's not the way to go. What it requires, however, is that the FAA needs to work with us, and we are in discussions with them. It goes all the way back to Kennedy Airport. There's an efficiency issue. Is that my time? Okay, I apologize. But --

P.O. LINDSAY:

That's okay, Mr. Grotell, because I wanted to ask you something and I --

MR. GROTELL:

Okay.

P.O. LINDSAY:

I don't really know anything about this issue. And I'd like to point out to you, yeah, we probably are preempted from these regulations, but that's never stopped this Legislature in the past.

(Applause)

Okay. I'm not looking for applause. The destination point for these helicopters --

MR. GROTELL:

Right.

P.O. LINDSAY:

-- is the East Hampton Airport, most of them?

MR. GROTELL:

Most of them, yes.

P.O. LINDSAY:

Okay.

MR. GROTELL:

Now, there are three basic destinations in the East End that the aircraft are going to. The first most common destination is East Hampton Airport, second is Gabreski, and third is the Southampton Heliport down on the beach.

P.O. LINDSAY:

But -- so they're more or less all going to the South Fork.

MR. GROTELL:

Yes. Well, you know, Gabreski is not on the --

AUDIENCE MEMBER:

That's the South Fork.

MR. GROTELL:

Yeah, I guess it is.

P.O. LINDSAY:

It's the South Fork.

MR. GROTELL:

Yes.

P.O. LINDSAY:

Yeah. But my point is, and prior to this year, they used to fly out over the Atlantic Ocean along the South Shore?

MR. GROTELL:

No. What it was, that there are many routes over Long Island and these are suggested routes. Helicopters have the ability, as long as they're operating in a safe and efficient manner, to fly in various routes. The FAA suggested routes, there's a South Shore route and now there's a North Shore route.

P.O. LINDSAY:

So the North Shore route is new.

MR. GROTELL:

It was just established in May.

P.O. LINDSAY:

Okay. Let me just point out something to you. I've got about 40 cards here. I would suggest that your new route isn't working.

(Applause)

You know, for this many people to show up at a hearing on a bill is highly unusual --

MR. GROTELL:

Right.

P.O. LINDSAY:

-- so you've got to be doing something wrong.

MR. GROTELL:

Right, right. And --

P.O. LINDSAY:

You've got to be doing something wrong.

MR. GROTELL:

The intention was a good one. The goal was to move --

P.O. LINDSAY:

I'm sure. I'm sure intentions were good.

MR. GROTELL:

-- was to move the aircraft out over the water and at higher altitude.

P.O. LINDSAY:

But it ain't working, it ain't working.

MR. GROTELL:

What I have suggested, as I said before, was to try to -- we need to vary the routes, and we need to get better access to the South Shore, if that is in the pilot's best interest to use that route. Now, there are many pilots that want to use the South Shore route, but, again, the efficiency issue, and again, it goes back to Kennedy Airport and the airspace around Kennedy, that issue has to be resolved. We've talked to Senator Schumer about it, Congressman Bishop, and are working with the FAA. And the goal is to vary the routes, and by varying the routes, we'll provide relief. It will be a more equitable solution for all, and that's what we would like.

P.O. LINDSAY:

I think it's time to go back to the drawing board.

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Yeah. Legislator Viloría-Fisher wants to comment.

D.P.O. VILORIA-FISHER:

Good afternoon, Mr. Grotell.

MR. GROTELL:

Hi.

D.P.O. VILORIA-FISHER:

I see that you and I are neighbors. I'm at 306 Main Street.

MR. GROTELL:

I'm up the block.

D.P.O. VILORIA-FISHER:

And the number of people that we are seeing here this evening doesn't come close to representing the number of people certainly in my district who have called me about this problem. In fact, Senator Schumer had come to my District Community Meeting a couple of years ago because of this very issue. And the representation that I'm getting from the people in my community is that the helicopters are flying very low. I have been to people's homes where they are very low. And so perhaps we can sit down and look at some of the statistics that you have, and look at the number of helicopters that are not flying at the given altitude and that are not flying over the water. And we have a problem with areas at Strongs Neck, which its a neck, it juts out --

MR. GROTELL:

Right, right.

D.P.O. VILORIA-FISHER:

-- into the Sound, but it's very problematic for these people. It's flying -- they're flying low and it's a quality of life issue. So I want to sit down with you and talk about this.

MR. GROTELL:

I'd be very happy to do so.

D.P.O. VILORIA-FISHER:

And I want to continue the conversation with Senator Schumer, because I don't believe that it should be voluntary, I believe we need the regulations.

MR. GROTELL:

Well, I can tell you that the --

(Applause)

The Airport at East Hampton has a technology that they're able to track the aircraft, it's called AirScene. And what AirScene does, it's not exactly radar, but it has the same sort of output as radar. You can track the route of the aircraft, as well as the altitude. And every week during the summer season, pursuant to the agreement that we have with East Hampton, with Gabreski and with the Senator, is we get a statistical report on how we're doing. Now, route-wise, we are doing very, very well. It's 85 to 90% compliance, pursuant to East Hampton's voluntary noise abatement procedures. The Airport developed a specific series of approaches and departures and we are following them. We are doing what we've been asked to do.

D.P.O. VILORIA-FISHER:

But what about the center part of the route. You're talking about approaches and departures.

MR. GROTELL:

Right.

D.P.O. VILORIA-FISHER:

But the flyover, the areas it's flying over --

MR. GROTELL:

Well, the issue is --

D.P.O. VILORIA-FISHER:

Is it also identifying where the -- where the aircraft is flying?

MR. GROTELL:

Well, East Hampton's technology can extend out about seven miles from the airport, but again --

D.P.O. VILORIA-FISHER:

But our problem is about --

MR. GROTELL:

No. I understand, I understand. But, see, the aircraft are going to a destination. They're hooking up into East Hampton's noise abatement procedures, those specific flight paths. That's what that airport is tracking.

D.P.O. VILORIA-FISHER:

Okay.

MR. GROTELL:

What we, or the Council is using their data, and we're also tracking our own data using publicly available radar data to see how we're doing. And our analysis shows that we are doing well pursuant to the agreement. I know it's not what everyone wants to hear, because there is room for

improvement, I'm not denying that.

D.P.O. VILORIA-FISHER:

But my question to you is this, because you're saying that the data is being tracked at East Hampton --

MR. GROTELL:

At East Hampton.

D.P.O. VILORIA-FISHER:

Which only goes out seven miles.

MR. GROTELL:

Correct.

D.P.O. VILORIA-FISHER:

Where can and how can we track the data, maintain data for Setauket, for Strongs Neck, for Oldfield?

MR. GROTELL:

Right. The --

D.P.O. VILORIA-FISHER:

From MacArthur? Could that be done from MacArthur?

MR. GROTELL:

Well, it's not actually MacArthur. The radar facility is at Kennedy Airport and it extends out to about Miller Place. Now, unfortunately, there's a gap. I cannot see, radar-wise, from Miller Place out to the North Fork. But, what I did, as the Helicopter Council, is I went out to people's homes out on the North Fork in the month of July, I went to Baiting Hollow, I went to Mattituck, I went to a few other places and observed. I've been doing this for many, many years. I can tell, basically -- it's very difficult, as was said before, to tell what the altitude is of an aircraft. I have a general idea of what it is. But what I found was, of all the helicopters, it's actually 100% of the helicopters that I observed, and the pilots had no idea that I was going out on these days, was they were in compliance with the agreement. Now the issue is, is there any opportunities to modify the agreement to make it better and to provide additional relief? We think there is and that's the direction that we would like to go, not to be regulated and legislated, but to continue the progress that we've made. The program is only two-and-a-half months old and we think that we've made significant progress in those two-and-a-half months.

D.P.O. VILORIA-FISHER:

Okay. But I will be giving you a call so that we can sit down --

MR. GROTELL:

Okay, I'd be happy to.

D.P.O. VILORIA-FISHER:

-- and deal with some of the issues in my District.

MR. GROTELL:

Okay. Thank you.

P.O. LINDSAY:

Wait a minute, don't -- Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Hi.

MR. GROTELL:

Hello.

LEG. D'AMARO:

Who do you represent again? I'm sorry.

MR. GROTELL:

The Eastern Region Helicopter Council. We're the largest helicopter trade organization in the area. We've been around since the late '70's.

LEG. D'AMARO:

Okay. Now, you mentioned a new airway.

MR. GROTELL:

Yes.

LEG. D'AMARO:

Where is that airway?

MR. GROTELL:

Okay. There's a new suggested recommended flight path for helicopters that basically starts at the south stanchion of the Throgs Neck Bridge and goes to -- there's a lighthouse off of Sands Point. It's about a mile, a mile-and-a-half off shore. That route extends all the way out to Orient Point, a mile to a mile-and-a-half out over the water.

LEG. D'AMARO:

But that's a recommended --

MR. GROTELL:

That's a recommended route. It's on the --

LEG. D'AMARO:

Who recommended that?

MR. GROTELL:

It's on the FAA -- it's on the published FAA helicopter route chart for the New York area.

LEG. D'AMARO:

Okay. So that's a recommended airway?

MR. GROTELL:

Yes.

LEG. D'AMARO:

For a visual flight?

MR. GROTELL:

Yes. And the issue is, at some point, depending on the destination, you're going to have to veer off of that route --

LEG. D'AMARO:

Right.

MR. GROTELL:

And fly over land to get to your -- you know, your airport or heliport.

LEG. D'AMARO:

And that's my question. Even assuming you took the recommended airway, when you veer off to come into wherever -- whatever airport you're going into, whatever area you're going into, what is the type air space that you're going into there?

MR. GROTELL:

It's Class G.

LEG. D'AMARO:

G, so it's uncontrolled.

MR. GROTELL:

Uncontrolled.

LEG. D'AMARO:

With a minimum altitude of 500.

MR. GROTELL:

Well, the route, the minimum altitude of the suggested helicopter route is twenty-five hundred feet. So, therefore, as they transition over the North Fork, for example, they should still be at twenty-five hundred feet. The check point, the altitude check point, and there's only one on East Hampton's approach procedure, is above the ferry and between North Haven and Shelter Island. Right at South Ferry, they should be at twenty-five hundred feet. And the compliance --

LEG. D'AMARO:

Well, the flight path -- the recommended airway has no binding effect on the helicopter pilots.

MR. GROTELL:

Right. It's a suggested recommended route and compliance is very high.

LEG. D'AMARO:

Right. And if you're flying --

MR. GROTELL:

-- and compliance is very high.

LEG. D'AMARO:

Well, your compliance is -- how do you know the compliance is high?

MR. GROTELL:

The compliance is high based on the analysis of the publicly available radar data. I mean, it's on a website. I'd be happy to point everyone --

LEG. D'AMARO:

All right. So the radar --

MR. GROTELL:

-- to that website.

LEG. D'AMARO:

You get targets.

MR. GROTELL:

Yes.

LEG. D'AMARO:

You don't necessarily identify what helicopter --

MR. GROTELL:

If a helicopter's transponder is broadcasting its identifier --

LEG. D'AMARO:

Right.

MR. GROTELL:

-- its N number is there.

LEG. D'AMARO:

Right, which they're all required to do at some point.

MR. GROTELL:

Not all of them, but most have it.

LEG. D'AMARO:

Right. Okay. So, when you transition off the suggested flight path into the G airspace --

MR. GROTELL:

Right.

LEG. D'AMARO:

-- have you observed what happens then?

MR. GROTELL:

Well, I don't have the ability with the radar data to see that, but that's where the East Hampton picks up.

LEG. D'AMARO:

Okay.

MR. GROTELL:

And we know, compliance-wise, that at that one point over the South Ferry, between Shelter Island and North Haven, the altitude compliance is not as good as the route compliance, we know that. There's -- we are making progress. It's up to 70% now. It started much, much lower. We are making progress as the Summer advances and -- but we know that it's about 70% of all helicopter traffic on that approach. And the gentleman was correct, the approach is from the north into East Hampton from that point. The route actually starts over Peconic Bay and it travels in a west -- I'm sorry, an easterly direction over that ferry point, then heads down over the water, over Northwest Creek into the airport. The airport established that as its preferred noise abatement procedure for East Hampton. The departure doesn't do that. The departure follows the power lines west out over the Bay. And, again, at some point, they're going to transition over the North Fork, if they're using the North Shore route. Hopefully, they're up at twenty-five hundred feet and then they head back in.

Now we do know -- but I have to say this, and I do appreciate the time that you're extending me. And a gentleman was correct what he said. This is a good-weather route only. If the cloud ceiling is lower, let's say the cloud ceiling is fifteen hundred feet, that aircraft is not going to be at twenty-five hundred feet, it might be at fourteen hundred feet. And, as we all know, when it's cloudy cover, when there's a cloud cove, when there's a ceiling, the sound tends to bounce off the clouds and it

appears louder. For those of you who live near bodies of water, you also know this, the sound is reflecting off the water's surface and it appears louder than it actually is. There's nothing to absorb that sound.

LEG. D'AMARO:

Well, let me suggest, and I don't want to take a lot of time --

MR. GROTELL:

Sure.

LEG. D'AMARO:

-- it's going to be a long night on this, but I would say at least 50% of the time you're going to have a lower ceiling than the twenty-five hundred feet.

MR. GROTELL:

Our numbers are about 40, but it's about -- I mean, you are correct.

LEG. D'AMARO:

Right.

MR. GROTELL:

And this discussion took place.

LEG. D'AMARO:

So we have a nonbinding air route, and then we also have weather that factors into the altitude that a visual --

MR. GROTELL:

Correct.

LEG. D'AMARO:

-- helicopter is going to fly.

MR. GROTELL:

And all these discussions took place with the Senator, with the Congressman.

LEG. D'AMARO:

Right.

MR. GROTELL:

Everyone understood what the capabilities were of this agreement and what the commitment was of the industry. And, again, we are -- as an industry, we are doing what was asked of us. Is there room for improvement? Yes. Do we want to work with you and communities and everyone who has been calling us? Yes.

LEG. D'AMARO:

All right. Just one more question. The route that you described, then, coming from the City, is that -- is that over land or water?

MR. GROTELL:

The new North Shore route is all over water. It's a mile to a mile-and-a-half out --

[NEGATIVE RESPONSE FROM AUDIENCE MEMBERS]

The route as published is -- as published --

P.O. LINDSAY:

Okay, come on.

MR. GROTELL:

As published, it is out over the water.

LEG. D'AMARO:

Right.

MR. GROTELL:

Not all aircraft are going to be using it, only the larger twin engine helicopters are able to use that.

LEG. D'AMARO:

It's not safe.

MR. GROTELL:

It's a safety issue.

LEG. D'AMARO:

Right.

MR. GROTELL:

That the smaller single aircraft are going to be operating closer to shore, if not over the land, but still at the twenty-five hundred foot altitude.

LEG. D'AMARO:

All right. And just one more, one more quick question.

MR. GROTELL:

Sure.

LEG. D'AMARO:

In the discussions at -- with the Senator and at other levels, was there any discussion about temporary flight restrictions perhaps during the summer months, or something like that --

MR. GROTELL:

No.

LEG. D'AMARO:

-- when the traffic is heaviest?

MR. GROTELL:

No.

LEG. D'AMARO:

Nothing like that. So that was never carried back to the FAA?

MR. GROTELL:

No, and that's -- I mean, obviously, the industry would not support anything like that.

LEG. D'AMARO:

Right, okay. All right.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, thank you for your willingness to work with people. I'm certainly going to take you up on that. Obviously, I was privy to all those discussions with the Senator, and the Congressman, and the Town of Southold. And I think the Presiding Officer made a very good point, which is whatever the agreement is, whatever the story is, it ain't working. I have here 600 signatures that was gathered here in a four-hour period outside the King Kullen in Cutchogue. So, if that tells me anything, it's obvious that whatever agreements you're working on, it's not working.

Let me ask you a couple of questions about the helicopter flight. And, first of all, my bill was drafted, the twenty-five hundred feet, not to hurt the local guys. And we'll be meeting with them, probably amending the bill to address their concerns so that is not affected. But let's talk a little bit about the FAA.

The airspace over Long Island has to be one of the busiest in the United States. Does the FAA have any regulated flight plans for helicopters, yes or no?

MR. GROTELL:

The entire airspace is regulated by the FAA. There are very specific areas around Kennedy, around LaGuardia that extend out upwards of 20 miles. There's a very specific area that's wrapped around Islip that extends out, I believe, seven to ten -- it's actually 14 miles. I apologize. And the in-between, it is known as Class G, what Class -- it is fully regulated, it's just that air traffic control services are not provided.

LEG. ROMAINE:

Are helicopters required to file flight plans in this busy airspace by the FAA?

MR. GROTELL:

If they are traveling through the Class B airspace of Kennedy, LaGuardia, Islip --

LEG. ROMAINE:

Over the North Fork?

MR. GROTELL:

Over the North Fork, no.

LEG. ROMAINE:

And North Shore.

MR. GROTELL:

No, because that is a Class G area.

LEG. ROMAINE:

Over the North Fork and North Shore, are they required by the FAA to maintain any minimum altitude?

MR. GROTELL:

As they pass by the Islip area --

LEG. ROMAINE:

Over North Fork or North Shore.

MR. GROTELL:

Is there a minimum altitude?

LEG. ROMAINE:

Yes, that they are required by FAA.

MR. GROTELL:

The FAA rules and regs -- and I should say, I am not a pilot.

LEG. ROMAINE:

Right. I understand.

MR. GROTELL:

So, if I misspeak --

LEG. ROMAINE:

We've met before, so --

MR. GROTELL:

Yeah. The FAA rules and regs for helicopter minimum altitudes are very different than that of fixed wing. And a helicopter can basically, and I say basically, operate at an altitude where the pilot in command in an emergency situation can make a safe emergency landing. That's basically the minimum altitude.

LEG. ROMAINE:

Thank you.

MR. GROTELL:

There's no number.

LEG. ROMAINE:

My legislation exempts emergencies, weather conditions, things of that nature, for helicopter pilots. But my understanding is that there is no minimum altitude requirement imposed on helicopter operators, regardless of conditions at all by the FAA; is that correct?

LEG. D'AMARO:

No.

MR. GROTELL:

My answer is I don't think so. I can definitely get back to you with more of a specific answer.

LEG. ROMAINE:

Okay, because I have different information that says --

MR. GROTELL:

Okay.

LEG. ROMAINE:

-- in fact, they are unregulated. They are not required to file a flight plan.

MR. GROTELL:

Well, that is correct.

LEG. ROMAINE:

They are not required to follow any suggested routes at all. And, obviously, we have a problem here, and this is a problem that I'm sure the industry will want to address. Now --

MR. GROTELL:

That's why I'm here.

LEG. ROMAINE:

There is a preemption, but, as the Presiding Officer has said, this Legislature has taken other issues up. And we usually allow the courts to make that decision, not Federal agencies. So here we are.

May I ask one last question? We know the three airports, it's Gabreski, it's the Southampton Heliport, and it's East Hampton. On the East Hampton Heliport, what happened to the ocean route over Georgica Pond to East Hampton Airport, as opposed to over the North Fork?

(Applause)

MR. GROTELL:

Well, the route is published. It is part of the noise abatement procedure that the airport has published, and there is --

LEG. ROMAINE:

And don't fly here, fly there.

MR. GROTELL:

Well, I mean, but the issue is there are two approaches into the airport, one from the north, one from the south over Georgica Pond, and the majority of the pilots choose to use the north approach. The south -- the Georgica Pond route still exists, and it is on their noise abatement procedure description.

LEG. ROMAINE:

Well, thank you very much.

MR. GROTELL:

Thank you.

LEG. ROMAINE:

I look forward to working with you.

P.O. LINDSAY:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I'm glad --

P.O. LINDSAY:

And before you go, Legislator Losquadro, all the people on the right --

LEG. LOSQUADRO:

I will be very brief.

P.O. LINDSAY:

There's seats over here. If you'd like to have a seat or more room, just feel free.

LEG. LOSQUADRO:

I'll say I was present at the meeting at the Town of Brookhaven where this issue was discussed. I had a stained glass suncatcher on my window. I live in North Shoreham, not in the Village, so I'm not -- I'm north of North Country Road, but I'm not that close to the water. And, actually, I had to take it off my kitchen window because of the rattling from when the helicopters went by was so irritating that it literally vibrated against the glass.

MR. GROTELL:

Right.

LEG. LOSQUADRO:

And that has not stopped.

MR. GROTELL:

Well, I can tell you, as the recipient and the repository of the complaints that are filed on the Eastern Region Helicopter toll-free hotline, we've mapped those complaints. We know where the complaints are coming from. The majority of the complaints are north of 25A, and it's basically in a cluster from Commack to Shoreham, and a little bit east of Shoreham, and then out over the North Fork, the Mattituck area, Southold, Cutchogue. We know where the areas are.

LEG. LOSQUADRO:

I have a couple of questions for you.

MR. GROTELL:

Sure.

LEG. LOSQUADRO:

I know you know where the areas are, but, so far, I haven't seen anything's done to rectify it, because I live there. You say that your accurate radar coverage ends at approximately Miller Place.

MR. GROTELL:

Right.

LEG. LOSQUADRO:

So, from Sound Beach, Rocky Point, Shoreham, Wading River, that whole area along the North Shore before they transition south, you don't have accurate radar coverage for.

MR. GROTELL:

I can't see that activity.

LEG. LOSQUADRO:

Now, there's one word that stuck out to me in this -- in the conversation. You talked about publicly available radar data.

MR. GROTELL:

Right.

LEG. LOSQUADRO:

You were very specific to use that term. Well, we have a United States Senator, a United States Congressman involved here. Is there any non-publicly available radar data that they could have access to?

MR. GROTELL:

It's possible there is. We, as a Helicopter Council, are a volunteer organization and we don't have access. All we have access to is publicly available data and that's why I said it that way.

LEG. LOSQUADRO:

Well, in working with the Senator's Office and with the Congressman's Office, I would suggest that you request from them perhaps, not to look at any classified information, but to have them access that information and maybe give to you information that you don't currently have that could show you potentially that the pilots that are part of your association are not living up to the standard that you think they are, because I can tell you from personal experience, it's a very serious problem that has not yet been addressed.

The one-and-a-half miles out over the water, I understand we had that discussion during that meeting at the Town of Brookhaven with the one versus two-engine craft. But, regardless of whether or not they're closer to shore or over land, they should be at twenty-five hundred feet. And

we discussed what the sound impact would be if they were flying at that altitude, and even on clear days. I personally am seeing a far more significant impact than what we discussed should be the case if they are flying at that recommended altitude. So, again, I can tell you that problem exists.

You said there's room for improvement. I think there is room for significant improvement here. And my suggestion to you would be, since we are working with Federal agencies here, perhaps there is data that you don't currently have access to that our Federal delegation, who have been so quick to say they want to solve this problem, yet leave us on a local level here trying to sort this out, could perhaps provide the information that would show that this problem is far more widespread than perhaps even you're aware of as a representative for this organization.

MR. GROTELL:

Well, I would agree. And if there's any assistance you can help us with in doing that, I'd welcome it.

LEG. LOSQUADRO:

I'll certainly -- looking at those comments, I will certainly be contacting our Federal Delegation to request that information.

MR. GROTELL:

Very good. Thank you.

P.O. LINDSAY:

Okay. Legislator Alden. I have Alden, Browning, Beedenbender. I don't mean to slow anybody down, but this is card 10 of 34.

LEG. BROWNING:

I was going to say -- well, no. Legislator D'Amaro actually asked a question that I was going to ask, so you can take my name off.

P.O. LINDSAY:

Oh. Thank you, Legislator Browning.

LEG. ALDEN:

I'm going to be real quick.

P.O. LINDSAY:

Legislator Alden is going to be quick.

LEG. ALDEN:

Thursday, approximately how many flights?

MR. GROTELL:

I'm sorry.

LEG. ALDEN:

On a Thursday, typical Thursday, how many flights?

MR. GROTELL:

Well, I can tell you, I don't have the numbers, but they -- the peak day --

LEG. ALDEN:

A guess, a guess. Thursday or Friday, guess.

MR. GROTELL:

I can't give a number, other than I have data from Southampton that I actually did a study for that heliport.

LEG. ALDEN:

Okay. Just give a guess, what's a peak number.

MR. GROTELL:

Well, again, for Southampton, on a Thursday, was probably about 20 flights into Southampton.

[NEGATIVE RESPONSE FROM AUDIENCE]

LEG. ALDEN:

No, that's all right.

MR. GROTELL:

Right. I don't have the data for --

LEG. ALDEN:

Most helicopters are now required to have transponders?

MR. GROTELL:

No. Most helicopters do have transponders. Most have what's called Mode S, where they're transmitting the N number. A typical Mode C transponder is just giving altitude and location, it's not giving identifying information.

LEG. ALDEN:

Okay. And Islip is a regional FAA Air Traffic Control airport.

MR. GROTELL:

Yes.

LEG. ALDEN:

They don't bother with tracking the helicopters?

MR. GROTELL:

I don't believe they do. I don't believe they do.

LEG. ALDEN:

They don't control them or they don't track them?

MR. GROTELL:

They control aircraft that are going through their airspace. If you go under the Islip airspace or over it, they're not going to --

LEG. ALDEN:

Okay, thanks.

MR. GROTELL:

-- interact with you.

P.O. LINDSAY:

Okay. I'm sorry. Legislator Beedenbender.

LEG. BEEDENBENDER:

Hi, sir.

MR. GROTELL:

Yes.

LEG. BEEDENBENDER:

Are you aware of any other municipality in the country that has passed a law like this or any restrictions similar to it?

MR. GROTELL:

No.

LEG. BEEDENBENDER:

Okay. Are you aware of HR2881, the House Bill 2881?

MR. GROTELL:

Is this the bill --

LEG. BEEDENBENDER:

To reauthorize the FAA.

MR. GROTELL:

I am familiar with that.

LEG. BEEDENBENDER:

And -- well, in that bill, there's a section that's required -- that requires a study of helicopter operations over Long Island, and it says that they have to study the effective helicopter operations on residential areas, including safety, noise levels, and any other issue, the feasibility of diverting helicopters, creating specific air lanes and establishing altitude limits. Is that something that you worked with Congressman Bishop on, because this bill was sponsored by Congressman Bishop?

MR. GROTELL:

We did not.

LEG. BEEDENBENDER:

Okay. Well, the bill passed the House. And my suggestion to -- and my suggestion to everybody here is you have a problem that absolutely needs to be addressed. The bill passed the House, so your recourse is with our Senators, because that's where it's stuck right now, according to the information I have. Your Congressman did a noble job here and he got it passed, but it's stuck in the Senate. And if that passes then the FAA will be statutorily required to solve your problem, or at least look at the solutions to your problem, as getting the flights off of -- out of the residential areas, establishing an altitude limit, or at least finding out what a study of that altitude limit would be, because -- and the FAA has told us we have no authority, I got a letter that said it, and the Rule 28 provided by our own Counsel says that this bill is inconsistent with State Law. So you need a solution. This, if we pass it, it's not going to do it. The Senators are where you got to go. If the Senate passes it, then you're well on your way to the regulation. The study goes first and then you get the regulations.

So I just want everybody to understand that, at least in my opinion, and I am not a lawyer, I don't think, even if all 18 of us vote for this tonight and it went into effect, it would give you the solution that you need. The solution, your recourse is with the Senate, the U.S. Senate.

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

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Senate, the U.S. Senate.

P.O. LINDSAY:

Thank you, Legislator Beedenbender. Mr. Grotell, you know, I think that's the end of the question.

MR. GROTELL:

Okay.

P.O. LINDSAY:

Okay?

D.P.O. VILORIA-FISHER:

Thank you, sir.

MR. GROTELL:

Well, thank you for the opportunity. And again, the Council looks forward to an ongoing dialogue with you and with everyone here and hopefully we can come up with, you know, a balanced solution.

P.O. LINDSAY:

Something better, something better.

MR. GROTELL:

Okay. Thank you.

P.O. LINDSAY:

Donald Kirby followed by Art Binder.

MR. KIRBY:

Thank you. My name is Donald Kirby, I'm a 30 year resident of Mattituck. And this helicopter issue has been a prime concern of mine, as it is with a lot of the local residents on the north fork. Last year I personally collected over a thousand signatures on a petition to see what could be done about this issue and I guess it got us to this point, at the very least anyway. And since there are bills pending to try to do something about this, I guess some good is coming out of it.

I would tend to question some of Mr. Grotell's data. I don't really think he has our best interest in mind. He's a spokesperson for a group of individuals that only have one thing in mind and that's their business. He is not or their organization is not a good neighbor. Repeated e-mails to their website go unanswered, they say they are a volunteer group and it may take them some time to get back, I don't know how many weeks it would take to get back to answer one e-mail. But having said all that, I think by the turnout here, it's very evident that something has to be done. One thing that really irritated me and made my blood boil to an extent was Mr. Grotell's comment about you being preempted in any type of a law. And basically what he's doing is he's thumbing his nose at the community, at Suffolk County, at everybody here.

Applause

I find that offensive, I find it derogatory, and it really does not have any place here. I'm sure we have a few lawyers over here that would have known that to begin with, him saying it just kind of throws gasoline onto the fire. Having said all that, I have nothing else to say. Thank you.

Applause

P.O. LINDSAY:

Thank you very much, Mr. Kirby. Art Binder followed by Ken Daland.

MR. BINDER:

Good evening. My name is Art Binder from Baiting Hollow. I have a simple question for just about everybody in this room, and it goes like this; would it be safe and prudent to land or take off in the infield of Church Hill Downs during the running of the Kentucky Derby?

UNKNOWN AUDIENCE MEMBER:

No.

MR. BINDER:

I don't think a single person could answer this question in the affirmative. Obviously it's not safe to land or take off a helicopter in the vicinity of horses. So what does that mean? Everybody has spoken about flight levels, flight heights, 2,000 feet, 2,500 feet above the table. Well, there's more to it than just that. My situation, as you all know, regards an individual who's determined to land his helicopter on his property and everybody else be damned. I think that this legislation should also include no landings anywhere other than at a registered airport and no hovering anywhere other than a registered airport. Naturally, these two issues would be based on safety; in an emergency, of course, you know, anything goes. But assuming that the weather is good, assuming that the legislation is written correctly, we wouldn't have this situation. People wouldn't be deterred from enjoying their property and children riding horses and backyard horse owners wouldn't have the situation that all the farms in my area are living with right now. I hope you fulfill this legislation to the best of your ability and I'm sure you will. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Binder. Ken Daland? Ken Daland? Maybe I'm mispronouncing Daland? Riverhead? It looks like D-A-L-A-N-D; no?

Okay, next up is Connie Carlin. Connie Carlin? No Connie Carlin, okay. Alexander Janow?

MR. JANOW:

I'm not going to read all this, so don't -- relax.

P.O. LINDSAY:

Okay, Mr. Janow.

MR. JANOW:

I'm a trustee in the Village of Asharoken and I'd like to thank Ed Romaine, his office for inviting me here. I spoke to two experts, one this weekend and one just today. If you don't know where Asharoken is it's Northport/Huntington area, about a mile -- I live on Eaton's Neck but within the Village of Asharoken. I'm a about a mile south of the Coast Guard Station at Eaton's Neck which means I'd be about two miles from where the helicopters should be flying.

As I said, I spoke to two experts. My younger son is a Major in the United States Marine Corps, his primary MOS is AH1 Whiskey Cobra Gunship Pilot. When he flies out of {Coronado} Island, I asked him what he does, he says, "Dad, we fly out over the ocean, make a right turn, head up the coast. When we hit {Pennelton, make a right turn, come in over the beach, fly to {Pennelton}." When they fly to Twin Arm Ponds up in California in the high desert, they avoid all the towns and villages, Palm Springs, Palm Desert, Bermuda Dunes, etcetera. So I said, "What's your order?" He said, "The order is very simple; you will, Mr. Marine Corps, you will avoid populated areas." I said, "Why, because of the noise?" He said, "Well, of course the noise." And the bird he flies is the noisiest one in the whole inventory. But he says, "It's more than that, it's dangerous." He said, "Do you think if I ever have to put my helicopter down that I would want to put it down in a school yard full of kids, on somebody's house, in an apartment complex? That's why we avoid populated areas."

The second expert happens to be a friend and neighbor of mine, Jim Morris; actually, it's James M. Morrois, Brigadier General, United State's Army, retired. It was a very unique career. He flew combat both fixed wings for the Army and helicopters for the Army, in combat. He's also a retired

commercial pilot, has over 25,000 hours flying, over 4,000 hours in helicopters. He spent 16 years at the 42nd Air Brigade that was stationed here, right here on Long Island, it's now in Albany. He was actually the Brigade Commander for over four years. He retired as a Brigadier General XO of the 42nd Division, New York State. So I asked him just today, I said, "Jim, what's with the helicopter pilots?" He said, "It's very simple; they're either lazy or they have no supervision or control or both," and that's a fact. So I said, "Well, how about if they fly a mile off the water," he said, "With the birds they fly," -- where's this gentleman from the Council? There you go. He said, "With the birds they fly today, the way they giro down from 2,500 feet if they're a mile off-shore, anybody can make it even with a full load. They're either lazy or there's no supervision or control"; those are his words.

And I do have one thing I'm going to read. I made a list of a few days, and there's a big hiatus here because I don't spend my life with a telephone in my hand counting helicopters coming over. On June 26th, a Thursday -- now, I'm western Suffolk County, not in the water, a mile from the water -- June 26th, 7:59 AM, 8:33 AM, I'm on the phone holding up the telephone so they can hear the helicopter coming over. At 8:34, I wrote 8:34, but one had just finished and another one came, so I got two for the price of one call. Then I had 3:03 PM, 3:15 PM, 3:24 PM, 4:09 PM, 5:43 PM.

UNKNOWN AUDIENCE MEMBER:

Right.

MR. JANOW:

I'm not at the east end, I'm western Suffolk. The next day, Friday the 27th, 7:45 AM, 8:25 AM, 1:23, 1:29, 3:15, 5:09, 5:11, 5:21, 5:30, 7:58. Saturday through Monday it gets quiet. But this Friday was a very interesting day; I had 8:25 AM, 8:35 AM, 8:36 AM, 10:03 AM, 10:30, 10:39, these are the exact -- my little sheets -- eleven o'clock in the morning, 11:07, 11:20, 11:34; I had ten helicopters right over my house, two miles from where they should be flying in three hours and nine minutes, and I'm not on the east end. Today, thank goodness it was today because it reminded me to come here, 3:06 PM, 3:31 PM and 3:44, and this is a Tuesday.

So I don't know what -- by the way, I sent that gentleman an e-mail and I got a canned form letter back from him, or from them, talking about Police helicopters, was that my -- I have to stop.

P.O. LINDSAY:

Yes, Mr. Janow, your time is up.

MR. JANOW:

Okay.

P.O. LINDSAY:

But wrap up.

MR. JANOW:

I thank you very much for having us and I hope you can do something about it.

Applause

P.O. LINDSAY:

All right. Next is John Lademann, a long-time County employee, retired.

MR. LADEMANN:

Thanks, bill. John Lademann, I live in Cutchogue, and at one period around Memorial Day I had 14 helicopters go over my house in the space of 32 minutes going both ways to East Hampton. And they're not crop dusters, they don't do that anymore. It is a problem till ten o'clock at night and early in the morning. And I had brought up to Congressman Bishop's Office about why they don't fly

down the sound and go around Orient Point, because this gentleman that was here said they would like to come into East Hampton from the north; that would be perfect for them and it wouldn't be bothering the people on the north fork. That's about all I've got to say, but it is a pain and something's got to be done. They all go over east of Robin's Island, they go right over the north fork. It seems like they start by Mattituck Inlet and cut across on an angle east of Robin's Island and that's the way they're going. They're coming back, they're all over within a half of mile of each other, the path they're going in.

P.O. LINDSAY:

Thanks, Jerry.

MR. LADEMANN:

Okay.

Applause

P.O. LINDSAY:

Nancy McDermet followed by Lisa Tettelbach.

MS. McDERMET:

Good evening and thank you for the opportunity to come and share my perspective. I'm a full-time resident of Orient Point, as is my family and, of course, my extended family and all those that come to visit with us. And we have seen an increase in the helicopter traffic, and what seems to be rather unfriendly helicopter traffic, in the last year.

I do have a list of different incidences that flew directly over the house within a few feet of the top of the tree levels. We can see them -- you can hear them many minutes before you can see them. It's scary, it seems extremely unsafe, it's stressful and it's discourteous to say the least. We use our weekends for relaxation and to recharge and we do spend a lot of time stopping conversations, phone calls, of which my husband receives business phone calls at home and he has to stop because of the noise from the helicopters, and those are just the ones that go directly over my house, I'm talking straight over the top of my house, over the top of the trees. The ones that are two houses down, I don't even consider them, I don't write them, I can't see the ID #'s on the planes which are what's expected from the ERHC website, so I don't even count those. But there have been about 17 incidences within the last two months that, like I said, go directly over my house within a few feet of my roof. And it is very scary if you are in the house, they don't even count the ones that occur when I'm in the house. When you're in the house it feels as if something is crashing, as if the plane is in distress. The foundations shake, the windows shake and it's an extremely stressful situation and it occurs from early morning into almost dusk.

Also what occurs is there's protected land behind our home and when these things occur, a lot of the birds just take flight and I know that there's an owl back there that also takes flight once this occurs, it's just not a friendly situation at all.

I don't live on the water, I live several hundred feet from the water and I cannot understand why it isn't obvious from the air that it's a little more courteous perhaps to bring that helicopter over the Long Island Sound versus straight over my backyard. So I'm very happy that I had this opportunity to share my perspective because I feel as if all of my on-line registered complaints and the questions that I've asked on-line have gone unanswered. I feel as if no one is listening except for us when the helicopters go over. It's extremely stressful, as I said, and I'm very happy to be able to share this with you. And I know I'm not the only one in my area that's hearing this because I live in an area where there are many, many houses, it's not an isolated area. Perhaps it was inconvenient this evening to come straight from Orient Point to get here, it was a bit of a drive and, of course, people have families and jobs. I don't see anyone I know but I know they hear it as well.

Thank you so much just for this opportunity. I was born on Long Island, I'm not trying to keep

anyone from their employment. I just think that there are a few renegade helicopter pilots, perhaps, because it feels like getaway cars. They ride low, fast and loud over my home. Thank you so much.

Applause

P.O. LINDSAY:

Thank you, Nancy. Lisa Tettelbach followed by Patricia Currie.

MS. TETTELBACH:

Good evening. My name is Lisa Tettelbach, I'm a resident of Cutchogue, I've been living in Cutchogue for nine years and this helicopter traffic is something that's been occurring in excess over the past couple of years. I've never noticed the numbers that I've seen, especially this summer as well.

I obviously am one of many on the north fork that are concerned about this and your support for this legislation as well as routes that these helicopters are taking I think is just as important as the elevation as well. They fly directly over my yard, as I'm sure it seems like it's everybody else's yard they're flying over as well. I've actually tried to take a pair of binoculars and look for ID numbers and --

*(*Beeper went off*)*

D.P.O. VILORIA-FISHER:

Sorry.

MS. TETTELBACH:

-- it's very difficult to see numbers in the direction sometimes that they're flying. But on several occasions I've tried to record all the times that these helicopters are flying back and forth and you could spend your whole day wasting your time trying to keep records of everything. So I ask that you support this legislation and to add, in addition to the height restrictions, the flight patterns. And if it requires, as the Legislator said, that you need to get the Senate involved, I would hope that you support it from your point of view. Thank you.

Applause

P.O. LINDSAY:

Thank you. Patricia Currie followed by Peter Walker. Patricia Currie.

MS. CURRIE:

Thank you for the opportunity to speak. Obviously I wasn't born on Long Island, but I now call Long Island home. I've traveled many places in my life and I was very careful about selecting where it was I wanted to spend the rest of my life, and I researched very carefully where I wanted to be and I chose Noyack. At risk to life and limb, I have to admit, I live on the south fork.

*(*Laughter From Audience*)*

However, I want you to know that I suffer the same problems as many of you living on the north fork because the route to East Hampton Airport goes right over my house. I did begin a dialogue with the manager of the East Hampton Airport several years ago, it started off a very polite dialogue and it no longer is. I continue to call with complaints about any aircraft that destroys my peace and my serenity, and it's no longer just helicopters, it's the seaplanes, it's small jets, it's corporate jets, but most of all it is huge, commercial, white helicopters.

Now, I read to my dismay just recently that this company is now offering economical packages to the people who are flying in and out of East Hampton Airport. So for some sum, as little as

\$22,000, you can get six return trips and a basket of strawberries and a bottle of champagne for the flight. So I am absolutely outraged about this. I understand that there's been an increase of 17% in helicopter traffic from, I believe it was 2006 to 2007, I'm sure that it's even larger this year. And according to reports that I read on helicopter flights, they believe it will increase another 15 to 20% next year and each year following. So I think whatever you're dealing with now is nothing like it will be unless something is done, because the future will just get worse.

One of the things that the East Hampton Airport has been asking for is a tower, and they keep insisting that this tower will be helpful to the issue. I don't think it will, but I don't know whether it will. I would like to know whether that will. Some of them are leaving as early as six in the morning and I've heard them past eleven at night. And I'm probably, as the helicopter flies, only about six miles from the East Hampton Airport, so I cannot tell you the level of noise, it's absolutely horrendous.

As so the gentleman who spoke from the Helicopter Council, I cannot tell you the frustration I had for many, many, many days after the 3rd of July when I tried to phone in complaints about helicopters and the voice box was full. It was full on the 3rd of July, throughout the entire long weekend and has been many times since, so I also sent an e-mail to which I have received no reply. In terms of contacting our Congressmen, I have done that. I have written to Congressman Bishop and to Senator Schumer and to Mr. Schneiderman from whom I got an immediate reply. The next issue --

*(*Laughter From Audience*)*

P.O. LINDSAY:

Jay just stood taller, you know?

MS. CURRIE:

I don't know whether it's possible to suggest putting a cap on the number of flights in and out of an airport as small as East Hampton, but I'd like to know if that's possible. And I'd to know if it's possible to looking into putting a time limit as to how early they can fly and how late they can fly. And I have a number of other things, but I think most of them have been covered. Thank you.

Applause

P.O. LINDSAY:

Thank you. Peter Walker followed by Gary Halada.

LEG. BEEDENBENDER:

Does anybody know if you can get chocolate on those strawberries? Because it doesn't sound like a good deal without it.

P.O. LINDSAY:

Mr. Walker.

MR. WALKER:

Peter Walker from Cutchogue. Again, I'm very concerned with the quality of life. And I would never take a job away from local people, but these are not local people we're talking about.

Another question I have is why the north fork? Why should they be flying over the north fork when they're going to the south fork or the south shore? It makes no sense. And as far as wake-up calls, I can count on Monday morning being awakened before six o'clock AM, yesterday was 5:45, the week prior it was 5:46. Twenty-five hundred feet for these helicopters should probably be thirty-five hundred feet. The {Bells Sikorski} are that loud. There really should be something done about it. And if they are going to fly it should be down the sound, maybe over Plum Island and straight over to the airport. I mean, if the airport can say they have these noise abatement levels and that's for

the south fork, how about us on the north fork?

UNKNOWN AUDIENCE MEMBER:

Thank you.

Applause

MR. WALKER:

That's all I have to say. Thank you.

P.O. LINDSAY:

Thank you, Mr. Walker. Gary Halada followed by Sharon Frost.

MR. HALADA:

Hello. I'm Gary Halada, I'm a resident of Baiting Hollow, I live up in the Oak Hills Section of Baiting Hollow. I've been a lifelong Long Island resident and I live there with my wife. And I also just want to add that I'm a Professor and Scientist at Stony Brook University and I do research in areas in environmental management and sustainability, and so that kind of informs some of what I might have to say.

I wanted to thank Legislator Romaine for introducing this legislation, I think it's extremely important, especially in the area of sustainability. I would also like to mention that I think as an engineering professor, I think I heard the person from the Eastern Helicopter Association refer to visiting people's houses as a study; I don't think that that would fly with my students, but anyway. I just wanted to add that besides some of the things that have already been brought up in terms of the disruption to people's lives and their properties, their piece of mind and all the things that we have brought up already, as well as an economic disruption as well. In fact, it's interesting that you -- in Britian they've started introducing an aviation noise depreciation factor for homes, meaning that, you know, a certain level of noise, every additional decibel brings the dollar amount you can get for your home down a certain amount and they're actually working this out for different types of aircraft.

But I just want to mention that what I'm concerned about is the effect on wildlife. I mean, if we're talking about sustainability, and I live right next to Wildwood Park and right next to the Department of Environmental Conservation Land. We really haven't talked too much about what this level of noise does to animal life in the area. And there have been a lot of studies on this and there have been a lot of studies, perhaps not on Long Island but studies supported by the National Science Foundation, by the Environmental Protection Agency and many actually by the Department of Defense because the Department of Defense has to look at noise factors around military bases and so forth and so there's a lot of material out there on helicopters and what that can do to the wildlife. And they found that there's some very good studies out there, I can tell people about later if they're interested in, some very good books that have been published on both recreational flying and military flying and the effects it has on land ecosystems. But they found that especially with wild fowl, for example, turtles, birds, these -- their mating habits are disrupted, their nesting and so forth, especially by the type of sounds that you would expect to hear from helicopters, so the rhythmic thumping sound actually is one of the most disruptive sounds. And they've noticed that water fowl habitats have been disrupted with helicopters actually as far as 9,000 meters away which is, if you work it out it's five miles off and they've actually seen disruptions. So we're talking about perhaps animals that are -- and water fowl and bird and so forth that could be in danger that are certainly protected in these areas.

So as a matter of fact, just on personal note, just the other day in our backyard in Baiting Hollow, my wife took note of the fact that two turtles were having intimate relations and the low-flying helicopter went over, and I have to say, it was an example of tortoise interruptus. Sorry. In any case -- thanks. But it was true, it is true, the turtle looked up and wandered off. So we may not have baby turtles this spring, or whenever you're supposed to have baby turtles; I know.

LEG. SCHNEIDERMAN:

The deer.

MR. HALADA:

Yeah. Well, maybe it will. But in any case, there are live creatures that are affected by these sounds. So when we're talking about Long Island trying to preserve land, trying to preserve open space, trying to set aside land, Department of Environmental Conservation land, all these other groups, you know, the Peconic Foundation and so forth that buys up this land, I'm just thinking about Shelter Island, {Meshomic Preserve}, these are all areas that are set up to protect animals and wildlife. If you're going to fly these noisy helicopters right overhead disrupting their habitats, then why preserve anymore of this land? You know, why not give up now? Because we're certainly not going to be able to maintain the kind of sustainable ecosystem that we wanted to create that Long Island has a vision for in the 21st Century. You know, Long Island is a very unusual and complicated place, and I think we all know that, a very high population density as well as a lot of recreational needs.

So in any case, I just want to, again, strongly support this legislation and thank you again for giving me the opportunity to speak.

P.O. LINDSAY:

Thank you very much. Sharon Frost followed by Kathleen Wojciechowski.

MS. FROST:

Hi, I'm Sharon Frost. I live half a mile from Gabreski Airport in the former Air Force housing neighborhood. And don't let the close proximity fool you, the Federal Government planned our neighborhood perfectly, it's situated exactly one half mile west of the Airport Center, which means the runways direct all incoming and outgoing flights away from us. We have an occasional -- or we used to have an occasional misdirected plane over the -- come over the neighborhood now and then, but nothing compared to the onslaught of miss -- of helicopters, low-flying helicopters that we see now.

I also would like to add that my neighborhood is surrounded by 12 square miles of Pine Barrens, leaving plenty of room for every helicopter on the east coast to fly around us and not over us. I used to enjoy sitting on my back deck barbecuing, gardening, but we can't do that anymore because of the helicopter traffic, it's just unbearable.

I need to clarify that I'm not talking about emergency helicopters, military helicopters; I would never complain about them, I don't think anybody here would. And I'm also not talking about a helicopter or a pilot that should jeopardize safety. I'm talking about shuttle helicopter pilots that have no regard for anyone, at least no one on the ground.

I'm a member of the Gabreski Community Advisory Board. I also sit on the Gabreski Voluntary Noise Abatement Committee; we develop reasonable routes for the helicopters to fly which takes them in and out of Gabreski Airport via Sunrise Highway or where there's no residential area. The airport manager at Gabreski has given this information to the Eastern Region Helicopter Council, he's been at our meetings. It's been posted on the Internet. They have spread these words to these paths, to the helicopter pilots, and they know where to fly to have the least impact on the residents below but they choose not to go that way.

I file on-line noise complaint forms for -- through Gabreski -- the Gabreski Airport Internet site regularly, I'm familiar with the procedures and how they work. I know that the airport manager sends letters to all the violators that he can identify. But I can tell you that there are so many repeat violators, it's incredible. I began taking photos in May of this year, which I can give you to pass around. I just made one copy each because I couldn't afford all the ink for all the photos. These I've taken from my back deck. Keep in mind that I work full-time so I'm not out on the deck

taking pictures every day, all day long, but I literally have hundreds of pictures. Some of -- in some of them you can see what color the pilot's shirt is wearing (sic).

I also wanted to state that my friend Zachary Star had a card in, he's from East Quogue, he represents the Citizens Advisory Committee, he wanted to state that this problem is not just on the north fork, it's in Westhampton too, it's all over. These helicopter pilots have no regard. There have been so many repeat violators, it's really pathetic.

I also brought with me a copy of Carl Grossman's article that was posted on the East Hampton Press website which announced the Legislator's bill, Legislator Romaine's proposed bill for tonight, and the reader comment portion is really incredible. I'd like this to be passed around for everybody to see, too. He -- that was posted on July 29th. This week in the Southampton Press he did an article just based on the comments that the helicopter pilots made.

P.O. LINDSAY:

Sharon, you're out of time.

MS. FROST:

Okay. And I just really would hope that everybody here would support that. Thank you very much.

Applause

P.O. LINDSAY:

Kathleen, followed by Gail Clyma. Kathleen.

MS. WOJCIECHOWSKI:

Legislator Romaine and fellow Legislators. I am here to speak of the nuisance that has been created to the residents of the north fork by those who fly their aircraft in an extremely low fashion. Here is an example of a typical weekend afternoon at 18 South Fields Road in Aquebogue. Low-flying planes at 2:07, 2:27, 2:50, three o'clock and two at a time at 3:25 and 4:35; low-flying helicopters at four o'clock 4:03, 4:13, 4:17, then I usually leave.

I have been told that there was to be an agreement of some kind, but really the noise is so deafening that it wakes you from your sleep, it completely blocks out television, music and any other sounds. It has completely disrupted the neighbors and my quality of life.

A March article from Dan's papers that many people are taking a wait and see attitude, at least giving the cloud of the powerful New York Senator a chance to see if it deters the helicopter operators. But flying higher and longer will use up more fuel leading to higher operating costs and add an estimated seven additional minutes. It is reported that helicopter trade groups such as the Helicopter Council are already asking Long Island helicopters to abide by the new guidelines. Many prefer this approach than mandated Federal Law with the teeth to fine and suspend or pull licenses.

An electronic publication, 1440 Wall Street reports an article originally published in Newsday. Jill {Zieran} found a summer travel bargain she couldn't pass up, ten helicopter trips to the Hamptons for \$28,000. "Honestly, to me time is money," said Zieran, who shuttles between her city home and her beach house while overseeing a Manhattan fabric company and appearing on Bravo's Real Housewives of New York. "I've got so many things going on," she said, "I'm managing a business, doing a TV show, taking care of my family and running back and forth from the Hamptons to the City." Well, it seems to me that whoever is responsible has complete disregard for their neighbors and has no thought about the noise pollution that these extremely loud helicopters and small planes are causing. Is this responsible action from good or corporate citizens? Where are the government agencies responsible and who would have approved such close-flying proximity to residential areas without corresponding requirements as to the type of helicopter and small plane, the level at which they can be flown and the resulting noise that emanates from it. Do we not now have the right to

live comfortably and peacefully in our own homes? Must we now stop enjoying our outdoor spaces?

Since the noise started, I have contacted the complaint numbers that East Hampton and Gabreski Airport suggested by Congressman Tim Bishop. I have also e-mailed and called his office, I have received a response letter which offered no solution. There has been no reduction in the noise levels or frequency of occurrence. Aside from the noise, it is said that height is a pilot's best friend. Perhaps we are considered rural and that is why there is no height restriction, but even so, what would happen in the event of aircraft failure? How might an emergency landing happen, over whose property? If folks have leisure funds for flights to the Hamptons, perhaps a little more can be charged so that air crafts can fly higher and over the ocean taking major roads to cross from one fork to the other. I know the site-seeing part of the trip would be curtailed a bit, but in this way travelers would get to their destination a bit later and residents below would be able to wave and wish them well. Thanks very much for your time and concern.

Applause

P.O. LINDSAY:

Gail followed by Alex Ferrone.

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

Could I just leave a floating question for anybody that might know it; if anybody knows what the rules are in the city? Because I would imagine there are places in the city that have helicopters. Anybody that's coming up who knows the answer, if they can answer that.

P.O. LINDSAY:

Okay.

UNKNOWN AUDIENCE MEMBER:

Yeah (Inaudible).

P.O. LINDSAY:

Okay. Go ahead, Gail.

MS. VIZZINI:

Good evening and thank you to Legislator Romaine for introducing this bill. I'm one of the people that lives near the County airport in Westhampton. It's a little bit different problem from these poor people who are living on the north fork and the flight path to East Hampton. Gabreski had voluntary noise guidelines that were in place well before Senator Schumer and Congressman Bishop got involved. These have brought some improvement but levels of compliance are still not satisfactory. I believe that compliance can be improved by identifying and publicizing the operators that are ignoring these guidelines. Unfortunately, and contrary to claims by the airport manager, only a small minority of violators are being identified; in my experience, more than about a fifth.

Although Gabreski has a control tower, it is operated by the Air National Guard and does not provide any information about specific flights to airport management. Identification of violators, therefore, depends primarily on records of arrival and departure times. However, the airport manager is not obtaining any departure information from airport -- from the FBO's and only limited arrival information. This is why the level of identification of violators is so low.

We need this legislation to obtain compliance from pilots who choose to ignore the voluntary

guidelines. It does seem as though the situation has improved a little bit, just in the couple of weeks since Legislator Romaine introduced this bill. So I hope that you will support it and vote in favor of it in order to discourage any possible backsliding.

P.O. LINDSAY:

Thank you.

Applause

Alex Ferribe followed by Richard Abeth.

MS. FERRONE:

Good evening. My name is Alex Ferrone and I live on the north fork. I would like to express my opposition to the proposed mandated minimum altitude of 2,500 feet for all private helicopters.

I'm an aerial photographer and I rely on low altitude, so to give an overall blanket mandate, I think that it's too restricting and I think that if that has to be considered, it should be considered proportionately for each individual circumstance. And the pilots that I fly with, many of whom are here, they all fly neighborly, they're very safe and safety is a prime concern, and they also always communicate with their air space, with the air space that they're traveling over.

We fly in small helicopters as opposed to large, white chartered helicopters that people are speaking of with the noise. They are not as noisy as that and you need to have a lower altitude for my business. My business will completely fold if it's mandated to 2,500.

P.O. LINDSAY:

Okay. Alex, Legislator Kennedy has an answer -- question for you.

LEG. KENNEDY:

Just one very quick question. You mentioned that you're an aerial photographer.

MS. FERRONE:

Yes.

LEG. KENNEDY:

Does that mean that you go out to take pictures of specific locations, or do you photograph blocks of property; how do you do what your occupation is?

MS. FERRONE:

I do both. I have prominent clients in the real estate industry, architects, builders, marinas, vineyards, resorts, both on the north and south fork. I have many clients that call me specifically for low aerial photography.

LEG. KENNEDY:

How much time is usually involved to go out to a site, or how much time do you wind up hovering at a lower level?

MS. FERRONE:

A couple of passes around the site if it's an individual home, it depends on how large the property is.

LEG. KENNEDY:

Five minutes, ten minutes?

MS. FERRONE:

A maximum of five minutes.

LEG. KENNEDY:

Okay.

MS. FERRONE:

The maximum.

LEG. KENNEDY:

Good. Thank you.

MS. FERRONE:

Something like as large as Gurney's Inn would be a little bit longer because it's a larger property, a smaller property would be smaller; it depends on the property.

LEG. KENNEDY:

Okay. But it's a finite period of time.

MS. FERRONE:

Yes.

LEG. KENNEDY:

Okay, thank you.

P.O. LINDSAY:

Thank you, Alex.

MS. FERRONE:

The area -- low altitude is key for my business and my business would completely fold if I had to photograph from 2,500 feet. Thank you for your time.

P.O. LINDSAY:

Richard Abatelli followed by William BelMonte.

MR. ABATELLI:

Good evening. My name is Richard Abatelli, I have an office by Laguardia Airport, real estate office, and I also have one on the north fork.

It's obvious we have two different issues this evening and you're all fully aware of that. We have the taxi service that goes to the south fork and we have the local businessperson, the aerial photographers trying to make a living, and I think you know there's a difference between the two. As a real estate person, as many businesses on the north fork, we're dependent upon tools such as aerial photographers to enhance our ability to sell.

I've -- I'm a member of the local chamber, I've also been a member of the Queens Legislative Committee for the Queens Chamber, and I've always been about businesspeople and communicating to the -- to Albany. And I think and I know that it's not your position to curtail any business on the north fork or actually anywhere here on Long Island in Suffolk County. So I think you will have an understanding as to what these local area photographers need and that is the ability to take their photos from a certain altitude. So I'm sure you'll take this consideration as you make your decisions. Thank you.

LEG. ROMAINE:

Mr. Presiding Officer, very quickly?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, based on testimony today, we are taking that into consideration. Our desire is not to hurt local business and we invite you to please, over the course of the next week or two, we're going to recess this hearing probably at the end tonight for consideration in Hauppauge at our next meeting, but between then -- but between now and then, if you would contact us, we'd certainly love to talk to you about this and see if we can strengthen -- obviously there was some testimony today that makes me feel that there are things that can be strengthened in the legislation, but we also want to be protective of the local business community.

MR. ABATELLI:

Thank you.

P.O. LINDSAY:

William BelMonte? William BelMonte? No. David Acker?

MR. ACKER:

I think I'm going to need a little bit of security getting out of the building. My name is David Acker and my wife back there, Maureen Acker, are helicopter pilot students. And we fly these little helicopters, it's our hobby. And as you know, they have very low weight compared to a transport, commercial transport helicopter which can be in excess of 7,000 pounds, so when we fly it's 1,561 pounds. It has a reciprocating engine, so it makes a noise profile that is completely different and almost quiet compare to a large commercial transport.

I'd like to -- before I go on with my testimony, I'd like to clarify this concept of preemption that a number of people referred to previously. This body had received a letter from the Aircraft Owner & Pilot's Association, and I received a copy of it as well; it was address to William J. Lindsay. And it states that the Federal Aviation Act provides that the United States of America is declared to possess and exercise complete and exclusive national sovereignty in the air space of the United States; and I could go on and on, but this body knows that. And so it cannot regulate the air space over Suffolk County, and so I view this law as would ultimately become a nuisance. For instance, if I was flying my helicopter at a 500 foot per minute dissent rate, it would take me five plus minutes to dissent in my backyard which is right at the sound, but I would be photographed by 15 or 20 people and your investigators would then be wasting a lot of money ultimately finding out that I was involved in a landing procedure. And I should also say that my wife and I and everybody I know standing over there who flies helicopters flies neighborly. We are absolutely aware and I'm absolutely irritated by the frequent overflies of these very massive helicopters.

So I think that this legislation needs to be honest with these people and talk about this concept of negotiating with the FAA so that they can have stronger recommendations, perhaps have mandatory roots. But there really isn't anything that this Legislature can do other than expend our Suffolk County resources trying to fight what will ultimately be frivolous lawsuits.

I also want to address some of the safety concerns I have requiring small aircraft to fly at this 2,500 foot level. It's very hazy in Suffolk County in the summer time. Small helicopters like Robinson 2's and 44's don't have instrumentation sufficient to navigate without vision, so you would be forcing us to take chances that we ultimately shouldn't take.

So in that the law will ultimately be unenforceable, you will be spending resources needlessly. I think the solution is a compromise between the industry and an act of Congress to have the FAA change the way in which these commercial operations are conducted and thank you.

P.O. LINDSAY:

Thank you, Mr. Acker.

D.P.O. VILORIA-FISHER:

Let me just ask him something?

Applause

P.O. LINDSAY:

Hold on, Mr. Acker. Legislator Viloría-Fisher has a question for you, I'm sorry.

D.P.O. VILORIA-FISHER:

Hey, David. Thanks for being here.

MR. ACKER:

Thank you.

D.P.O. VILORIA-FISHER:

And as Legislator Romaine just mentioned, we heard from other pilots of smaller helicopters. What we are trying to do as Legislators is to address the barrage, the quality of life that's really hampering people whom we represent from enjoying their homes.

MR. ACKER:

Of course.

D.P.O. VILORIA-FISHER:

If perhaps -- and I received the correspondence that spoke to the preemption issue. But if at the very least we can bring this idea and concept forward and bring people to the table, have some enforceable guidelines and roots for those larger vehicles that are creating such an imposition on our residents here in Suffolk County because, you know, there are many people who don't think that there's anything between Manhattan and East Hampton.

MR. ACKER:

I understand.

D.P.O. VILORIA-FISHER:

And have no respect for it.

MS. ACKER:

Right.

LEG. VILORIA -- FISHER:

And we want to give all of the people who live in that fly-by, on that route a face and the dignity that they deserve, that we deserve. So that's why I've cosponsored this, because we need to address it.

MS. ACKER:

Right.

D.P.O. VILORIA-FISHER:

And Chuck Schumer had come to our district -- well, you're right outside my district, but come to my district to talk about this with my -- members of my community. We're going to keep pressing because he had tried to make in-roads spoke with the industry but it hasn't been enough, the people who live on the north shore are suffering.

MS. ACKER:

Right. No, I fully understand and it is a problem. And I think -- I applaud your efforts to work with Congress, I think that you should, and I would support your continued work with Congress.

P.O. LINDSAY:

Thank you, Mr. Acker.

MR. ACKER:

Thank you.

P.O. LINDSAY:

Paul Adams followed by Bob Gazza.

MR. ADAMS:

So my name is Paul Adams and I live in Stony Brook where, as we already heard, there is a severe helicopter noise problem. But I also own and operate, just a few miles north of here, a rather unusual type of airport where you see a completely different hovering vehicle and this is the Baiting Hollow Hummingbird Sanctuary, and this has existed now for at least 7 years. It's the only Hummingbird sanctuary on Long Island and I believe it is the only publicly accessible hummingbird sanctuary on the east coast of the U.S., and it's surrounded by miles of fields and woods and the Long Island Sound. And until just a few years ago it was a very quiet place and I think it's very important that Long Islanders should be able to escape, occasionally, to quiet places and there are almost -- there are, in fact, none left now.

Over the last few years there's been a tremendous increase in the noise level there and the principle culprit, although not the only culprit, has been these low-flying passenger air -- passenger helicopters that are going to the south fork. And I've seen, or I should say I've heard no real change in the volume of noise as a result of this voluntary agreement. It's true that some of the bigger helicopters are flying in some cases as much as a mile out to shore, but that's been offset by an overall increase in the volume of helicopter traffic.

So I very strongly support this legislation, I think it's an initial step in the right direction. Long Island is one of the most densely populated Islands in the entire world. And this means that we have to pay special attention to the impact that low-flying seaplanes, private jets, recreational planes, and particularly passenger helicopters have on us because a few hundred people are taking these flights and they're inflicting misery on hundreds of thousands of people directly below.

So I strongly support the legislation, but I think it's just a step in the right direction. We should also be looking at requiring that flights of helicopters, passenger helicopters travel at least two miles out over water until their final approach into their final destination. And if this adds to the ticket cost, I suspect that the passengers can afford it.

UNKNOWN AUDIENCE MEMBER:

Yes.

Applause

P.O. LINDSAY:

Bob Gazza followed by Diane Gazza.

MR. GAZZA:

Good evening. I'm Bob Gazza and I live in Cedar Beach in Southold. First I just would like to thank the Legislature for stepping up to the plate for us, because this is a serious problem for us and in the last three years it's just gotten worse and worse and this summer has been absolutely horrendous. There have been constant helicopters over us some evenings and some mornings.

I've been a part-time resident on the north fork since the 40's and we've been living out there permanently now for the last 30 years, and it's only been in the last three years that we really had this problem. And I think to cut to the chase, I think the problem has been since they started this new north fork route over the sound, because all these helicopters are going from Manhattan to the south fork. If they come down the sound they've got to cut across the north shore or across the north fork to get to these airports and that's what's been happening. And it's the large commuter helicopters, the big white ones that go over and I'm concerned that even at 2,500 feet they're still

going to be extremely noisy. Although I think this is a good start, I like this -- that you would pass this law, at least to send a message. Maybe it's not legal, I don't know, I'm not a lawyer, but it's going to send a message that we're not going to continue to stand for this any longer.

The south fork airports, East Hampton Airport, I looked on a map; it's two miles from the ocean. So instead of flying east/west over the ocean and coming two miles over land, they've got to come across thousands of residents on the north shore, over our schools, over our houses, over our businesses, and that's just not right. There was an article last year in the Suffolk Times, and I don't remember the quotation exactly, but it was about the East Hampton plan for the expansion of the airport. And there's a clause in that plan, and I'm going to try and get a copy of it, there's a clause and it states that helicopter traffic will be re-routed to the north to avoid flying over the high-value real estate along the ocean.

UNKNOWN AUDIENCE MEMBER:

There you go.

MR. GAZZA:

Now, there's a clause in that and I'm going to get a copy of that and I'm going to stick it in the papers, and that was in the Suffolk Times last year and I'm going to talk to them about it. And that's the problem, instead of flying east/west over the ocean and coming over the high-value real estate, for two miles they've got to come down the sound and cut across the north fork and all of us and that's just not right. Thank you very much.

Applause

P.O. LINDSAY:

Diane Gazza followed by Jack Guth. Diane?

MS. GAZZA:

Of course my husband stole my thunder, but thank you all for giving us this forum to speak. I live in Southold and we have been suffering with this helicopter problem for three years, the most busiest has been this year. We notice that they do fly from the sound, over Cutchogue, over Southold, my house, and square over to East Hampton; that to me seems so illogical. And, you know, we're here because our quality of life is being disrupted. My home -- I work, I come home, my home is my haven. These helicopters are so huge, you can hear them coming at least three miles away. They pass over the house and you still hear them when they're three miles past, and just when you don't hear them anymore, another one is coming over. So I just -- I don't think altitude is the issue, I think re-routing is the issue. Why should the North Fork, who has no use for these commuter helicopters, be forced to abide and exist with this kind of noise?

I believe that the helicopters are avoiding the south fork because they don't want to ruffle the feathers of the wealthy taxpayers over there; it's my opinion. But I also believe that my property values are being affected. If we were to sell our house and these helicopters were going over left and right, somebody would run the other way, and it's the same with everybody else in this room. The noise is maddening. Again, I don't think it is altitude, I think it is re-routing. Thank you very much for your time.

P.O. LINDSAY:

Jack Guth.

MR. GUTH:

I'll pass, everything I had to say has been said already.

P.O. LINDSAY:

Thank you very much, Mr. Guth.

Applause & Cheers from Legislators & Audience

LEG. ROMAINE:

Now they're applauding.

P.O. LINDSAY:

All right, this one looks like Stephen --

D.P.O. VILORIA-FISHER:

Amiaga?

P.O. LINDSAY:

Amiaga, thank you. I'm sorry if we mispronounced your name.

MR. AMIAGA:

No, that was very good, Mr. Chairman. Thank you. Stephen Amiaga. I grew up and have brought my wife back from leaving Suffolk County to -- we do now live in Suffolk County, we intend to live in Cutchogue eventually. I'm an aerial photographer also, I'm offering my services to Legislator Romaine's Office as my expertise as a private pilot and as a 13 year aerial photographer have many times worked in the north fork. Obviously the noise issue of the large helicopter is the problem, but this Legislature, as did the Suffolk -- the Southold Town Legislator failed to put some sort of exemption in for something that they're not complaining about. So that's really it. I just wanted --

LEG. ROMAINE:

We'll address it.

MR. AMIAGA:

I will make the opportunity to be in touch with the Legislator's office to work on that exemption. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Amiaga. Dr. John Wensveer? Dr. John Wensveer? I'm probably mispronouncing this, too. No? Dowling college, no? Okay. Zachary Alan Starr? No? Barbara McAdam?

MS. McADAM:

Thank you. I'm a Cutchogue resident and I appreciate the opportunity to speak on this issue. The skies over Cutchogue can be very busy, as you've heard. We have commercial, private jets flying overhead, flying out to Europe, coming inbound to McArthur, JFK, Laganardia, Newark. But sometimes the only trace of those vehicles the thin trail that you see in the sky; don't you hear them? We have Coast Guard helicopters that are patrolling Peconic Bays and Long Island Sound beneath them, but they're the Quiet Guardians. C-130's, the military choppers take off from nearby Gabreski Airport and do maneuvers over my house, I'm glad they're up there doing that. Occasionally a chopper rises from an accident scene to medevac the injured to one of the regional hospitals. Small private plans silent land or take off from a nearby airfield in Mattituck. Agricultural sprayers quietly lift off in the early morning to do their jobs, and this is the miracle of flight for the greater good of the community and it's unobtrusive. But Thursday through the following Monday we have those skies filled with the constant flow and incessant noise of the commuter helicopters, traveling to and from the Hamptons and Manhattan. Quiet country summers have now become a thing of the past, and the most frequently uttered question around my house is, "Do you believe how low that chopper is?" They're so low that I know the pilots and passengers on board realize that I'm not waving a friendly welcome but shaking an angry fist when they're flying over. The supposed deal brokered by Congressman Bishop and Senator Schumer to re-route them from the north fork is just not working. The greater good of the community is not being served by the aerial entrepreneurs who fly these loud commuter helicopters. Catering to elitists, socialites and Wall Street types with oh so busy schedules not only endangers millions of people on the ground beneath them, but detracts from our quality of life. We on the north fork like to call our home the

Un-Hamptons, so why would or should we bear the Hamptons ill-bred air traffic?

Legislator Romaine, I'm urging you and all of your fellow Legislators to please work with Federal officials to find a way to re-route these helicopters to their south shore destinations by diverting them from the heavily populated areas of western Suffolk and the north fork. Please devise legislation that creates mandatory altitudes, noise levels and heavy fines for the offenders. Finally, please impress upon the FAA and other Federal transportation agencies that tragedy is a certainty if this situation is permitted to continue. Thank you.

P.O. LINDSAY:

Thank you very much.

Applause

Teresa McCaski? Followed by Robert DelRio.

MS. McCASKI:

Good evening. I live in Mattituck with my husband and two sons, right by the Mattituck Inlet. And I just wanted to share with you very quickly my helicopter log. Yesterday, and this is one of many that I've made but I'm only going to mention yesterday, 7:25 in the morning, 7:44 AM, 7:57 AM, 8:02, 8:05, 8:11, 9:38, 10:15 I couldn't take it any more, I went out and did some errands, I just needed to get away from the noise.

As of today, I was very busy in the afternoon, I noticed at 3:26 PM there was a chopper traveling eastbound. Within a minute, a chopper on the very same route was traveling westbound; that scared me, that alarmed me and that's why I'm here.

The choppers are basically flying too low, too loud and there are just too many of them over the north fork. They fly right over their home; I can't get any numbers because they're flying too fast, my windows are rattling. It's funny at this point because my kids go running out, "Mom, here comes another chopper. Here, 3:26, 3:27," they grab a piece of paper and they're writing it down for me because it's just the quality of life and I'm very tired of it. The quietest day I had when I was over in East Hampton on a Sunday afternoon and not one helicopter was heard, not one airplane was heard.

Applause

So if you want respite, go to East Hampton because I was there and it was the quietest afternoon I ever had. Thank you for your time. And I would appreciate it if you can -- whatever you can do because we do need change and it's as soon as possible. Thank you.

P.O. LINDSAY:

Thank you very much. DelRio followed by Ray Huntington.

MR. DELRIO:

Hello, my name is Robert. Actually, I'm one of the pilots, Islip Flight Training Flights out of McArthur Airport. Again, it's a small airport and it's small helicopters that we operate, not particularly loud like a Sikorski or a Belle. But a thing I notice about this legislation that puzzles me is it seems as though there's not quite enough research to determine exactly what values these people, you know what I mean, residents. And I had recently moved here and I appreciate a quiet afternoon as well, but to what values do they require as far as decibel levels? Do -- is there an understanding of actual safety for aircraft, and also safety for the people on the ground? Personally, I don't fly over rooftops, it's something that could get me killed and it's not something I'm willing to do. I typically fly in McArthur air space, the tower requires fourteen hundred feet as you come in to approach.

So, I mean, it's -- I think there needs to be more education on behalf of the Legislature as to what

this entails. Flying at twenty-five hundred feet for most aircraft, except for the large commuter aircraft I suppose, is an unrealistic option for most. I fly an Alpha, an R-22 Alpha model, we don't quite have the performance to maneuver at that altitude, let alone with weather.

Another issue, everyone is talking about clear, sunny days and being able to fly at whatever altitude under VFR Flight Rules. Just because it is a clear, sunny day does not indicate that it's safe to fly at such altitudes, there's considerations to wind, to wind sheer, turbulence, there are a number of considerations I think that should be addressed. I am from the LA Basin and I have flown quite a bit in the LA Basin and San Diego Basis, I'm familiar with the military routes, they're not over the ocean; actually, I have a number of friends that fly for them. I would suggest trying to mimic one of the actual routines that the airports on the west coast do use because there is quite a bit more air traffic out there. There are noise sensors positioned all around the airport and in specific areas. Robinson Helicopter Factory has instituted quiet flying techniques that should be employed; I myself and I know my fellow instructors do, but I suppose you guys are more interested in the larger aircraft.

But I do feel that there needs to be a little bit more information on both sides as to what it is we are actually looking at and with regards to air space. I remember one of you said it's mainly class gulf on the eastern part of the Island; it's actually a mixture of class gulf and class echo and it is all controlled. As far as the lazy pilot, there's -- it's phenomenal how much a pilot has to actually go through to be able to fly a certain destination. The flight is only maybe 5% of what our actual job entails; a lot of it is checking weather, checking routes. I do follow the helicopter route chart as prescribed and I do try and follow the major thoroughfares; I do not intentionally fly over homes.

So, I mean, that's my main concern is that I hear that -- I read in the portion here a thousand dollar fine, a year in jail and all these other ramifications, but I think these rules are being set out to make these residents happy, and myself happy because I'm now a resident here, but I think there needs to be a little bit more education and maybe research into the subject. I don't -- I won't say that any of these people's concerns are invalid, I believe they are actually valid, but we can't just go and say everyone has to fly twenty-five hundred or -- actually, it's twenty-five hundred feet above the highest obstacle which is 800 feet, so thirty-three hundred feet. Some aircraft can't do that; a lot of aircraft can't do it except for the large ones you guys are complaining about. So I see that he is getting rather handy with that gavel there.

P.O. LINDSAY:

Well, sir, you're the 38th speaker --

MR. DELRIO:

I understand.

P.O. LINDSAY:

-- of the night and we've been at this for two hours, so forgive me if I'm --

MR. DELRIO:

Well, I understand. And for two hours of --

P.O. LINDSAY:

I may be a little anxious because we hear the same thing over and over again, okay?

MR. DELRIO:

And I've heard the same thing from the other residents. And like I said, it's just we need to actually understand what it is that you want. I know you guys want it quieter, but there needs to be a greater understanding of what is actually happening and what entails a flight. That's about it.

P.O. LINDSAY:

Okay. Ray Huntington.

Applause

MR. HUNTINGTON:

Ray Huntington of Cutchogue speaking for the Fleet's Neck Property Owners Association, and we'd really like to thank Legislator Romaine for moving this legislation along. It is necessary; only three little words, but it is necessary, from our point of view and really for all of Suffolk County. So I think this is, in fact, the forum that should champion this solution to this problem.

We have a concern about enforcement, yes, but that will come. We've got to get on the road and move out. We hope that you will all, from all over Suffolk County, support this legislation. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Huntington. Dominick Biondi.

MR. BIONDI:

Yes, I'm Dominick Biondi from Smithtown. I haven't heard many people from western Suffolk and I have my own summaries as the other people. But I'd like to point out just a couple of things, some may be repetitious.

It appears that the helicopter pilots are an unregulated group and I think we have to take the first step. Whether we have the enforcement ability or not, I think we have to stick our necks out and start the ball rolling. You have an obligation to us. We are entitled to the quiet enjoyment of our property, and obviously by the number of people who spoke and the number of people who have been calling, that's not taking place. There's been a number of pilots, a gentleman was up here a minute ago, there may be ways to deal with some of the problems that they have identified. But I don't think that we have to turn around and give up our lives and our enjoyment so that they can fly around for their enjoyment at our demise.

If some of the pilots can't fly the planes at the heights that we need them, they'll have to get either different planes or buy equipment that will let them fly at these levels. It's just like a young boy who wants to drive around with this hot rod, it's not going to be tolerated for the potential danger that he would cause to other citizens, and I think the pilots have to realize that we're entitled to our safety and our enjoyment. And that's basically it.

Applause

P.O. LINDSAY:

Thank you very much. Barry Ungar.

MR. UNGAR:

Thank you. I'll try to be brief. I wasn't originally signed up to speak, but then after hearing Mr. Grotell speak I figured I would. What we first heard him say, and I just wanted to remind, is that he said there's a 54 percent compliance -- or actually he said that the average height was 2,700 feet; so I'm assuming half of those fly below that?

MR. GROTELL:

Excuse me?

MR. UNGAR:

You mentioned in the beginning that your studies showed the average flight was twenty-seven hundred feet?

P.O. LINDSAY:

No, no, no. You're giving testimony --

MR. UNGAR:

Okay.

P.O. LINDSAY:

-- to the Legislature, you're not there to conduct a forum, all right?

MR. UNGAR:

Okay, I'm sorry. I live in East Setauket, I live right below Stony Brook University Hospital in the shadow. I also live on the side that the helicopters do land, so I'm very much aware of what low-flying helicopters do sound like. And it's not until the helicopters get in really, really low that things in my house begin to shake. Well, a number of the commuter helicopters make my house shake the same way; not as the helicopter is all the way down landing, but enough so that things are starting to rattle. And I don't believe we even live in one of those flight paths that you say that most of your -- most of the pilots comply with; I believe one is over the north shore, one route is over the south shore and the third route comes right down the middle of the Island over the Expressway. And I couldn't really figure out exactly where all these planes were coming -- cutting in from the sound until the gentleman from Asharoken spoke and that's when I realized they're probably cutting in somewhere around Commack, going directly over and using University Hospital as a marker and then continuing on to one of these south shore airports.

We get up to 12 helicopters in each direction in an afternoon -- and again, they continue through Monday morning -- and if we are not even in one of the flight paths and we're getting this many helicopters coming through, I can just imagine what's going on in Cutchogue. So I'm here in support of that legislation. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Ungar. Kerry Figurniak?

MS. FIGURNIAK:

Hi. Kerry Figurniak, I live in Baiting Hollow, I've grown up here, lived here all my life. I saw in the news -- I mean, over the years -- complaints from Mattituck, western New York, not until tonight did I hear people, other people from Baiting Hollow and Aquebogue complaints. I just want to make sure that any re-routing doesn't get re-routed over Riverhead, because we also have the problem here.

It is a nuisance and like the others, you can't relax in the backyard. When we pay high taxes, I commute the LIE every day for a couple of hours. So, you know, the city people, they can commute the LIE also or fly down the south shore. I have noticed -- you know, thank you for your efforts. I have noticed a little difference, this year is not as bad, but Friday nights, Sunday afternoons, it is still a constant; you know, some are higher, some are not. We still have them cutting over across, probably to go to Westhampton. And one thing I do want to mention, over the last few years, several times I've seen helicopters drop down. It's been on foggy nights when they're heading north, they've actually dropped down in front of my house, a few feet off the street in a residential neighborhood.

D.P.O. VILORIA-FISHER:

Oh, my God.

MS. FIGURNIAK:

And I've seen this also on Roanoke Avenue. So, thank you.

Applause

P.O. LINDSAY:

Thank you very much. Jim O'Donnell? Jim O'Donnell? Jim Stevens. No Jim Stevens? Landon Nield.

MR. NIELD:

I'm Landon Nield with Helicopter Flight Training, I'm one of the pilots teaching the people how to fly. I just kind of stick with my other pilot friend Robert there, he stated pretty much everything that I would state.

Along with flying out to East Hampton with bigger helicopters, what's trying to be passed I don't think is so realistic, but the changing of a route is maybe a good thing but the altitude restrictions are -- you know, it just depends upon the pilot's conditions with weather and stuff like that. We do try to be safe and, you know, we try to make accommodations for people as we can. And I agree with -- there needs to be more investigation into the actual aviation part of it and, you know, what we deal with. And there is regulations that we do deal with and the book is known as The Far Aim, you can get that from Federal Aviation and it shows all the regulations that we comply with. We did pass out a helicopter route chart that shows the routes that we fly and the published altitudes on there. If you guys need help reading those, you can come to us and we'll teach you how to read those. That's about all.

P.O. LINDSAY:

Thank you. Thank you very much. Stephen Saberin? Stephen Saberin? No, no Stephen Saberin. Well, that's all the cards I have. That wasn't bad.

Applause

If there's anyone else in the audience that would like to address us? And if you spoke once, you can't speak again. Anybody else, please go to the microphone.

MR. PERUGI:

I spoke already.

P.O. LINDSAY:

You spoke already?

MR. PERUGI:

I didn't speak on this, but I was here --

P.O. LINDSAY:

You spoke on public portion.

MR. PERUGI:

-- two hours.

P.O. LINDSAY:

Go ahead.

MR. PERUGI:

It's very quick.

P.O. LINDSAY:

Go ahead.

MR. PERUGI:

Are these people breaking any -- Chris Perugi, I'm from Suffolk County. Are these people breaking laws on noise or disturbing the peace which is not the FAA? Can you go after them with decibels? I mean, can you take pictures of these planes and make them unsafe for being too close? So you don't have to go through the FAA, go through the local noise ordinances.

P.O. LINDSAY:

From my knowledge, sir, is the County doesn't have a noise ordinance on this, I don't believe the towns do. I don't believe aircraft, there is any governance on this except the FAA.

MR. PERUGI:

{Georgia Capon} is the only other way, unless you get an airport in Bridgehampton where they can --

P.O. LINDSAY:

The one thing that this has pointed out very vividly to us, this is a major problem to many, many of our communities and we have to figure out a way, if we don't have the jurisdiction, to get the agency that does have the jurisdiction to fix it, because it's wrong.

Applause

MR. PERUGI:

All right, thank you.

P.O. LINDSAY:

Okay. Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

First of all, I want to thank everyone for coming out here. Obviously there were a number of suggestions, we're going to look at ways to make this law as effective as we possibly can and cognisant of local businesses so that the offenders are targeted. So my -- I would make a motion to recess this to our next meeting in Hauppauge so people from the west end can speak and so that we would have an opportunity to meet with various groups and amend this. So motion to recess.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Motion to recess by Legislator Romaine, seconded by Legislator Viloría-Fisher.

LEG. BROWNING:

Bill?

P.O. LINDSAY:

All in favor? Opposed?

LEG. BROWNING:

Bill?

P.O. LINDSAY:

Oh. Yes, Legislator Browning, I'm sorry.

LEG. BROWNING:

I have to say, you know, listening to the testimony that, you know, I understand the people have concerns and you know, there are Federal laws. They need to be looking at our Senators to help them with this and we see Congressman Bishop is helping with it. I don't know that amending it is going to make it any different.

P.O. LINDSAY:

Well, I think --

LEG. BROWNING:

You know, this is FAA jurisdiction, the County has no jurisdiction whatsoever. So even if you amend the bill, it's not going to do anything for us.

LEG. ALDEN:

We're debating the bill.

P.O. LINDSAY:

Well, rather -- I don't -- I agree with Legislator Alden, we're really getting into debating the bill. And guys, we have a full agenda we haven't even touched yet.

What I would suggest to Legislator Romaine, in addition to amending the bill, maybe you could come up with a joint letter that we could all sign to our Federal officials asking them to do something. This is an emergency basis.

Applause

LEG. ROMAINE:

I would be happy to work with the Presiding Officer to meet with Congressman Bishop, Congressman Israel, Senator Schumer and Senator Clinton and their staffs. I'd be happy to meet with yourself, sir, as the leader of our Legislature to get this done. The bottom line is this resolution, whatever resolution we adopt, it's to resolve a problem. If adopting -- if not adopting the resolution but getting our Federal officials to address this question solves that problem, so much the better. But the bottom line is this problem must be resolved.

Applause

P.O. LINDSAY:

Okay. Okay, did I -- Mr. Clerk, did I call the vote on that?

MR. LAUBE:

No, you didn't.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, next up is *Public Hearing on IR 1688-08 - A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers (Eddington)*. We have 72 cards.

*(*Laughter From Audience*)*

I was just seeing if anybody's listening to me, you know? I have one card, Tom {Stalworth}.

LEG. EDDINGTON:

He had to leave.

P.O. LINDSAY:

He had to leave?

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Okay. I have no other cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, *Public Hearing on IR 1708-08 - A Local Law amending the Suffolk County Empire Zone Boundaries to include Nanz Custom Hardware, Inc. (County Executive)*. I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. No, seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Public Hearing on IR 1709-08 - A Local Law to enhance personal privacy protection for record documents and authorizing the County Clerk to collect certain fees for recording, entering, indexing and endorsing a certificate on any instrument (County Executive).

LEG. BEEDENBENDER:

Motion to close.

P.O. LINDSAY:

Well, I don't have any cards on the subject. Is there anyone in the audience who would like to

Speak on this subject? Seeing none, I have a motion to close. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Public Hearing on IR 1733-08 - A Charter Law to protect taxpayers' interests by requiring individual Legislative override votes on each Budget Amendment that is vetoed by the County Executive (D'Amaro).

I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator D'Amaro, what's your pleasure?

LEG. D'AMARO:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

All right, I want to set the date for the following Public Hearings, September 16th, 2008 at 2:30 PM in the Rose Caracappa Auditorium, Hauppauge, NY; IR 1749, a Charter Law to cap County fee increases; IR 1750, a Local Law to increase and improve gasoline price notification to consumers; IR 1769, a Local Law to provide parking for hybrid vehicles at County facilities; and IR 1791, a Local Law prohibiting the distribution of plastic carry-out bags by retail stores. I'll make the motion. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Okay. Which brings us to the **Consent Calendar**. Could I have a motion on the Consent Calendar?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Legislator Losquadro.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

The Consent Calendar is approved, which brings us to *Resolutions Tabled*, page five.

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. STERN:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender.

LEG. ALDEN:

Kennedy is not here?

LEG. LOSQUADRO:

Where's Legislator Kennedy? Oh, there he is.

LEG. KENNEDY:

I'm here.

LEG. ALDEN:

What do you want to do with Suffolk County Galleria?

LEG. KENNEDY:

Table.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

1129-08 - Adopting local Law No. 2007, a Local Law establishing crime prevention requirements for scrap metal processors (Eddington).

LEG. EDDINGTON:

Table.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Legislator Eddington made the tabling motion, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

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. 0103-025.00-018.000 and 0103-025.00-02.00-019.000) (Horsley).

LEG. HORSLEY:

Motion to table.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Okay, motion by Legislator Horsley to table, second by Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

1651-08 - 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 believe this is a subject that's in our CN's.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

So I'm just going to skip over that.

MR. ZWIRN:

Thank you.

P.O. LINDSAY:

Unless do you want to withdraw this, Mr. Zwirn?

MR. ZWIRN:

No.

MR. NOLAN:

It's the same IR.

P.O. LINDSAY:

Same IR number; okay, so we're just going to address it once under the CN.

MR. ZWIRN:

Thanks.

P.O. LINDSAY:

Okay, we go to page six.

LEG. EDDINGTON:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes?

LEG. EDDINGTON:

I'd like to make a motion to take IR 1174, the Davis Park Ferry rate, out of order?

P.O. LINDSAY:

Okay, we still have people here from -- okay, what page is that on, Legislator Eddington?

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

P.O. LINDSAY:

Okay. ***1174 (Approving rates established for Davis Park Ferry Co.)***

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Page 8. Okay, I got it. It's at the bottom of Page 8 under Public Works and Transportation. Legislator Eddington has made a motion to take it out of order.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. So it is before us.

LEG. EDDINGTON:

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Losquadro to approve. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

BUDGET AND FINANCE

P.O. LINDSAY:

Okay. Going back to Page 6, Budget and Finance. *(1645) A Charter Law to implement two-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall.*

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question? All in favor?

LEG. ROMAINE:

On the question.

P.O. LINDSAY:

On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I'd like to speak against this. I'd like to speak against this, because I believe that the 5-25-5 Law was adopted very simply as a Charter to say, "Look, if something costs less than \$25,000, we should not be bonding it out, we should pay-as-you-go." That should be an operating expense. Also, if it has less than a useful life of five years, we shouldn't be bonding that out.

These are all good, well-established fiscal policies that many governments have adopted, including Suffolk County. The problem is we have suspended this policy every single year since 2002, every single year. Last year, if only for the absurdity of it, we had the Administration come up and ask to bond out \$4,000 for Gabreski Airport.

Abandoning this policy, particularly at this time, is a mistake. This policy was adopted for very good reasons. You don't bond out things costing less than \$25,000, you don't bond out things that have a useful life of less than five years. When you do that, you create bad fiscal policy, and we've been doing that for sometime, because we passed a law like this, because we know it's important, and then we suspend it every year since 2002.

I'm not going to vote for this. I think this is a mistake. I think this is bad fiscal policy. Thank you.

D.P.O. VILORIA-FISHER:

Brian wants to speak.

P.O. LINDSAY:

Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I just only want to point out, there was discussion about this in Committee, there was a little discussion just now. And in Committee there were several statements by several Legislators that we understand that there's a crisis. But, you know what, I don't think that we do, because it seems to me that the understanding of our crisis here is that we vote against any possible revenue increase, we vote against bonds, except the ones in our Districts. We fought every single position to be filled. We vote -- we push for tax cuts with no position to pay for it. So, you know what, there is an understanding of something here. There's an understanding of how to say things that get our names in the paper, and there's an understanding of things that we want to

take -- bask in the security of tough decisions made by others while we stand up here and grandstand.

This County is in a fiscal crisis and I am tired of hearing from Legislators around this horseshoe that simply -- and I am not picking out anyone in particular -- that we just grandstand on every possible occasion. You know what, we have problems to be solved here and there are people in this County that need -- that need us to be responsible and act like grownups.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

If you're in a fiscal crisis, you don't go out and bond everything under the sun that you should be paying for out of Operating, because that's the way to make your fiscal crises more intense, and also to stretch it out even more years than it should be stretched out. So, by abandoning a cash policy, you're making your policy to just bond everything. And you know what that's doing? That's going to hand a bill to future generations, so that is fiscal irresponsibility. Thank you.

P.O. LINDSAY:

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

[OPPOSED SAID IN UNISON BY LEGISLATORS]

All right. Put up your hands, opposed. One, two, three, four, five.

MS. ORTIZ:

Fifteen.

LEG. SCHNEIDERMAN:

Mark me as opposed.

P.O. LINDSAY:

Five opposed.

MS. ORTIZ:

Legislator Schneiderman also?

LEG. SCHNEIDERMAN:

Yes.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

We have Romaine, Alden, Kennedy, Nowick and Viloría-Fisher. Okay? You got it?

MS. ORTIZ:

Yes. (Vote: 12 Yes, 6 no)

P.O. LINDSAY:

1679 - Adding Depository to list of designated depositories for Suffolk County (Empire National Bank). I'll make the motion.

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:

Can we put in the record who the principals of this bank are? Are they a --

P.O. LINDSAY:

You've got the mike, you can put anything you want on the record.

LEG. ALDEN:

Well, all right. I'm asking, you know, whoever brought this resolution forward that I'd like to know who the principals are. Is this a stock company that's traded publicly? And, also, what their history is as far as do they lend to local businesses; is that what their history is?

P.O. LINDSAY:

I am the sponsor of this resolution, at the request of the Treasurer. I asked the Treasurer to come before to answer any questions about this and I thought everybody had an ample opportunity to ask her any questions about it.

LEG. ALDEN:

Well, I asked her about five questions that she couldn't answer, so she really didn't know about this company.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

As a matter of fact, there were misstatements put on the record that were clarified by, I believe, Legislator Horsley, that at first it was that this company's been in existence for six months. Legislator Horsley cleared that up and said it's four or five years; am I correct on that?

LEG. HORSLEY:

You are correct to say that. I am now -- if I --

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I'm sorry, I didn't mean to jump in there, excepting that I was given information by one of my colleagues, because he had up the website, and it was the wrong bank, so I withdraw my four-year statement. I don't know how long -- I don't know how long it's been in --

LEG. NOWICK:

It's brand new, it's not four years.

LEG. ALDEN:

So we don't know how long they've been doing business in Suffolk County. We don't know who they've been lending money to. We don't know if there's any complaints against them. We really don't know who the principals are? Okay?

P.O. LINDSAY:

So make a motion to table it or --

LEG. ALDEN:

Motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Okay. Motion to table goes first.

All in favor of tabling? Opposed? I'm opposed.

(Opposed: Legs. Browning, Beedenbender, Eddington, Horsley, Gregory, Stern, D'Amaro, Cooper, D.P.O. Viloría-Fisher and P.O. Lindsay)

MR. LAUBE:

That gives you eight.

P.O. LINDSAY:

Okay, it looks like the tabling fails. Motion to approve.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Do we have any idea who the principals are in this company?

P.O. LINDSAY:

She mentioned it on the record before. I don't recall their names.

D.P.O. VILORIA-FISHER:

I remember she mentioned Thomas Buonaiuto.

LEG. NOWICK:

Yes, I remember what she said.

D.P.O. VILORIA-FISHER:

Tom Buonaiuto.

LEG. ALDEN:

I don't think she said one -- maybe one name.

D.P.O. VILORIA-FISHER:

She said one name, Thomas Buonaiuto.

LEG. ALDEN:

And is this is a publicly-traded stock company or is this a privately held bank?

LEG. HORSLEY:

Manditch is the Chairman. We've got it all up here, if you want it.

D.P.O. VILORIA-FISHER:

Oh, Doug Manditch is the Chair?

LEG. HORSLEY:

Yeah, Doug Manditch is the Chair.

LEG. GREGORY:

Mr. Chair.

P.O. LINDSAY:

Yeah. Legislator Horsley, I just -- my head's a little fuzzy. I know she answered the question. I don't --

LEG. HORSLEY:

Okay. Duwayne is looking for it.

P.O. LINDSAY:

Huh?

LEG. HORSLEY:

Dwayne is looking for it.

LEG. GREGORY:

We have Douglas Manditch is the Chairman, Thomas --

D.P.O. VILORIA-FISHER:

Buonaiuto.

LEG. GREGORY:

Buonaiuto.

D.P.O. VILORIA-FISHER:

Buonaiuto.

LEG. GREGORY:

Chris Hilton and John Pinna.

LEG. ALDEN:

Those are the four principals?

LEG. GREGORY:

Right.

LEG. ALDEN:

That's it? Does it say if it's a publicly traded bank stock?

LEG. HORSLEY:

Commercial bankers.

LEG. ALDEN:

All right. So we really don't know. Okay. I'll just vote the way I have to vote.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

What it is is a brand new bank with no experience, no performance and no results.

LEG. ALDEN:

Let's give him our money, not mine, though.

LEG. SCHNEIDERMAN:

Bill.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

We've never asked the question before with any other depositories --

LEG. ALDEN:

We absolutely have.

LEG. SCHNEIDERMAN:

-- or who the principals were. I think what Legislator Barraga is bringing up is an important point, what is the track record of the bank, how many officers do they have, are they worthy of being listed in the small group of County depositories, because there's -- there must be 50, 60 banks out there in Suffolk County, a lot of new start-up banks. And are we going to start bringing them all in? But I don't -- I personally don't think it's relevant who the individuals are who are operating the bank.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

I'm going to support the bill, but based on the testimony from the Treasurer that we heard earlier today, that the Treasurer, in performing her duties, is ensuring that this is a depository that's appropriate and could properly safeguard the funds of Suffolk County, and I don't think she really has discretion on that either. I think there are minimum requirements that have to be met by these depositories in order to be able to accept funds from Suffolk County. So it's important to explore these banks, to know whether or not they're meeting those minimum requirements, but if they are, and that's the testimony we received from the Treasurer today, I'd be happy to support it.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I have a question of Counsel. Since I don't know who's on that -- you know, on the Board of Directors, and I might have taken a contribution from one or more of those individuals, I'm not going to participate in this vote at all. Is that something --

LEG. HORSLEY:

The website has --

LEG. ALDEN:

I mean, I'd have to recuse myself.

LEG. HORSLEY:

-- the Trustees.

P.O. LINDSAY:

You have a right to recuse yourself. Okay.

MR. NOLAN:

You could do if you'd like.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. Legislator Alden is recusing himself.

LEG. ALDEN:

Thank you, because I don't know who --

P.O. LINDSAY:

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

LEG. KENNEDY:

Abstain.

LEG. ALDEN:

Recused.

LEG. SCHNEIDERMAN:

I'll abstain. The bank has no track record.

LEG. MONTANO:

I'll abstain.

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

You got me as recused?

MR. LAUBE:

Yes.

P.O. LINDSAY:

You guys got the --

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Yeah, it looked like what, four abstentions and one recusal?

MR. LAUBE:

I have three abstentions, one recusal, one no.

P.O. LINDSAY:

Okay.

LEG. EDDINGTON:

Can you do a "maybe", or no?

P.O. LINDSAY:

Yeah, no "maybe". *1702 - Tax Anticipation Notes, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$105,000,000 Tax Anticipation Notes to the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2005, 2006, 2007 and 2008, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes.*

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator --

LEG. MONTANO:

Montano.

P.O. LINDSAY:

-- Montano. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. KENNEDY:

Abstain.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1458 - Amending the 2008 Operating Budget and transferring funds to the Huntington Youth Development Research Institute, Incorporated.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Is this money that was in the Omnibus?

P.O. LINDSAY:

Could you explain this, Legislator Cooper?

LEG. COOPER:

Right. This was actually previously approved by the -- by this body. It was money that was in the 2007 Omnibus. There was a problem. It was part of a larger grant, \$10,000 -- I think it was \$25,000 of which went to an entity that was problematic. It was determined that we really should not be providing funding to that organization, because they were in the process of being audited, so the money was reallocated within my District. That original organization was within my District in Huntington Station. It was reallocated to other nonprofits within my District serving the same community. Of the \$40,000 that was originally in the omnibus, \$10,000 of which was allocated to one organization, for technical reasons, it was -- after we approved the funding, it was determined by Counsel that it was not appropriate for that particular organization to distribute the funds. It was for anti-gang initiative in Huntington Station.

The original monies were going to the Huntington Station Business Improvement District, but the funds were going to be utilized outside of the bid, and it was determined that that wasn't appropriate. So we found another nonprofit organization in the District that would be willing to move forward with the same program that was previously approved by the Legislature, using the same -- using the same omnibus funds. So it's \$10,000 of omnibus funding that was previously approved by this body for one nonprofit in Huntington Station that's now going to be serviced by another nonprofit in Huntington Station.

LEG. ALDEN:

Through the Chair. 2007 or 2008 Omnibus money?

LEG. COOPER:

2007 Omnibus money.

LEG. ALDEN:

At the end of 2007, if you don't spend the Omnibus money, it goes to fund balance, so you're tapping into the fund balance from 2007? 2007 is done, Jon. If you didn't spend it, it's not around to reallocate it, it went to fund balance.

LEG. COOPER:

Gail, can you help out on this?

MS. VIZZINI:

In terms of the specific resolution, there is a \$10,000 offset that's coming from Economic Development.

LEG. ALDEN:

Oh, okay, but that's in the '08 budget.

MS. VIZZINI:

Yes.

LEG. ALDEN:

He just -- Legislator Cooper said that this was a 2007 allocation that died at the end of the year, that went to fund balance already.

MS. VIZZINI:

Yes. We're not taking the money from the fund balance. We are taking --

LEG. ALDEN:

No. So now we're creating another 10,000 to give to --

MS. VIZZINI:

From 2008.

LEG. ALDEN:

From 2008 Budget. You open up that door and everybody's going to try to run through, you know, because I have things that weren't funded -- well, not funded -- not weren't funded, but were funded in '07, but people spent the money and it went to fund balance. You're actually dipping into the '08 funds.

LEG. COOPER:

Well, the only reason that I feel that this is appropriate is that it was basically a technicality that prevented the original \$10,000 allocation to be funded. It's for and I'm sure I might not be the only Legislator saying this, it could be a very important -- if I can just finish.

LEG. ALDEN:

That technicality occurred in '07, that money is gone.

P.O. LINDSAY:

But let him finish answering your question to him. Go ahead.

LEG. COOPER:

I'm arguing that we can make an exception in this case, because the money is being kept within the District. It's being used for a vitally important project and much-needed anti-gang initiative in my District. This is a community, a challenge community that has a serious problem with gangs. There have been shootings, there have been stabbings in this community. And I think that it's appropriate. We're talking \$10,000, \$10,000 that was -- I understand the counter-argument, but \$10,000 that was originally allocated for this exact same program in the District. The only -- it was a technical problem that prohibited the funding from being spent by one nonprofit. Now I'm trying to reallocate it for another nonprofit in the same District.

LEG. ALDEN:

Two things. First, that was '07 that the problem occurred. You could have allocated some of your money, 10,000 of your '08 allocation for this initiative, if you had chosen to do that. You were well within your rights to do that.

The second thing is, we're either in a fiscal crisis or we're not in a fiscal crisis. If you want to add \$10,000, then we're going to end up going around the room here and everybody's going to add their \$10,000, and that adds up to a lot of money, Jon.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I'm going to wind up reiterating some of the points that Legislator Alden made. I have several organizations that lost money in the '07 year, one of which I continued to fight for well into the beginning of 2008 because of a technicality with a contract that was filled out incorrectly by the department that was handling it. And, through no fault of their own, the contract was changed. They didn't realize it. They sent in receipts that didn't comply with the terms of the contract and they wound up losing seventy-five hundred dollars. It's a significant sum of money, and that's just one example. Then I have other groups that just didn't do paperwork in a timely fashion, or through other circumstances, because they're entirely not-for-profit volunteer organizations with no

employees, weren't able to finish things and wound up losing money. I had groups within my District, unfortunately, lost more than \$10,000. And part of our understanding around this body is when that money does expire at the end of that calendar year, it's gone and you have to -- Legislator Alden's exactly right.

I myself saw what happened last year and I had to jockey the money that I had available to my District this year if I wanted to make up for any shortfalls that occurred last year. So we all have a finite pool of money and we have to live within that, so I don't support this. I understand your points, that it's a good program and that it's staying within the District, but the fact is it's money from a different fiscal year and you should have to find a way to reallocate your funds that are available for your District this year.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

There's no doubt that it's a worthy cause. I had a very similar thing happen to me, I think it was 2006, a bigger amount of money. I had gotten \$25,000 for a not-for-profit doing educational work. And they went through all the paperwork, and right at the very end, the County Attorney, County Executive, determines that -- determined that they were ineligible for the money, and I was told that it was gone forever and I could never get it back. And I would have loved to reprogram that money or figure out a way to --

P.O. LINDSAY:

Gees, I kind of recall, though, Legislator Schneiderman, that we have reprogrammed some money for you on the South Fork.

LEG. SCHNEIDERMAN:

What was that?

Not in this case.

P.O. LINDSAY:

We have reprogrammed some money for you on the South Fork sometimes.

LEG. SCHNEIDERMAN:

Maybe somewhere, but --

P.O. LINDSAY:

So, I mean, you're not the one that should be throwing stones there, you know what I mean?

LEG. SCHNEIDERMAN:

Believe me, this 25,000, that one hurt. So, anyway, I don't mind doing it if we do it for everyone, but I don't --

P.O. LINDSAY:

Legislator Montano.

LEG. SCHNEIDERMAN:

-- do it, not just for one.

LEG. MONTANO:

You know, I'll just reiterate what some of the Legislators said. We also lost money last year for money that was allocated. It wasn't -- it was passed in the budget. It wasn't approved for one reason or another. I don't see anyone giving me a call telling us that we're going to make up the difference. This is 2007 money that was lost and there's other ways to replenish this. It could be done through CSI money, it could have been done in the Omnibus, as Legislator Alden said. That's the reason this bill didn't come out of Committee, it had to be discharged. So I will not support this.

I have not supported any resolution that allocates money that is not with -- that's a member item that does not come from Omnibus. I've had that policy for three years, I won't deviate from that now.

P.O. LINDSAY:

Anyone else? Okay. Legislator Cooper, are you ready?

LEG. COOPER:

I'm going to make a motion to table the resolution.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Opposed.

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Opposed to tabling it?

MR. LAUBE:

Sixteen.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. LINDSAY:

Okay. Economic Development, Higher Education and Energy: ***1693 - Accepting and appropriating an amendment to the College budget for grant award from the State University of New York for an Educational Opportunity Program 87% reimbursed by State funds --***

LEG. LOSQUADRO:

Motion to approve.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

-- ***at Suffolk County Community College.*** Motion by Legislator Losquadro, I think it was.

LEG. EDDINGTON:

Second.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1699 - Authorizing a lease agreement with the Hertz Corporation for use of property at Francis S. Gabreski Airport. Do I have a motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Where did that come from?

LEG. HORSLEY:

Horsley.

D.P.O. VILORIA-FISHER:

I'll second.

LEG. HORSLEY:

Horsley.

P.O. LINDSAY:

Horsley. I can't see as well around here, you know. Horsley, okay.

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1741 - Authorizing a renewable energy Request for Proposals. I'm going to make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. And I don't -- I'm going to ask Ms. Vizzini, because it was something that was asked of me. I wasn't here at the Committee Meeting. Did Mr. Schroeder have a problem with this proposal? It was just to ask for an RFP on this.

MS. VIZZINI:

No, there's no problem. The concern was that the resolution is very broad in its parameters, but it's very likely that, in preparing the RFP, the Department could perhaps be more specific in terms of achieving the goals.

P.O. LINDSAY:

The reason for the broadness here is, I believe you were in on the meeting and so was Mr. Schroeder, where we had a presentation from a man from New York about a new subsidy for profit companies for tax credits, and they are trying to harness that by leasing space, rooftops on County buildings, and they will invest in it then and put in the photovoltaic cells or windmills, or whatever it is, alternative energy at no cost to the County, and the benefit to us is we get the power at a much cheaper rate, so it sounded like a good deal. And I would assume that, Counsel, you made it broad to encompass every opportunity we could. I'm sure it will be narrowed when we get the proposals

back.

LEG. HORSLEY:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

I chaired that meeting and I don't recall Mr. Schroeder making any comment about it at all at the meeting itself.

P.O. LINDSAY:

Oh, okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Actually, Legislator Horsley, I had attended that meeting because I wanted to see the presentation and the -- I happened to have a sidebar conversation with Mr. Schroeder and so he mentioned it to me, but the meeting --

LEG. HORSLEY:

Oh, so it wasn't on the record, though.

D.P.O. VILORIA-FISHER:

The meeting was kind of rushed through --

LEG. HORSLEY:

Yeah.

D.P.O. VILORIA-FISHER:

-- because you wanted to get to the presentation --

LEG. HORSLEY:

Right.

D.P.O. VILORIA-FISHER:

-- and you were losing your quorum. But he mentioned it to me, it wasn't on the record, and so I passed that information along --

LEG. HORSLEY:

Okay.

D.P.O. VILORIA-FISHER:

-- to the Presiding Officer, because he was concerned about the broadness of it.

LEG. HORSLEY:

Okay.

D.P.O. VILORIA-FISHER:

But, if it could be narrowed down during the RFP process, you know, that might be better. You know, when he mentioned it to me, I thought, well, this could be an RFP that could become a very expensive consultant doing this. So I hope that it could be narrowed down, Mr. Chair.

P.O. LINDSAY:

Well, I don't know where there's an expense to the RFP. I mean, after the preparation, it's to seek

proposals for people to install equipment on our rooftops or parking lots, or whatever. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Several years ago, I want to say at least two years ago, we passed a resolution to do a Wind Feasibility Study for the Honor Farm in Yaphank and it seems to -- DPW had it, but it seems to have fallen through the cracks, and, you know, that should certainly be incorporated here. There was also some effort to get NYSERTA and LIPA involved. And, as we move forward, we should -- we might be able to get some money from those things.

I did read the bill, I did find it actually very broad, too. It would be nice in that one instance, where we had a very specific property, to fulfill the desire of this body to study that property, and that's unfortunate that that never happened, but --

P.O. LINDSAY:

Well, the beauty of this plan or this idea is for it to be broad, to look at every rooftop we have, our parking lots, wherever we -- it's feasible to install alternative methods of producing energy at no cost to us.

LEG. SCHNEIDERMAN:

And now we're looking for these RFP people to make this -- proposals without any cost, or we're going to have to evaluate the costs? Because one of the things that Joe Schroeder talked about, when we were doing the Honor Farm, is he thought that the company that would be interested in putting up the wind turbines would do at their own expense the wind study.

P.O. LINDSAY:

That's what this is about.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Jay, it includes wind.

LEG. SCHNEIDERMAN:

I saw that, yeah.

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor, please.

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

1274 - To promote land acquisitions for Open Space, Farmland Preservation and Hamlet Parks in underserved communities.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Losquadro. I need seconds to both.

LEG. ROMAINE:

Second to table.

P.O. LINDSAY:

Second to table. Do I have a motion on the approval -- a second to the approval?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the motion.

LEG. COOPER:

We had a long discussion about this resolution in Committee, and I've worked with the Planning Department for many months on this. The basic concept is that additional points are granted on the rating forms based on size, and particularly on the eastern towns where there are much larger parcels. It's far easier to get to the minimum 25-point threshold below which -- let's say for open space, for example -- below which we don't recommend an acquisition. I thought that that was unfair to the more densely populated communities, primarily in western Suffolk County, where there simply aren't that many large parcels of land left available for either open space acquisition, or farmland preservation, or active parkland. I know that in my District, basically, the only parcels that are left these days are very small parcels, and it's much more difficult to get to that 25-point threshold. I, therefore, thought it was fair to work with the Planning Department to rework the rating forms and make it a little bit easier to get extra points for parcels in the more densely populated areas of Suffolk County. It would not in any way reduce the likelihood that we would purchase any parcels in Eastern Suffolk, where the vast majority of acreage has been purchased to date, but it would make it a little bit easier to acquire smaller parcels in Western Suffolk County. And in Huntington and Babylon, Smithtown, large chunks of Brookhaven, much of what still remains are smaller parcels. So it would only give a couple of extra points.

The resolution before you now is a compromise, it doesn't go anywhere near as far as what my original proposal was. I did work very closely with Tom Isles in Planning on this, and I think that this is something that is fair and reasonable for all taxpayers.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I've disagreed with this resolution since it was first introduced, I continue to disagree with it. Unfortunately, I could not be there at Committee. I'm sure another discussion, another lengthy discussion did take place. The fact of the matter is there already is a mechanism by which population is taken into account in the current rating form, and I feel it is wholly unnecessary to start to try to differentiate parcels.

As I called it in Committee last time when I was there, this is essentially affirmative action for land acquisitions. It creates a situation by which land is no longer being judged entirely on its merits. I

think that however imperfect our current system is, by even granting certain benefits or additional values, scores for population density, to go a step further, as this bill intends, I think is disruptive to the entire practice that this County has moved forward and been a model with across this country. And I do not think that this resolution is a good idea and I will not be supporting it.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Legislator Kennedy is up next, and I'll put you down, Legislator Romaine.

LEG. KENNEDY:

Thank you, Mr. Chair. Through the Chair to the sponsor, I looked at the legislation. I've seen the different changes that you made with it. My own opinion is that it does seem to be trying to attach an issue that seems to be more prevalent on the West End without necessarily putting a hard and fast distinction between West End and the East End purchases. I like the concept of the census District and/or the population components. I'm inclined to go ahead and support it. My question to you was how many points? In your dialogue with Planning, where did it look like this would shake? I've often wondered how points are assigned to all of the various rating items in there. And so, with this, will it be two, will it be five?

LEG. COOPER:

If I could -- excuse me -- I'd like to ask someone from Planning to come up. I don't know whether --

LEG. ROMAINE:

There's no one here.

LEG. COOPER:

Is anyone here?

P.O. LINDSAY:

There's nobody here from Planning.

LEG. ALDEN:

Take your pick, Jon.

LEG. KENNEDY:

Well, you know, I applaud the concept, I'll support the concept. I had hoped that I would actually see what we might get with some specificity on the record, but if they're embracing it, they're embracing it, I guess.

P.O. LINDSAY:

Do you want to ask Ben Zwirn? He knows everything.

LEG. KENNEDY:

Hey, Ben, how many points are we getting on this one?

LEG. COOPER:

What I'd like to get is a copy of -- because I've worked with the Planning Department. They came up with the recommendations for the final revised planning forms, and it was their recommendation on how many points to add based on the size of the parcel, which varied, depending on whether it was open space or farmland or active parkland.

LEG. KENNEDY:

And here we are, all dressed up and no place to go, huh?

LEG. SCHNEIDERMAN:

I believe on the environmental one, they have not assigned --

P.O. LINDSAY:

Wait a minute, wait a minute.

LEG. SCHNEIDERMAN:

I was just trying to answer the question. I'm Chairman of that Committee.

P.O. LINDSAY:

Oh.

LEG. SCHNEIDERMAN:

On the environmental one, they haven't assigned points.

P.O. LINDSAY:

Okay. Let me recognize the Chair of the Environmental Committee to answer that question.

LEG. SCHNEIDERMAN:

There were points assigned for farmland and for active recreation. I don't remember the exact numbers, but for the environmental one, it was to be determined by the Planning Department. They hadn't yet determined the number of points.

LEG. COOPER:

But the bottom line, it was the Planning Department that came up with the recommendations for the revised forms. As I said, it didn't go as far as I had wanted originally, but, in the spirit of compromise, it accomplished some of what my goal was, to try to achieve a somewhat better balance. But it was done in close cooperation and at the direction of the Planning Department.

P.O. LINDSAY:

Legislator Romaine has been very patient. Go ahead.

LEG. ROMAINE:

Very briefly, I applaud Jon for working with the Planning people. However -- here's the however -- I always think it's bad for Legislators when you're talking about rating the purchase, and those ratings are used by the Committee to either accept or reject purchases or planning steps, for the Legislature to impose on them a rating system that they themselves had not devised, whether you work with them or not. I understand your desire to purchase whatever left -- open space is left that would be suitable in your District or in Huntington Town, and I appreciate that, it's doing your job as a Legislator for your District. But I am nervous about the concept that Legislators can change the rating sheets for acquisitions. I think that best -- the standards for that is best left to Planning.

I would be more comfortable if the Planning Director was here to say, "Some people have approached us and we've considered this and we're suggesting to the Legislature we're going to be making this internal change," but, instead, we're about to do this by Legislative fiat. I just don't think that that's the right approach.

So I have a lot of doubt about voting for this. I understand what you're trying to do, I'm not opposed to that. Also, I would feel more comfortable if the Planning Department and you have said, "Look, if it's in Western Suffolk, it's a densely populated thing and they want to purchase land, just for the fact that it's in a densely populated area, we're going to give them one point," then I would know what the point system would be. And I'd say, "Oh, for one point, sure, why not?" But I'd rather have that come from Planning. I'd rather know the point value. I'd rather not have it imposed by Legislative fiat.

Thank you.

P.O. LINDSAY:

Do you want to respond? I'll give you a chance to respond, Legislator Cooper.

LEG. COOPER:

I do want to respond. Legislator Romaine, this was not done by Legislative fiat. What I did was go to the Planning Department, I introduced this resolution, made it clear to the Planning Department that I thought that there was some inequities here, because it is more difficult, significantly more difficult to get to that 25 point, let's say for open space, 25-point minimum threshold for Western Suffolk, because --

LEG. ROMAINE:

Why is that?

LEG. COOPER:

Because there are not large parcels available, the large parcels that you have on the East End.

LEG. ROMAINE:

Right.

LEG. COOPER:

That there are many parcels that you get. And I can't remember now how many points you can get for that, whether it's 10 points or 15 points for large parcels. You simply cannot get that in Huntington, or in Babylon, or in Smithtown, because most of the open space that's still available, or farmland that's available, or pocket park, they're smaller parcels.

So, just as a result of that, unless we decided to waive that minimum threshold, which we've done in the past, we've approved acquisitions or planning steps that were significantly below the 25 point minimum threshold. I didn't want to go that route. I thought what we should do instead is try to find some revised formula to make it a little bit easier to require some of these -- to acquire some of the small parcels that are not yet developed in Huntington or the other primarily western towns, not exclusively, but primarily. And it's not going to stop us from buying one parcel on the East End, but it may make it a little bit easier to buy a few smaller parcels on the West End.

And for my constituents that have been strong supporters of the Suffolk County Open Space Program, the Drinking Water Protection Program, I know that they feel that it's important to buy land, not just on the east -- in the eastern towns, but also to preserve the few small remaining parcels in western Suffolk.

And, again, it was not a Legislative fiat. I went to the Planning Department, they recognized what I was trying to accomplish. And I worked with them for at least a couple of months to try to come up with a formula, with revised formulas that they could live with, and that's what happened. It was at their -- at their direction that the new rating system was developed. They prepared the new forms. They presented it to the Environment Committee. It didn't go as far as I originally wanted, but I saw it as a fair compromise.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

Yes. I'd like --

P.O. LINDSAY:

Could I just say something to my colleagues to my right and left? I can't see you, so when you want to talk, just raise your hand, wave, yell, spit at me, do whatever, but I just can't see you in this

configuration.

D.P.O. VILORIA-FISHER:

No. I'm right behind him, don't spit at him.

LEG. BROWNING:

Does anybody have peanuts?

P.O. LINDSAY:

Yeah, throw a peanut at me. Go ahead, Legislator Eddington.

LEG. EDDINGTON:

I was wondering if this is a shared purchase with the Town of Huntington?

P.O. LINDSAY:

Now, this isn't a particular parcel, it's a policy.

LEG. EDDINGTON:

Oh, okay, I got you.

P.O. LINDSAY:

A policy, it isn't a specific parcel.

LEG. EDDINGTON:

I gotcha.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I appreciate all the work the sponsor's been doing to try to come up with a good bill. I still don't think that we're there, and let me try to explain why.

You know, population can be an important factor for certain types of acquisitions; you're trying to put up a ball field, a football field, a basketball court, whatever, baseball field. Having it in close proximity to a lot of people makes sense, it's a good use of County resources. If you're trying to create a park, even for like a picnic area, playgrounds, that kind of thing, it makes sense to be near people. Farmland population, it's nice to keep a little piece of -- pocket of farmland in various different areas, but the reality, to keep farming as an industry alive in Suffolk County, you need hundreds of acres, thousands of acres of farmland to be able to support that industry, and it makes sense to buy these large tracks in areas like the North Fork.

The environmental rating system, and I should say with these different categories, we have a different scoring sheet. Farmland has a different scoring sheet, active recreation has a different scoring sheet. The environment has its own scoring sheet and it always has been entirely based on environmental attributes. Having a higher population actually may work against it in a sense that if you're trying to create a nature sanctuary, that could be a problem in terms of noise and light pollution. Also, you're working toward creating large blocks of open space, like contiguous woodland areas, and so, you know, population really works against you in that regard.

What I think the right way to go about this is to create another rating form, specifically for these hamlet parks, pocket parks, the type of parks that I think that Legislator Cooper is looking for, and I think that population should factor into those things, because you want people riding their bikes and walking to those types of parks. So I think you're kind of stuck in this three category of rating systems and we really need a fourth category, so we're not competing for those funds in a rating sheet that doesn't -- is really not appropriate for that type of park.

P.O. LINDSAY:

So you're opposed to this legislation?

LEG. SCHNEIDERMAN:

I think it should be tabled and worked on a little bit more. I think, rather than adding the higher score to this, there should be a fourth rating sheet for hamlet parks.

P.O. LINDSAY:

You better be careful. Be careful, though. With all those helicopters going out to East Hampton, you know, you might be affected by this.

LEG. SCHNEIDERMAN:

There you go.

P.O. LINDSAY:

Legislator Eddington wanted to clarify what he was saying before.

LEG. EDDINGTON:

Yeah. No, actually, it's different. I realize now that this -- and I'm not sure the right way to do it, but this, in fact, what I've been trying to talk about, because I have numbers of five-acre to six-acre horse farms and they don't individually get much of a rating. And I've been looking to be able to put eight or ten together, because in Yaphank and in Medford, it's really a lot of horses, but it's not like 30 acres of horses. And I think something like this will help me facilitate what I'm -- what I want to do. The right way to do it, I'm not really thinking of, but it will certainly help my constituents.

P.O. LINDSAY:

Legislator Gregory, and then I'll get back to you.

LEG. GREGORY:

I just wanted to make a comment about -- I think it's unfortunate that -- I support what Legislator Cooper is trying to do. I think it's unfortunate that we kind of lowered the debate and named this as some type of affirmative action for open space, when, in fact, if we were to implement a quota system, the west end District would probably actually fair out better than we have been. As I sat behind the horseshoe and as I sit at the horseshoe in my present capacity, 90, 95, 98 percent of land purchases do not happen in my District, and I would probably bet not even in the western towns. So I think we need to -- you know, my District is one of the most -- parts of my District are one of the most economically distressed in the County, and probably on Long Island. We face foreclosures. People in my District are hurting and they're paying for these land purchases. I think they should have a fair opportunity to preserve open space in our Towns and our communities, just like anyone else. That's all I want to say.

P.O. LINDSAY:

Legislator Cooper, and then D'Amaro.

LEG. COOPER:

I just wanted to say, I completely understand Legislator Schneiderman's point, but I disagree. I don't want to only be able to buy farmland in my District, or active parkland, or even hamlet parks. A couple of the acquisitions I've done in past years were open space. It was clearly open space preservation, nature trails, you know, more or less nature preserves. There's one parcel -- the only parcel that comes to my mind in my District that is even on my radar screen for potential acquisition is the Williams Property in Cold Spring Harbor, which is about 20 some-odd acres, and, if it was acquired, it was going to be acquired as open space. It's not a hamlet park, it's certainly not active parkland, it's not farmland, it's open space, and it's going to be tough for me to get to 25 points. It's about the only open space left in my District. It's threatened with development. We've got to move forward on this relatively quickly or we're going to lose it forever.

Now, I could make the argument that, fine, it fell short of 25 points, but make an exception for me. We've done that in the past. What I would prefer to do is to, as I have done, work with the Planning Department, fine tune the rating forms slightly. It will give a few extra points. If my parcel otherwise would only have five points, the extra three points or four points that I might get through this revised rating form is not going to help, it's still going to fall far short. But there are other parcels that could be in the range of 18, 19, 20 points, and by getting a few extra points, it will bring it within striking range of 25.

As I said before, my constituents, taxpayers in my District, have willingly funded open space acquisitions in the eastern towns for years, they've gladly done it. But, if you look at the percentage of my constituents that have voted for -- last year voted for the Quarter Percent Bond, it was probably high, if not higher, than constituents in the eastern towns that some would argue are more directly affected by it. But you've got to throw us a few crumbs, and all we're asking is to be able to make it a little bit easier to buy a few small open space parcels, or hamlet parks, or active parkland parcels in western -- we're not asking for much. It's the fair thing to do. I know it's something that my constituents feel very strongly about. And, as I said, this was something that was not really imposed by the Legislature on Planning. Yes, I came up with the idea, but then I worked with Planning hand in hand on this for at least two months, if not three months now.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
The way I see it is, if you're arguing against this bill, you're proceeding from a false assumption, and that assumption is that the rating system we have in place is fair. It's not, it's subjective. It's well thought out, its experts have had a lot of input into it, but the fact of the matter is it's an imperfect subjective criteria that we're all taking as gospel. All right? It's imperfect, and what this bill does is it takes an imperfect system and a subjective system and tries to make it less imperfect. That's what we're doing here today.

The other point I want to make is that this bill will not result in any less acquisitions on the East End. If I thought that would happen, I wouldn't support it. The only thing it's going to accomplish is perhaps preserve a little bit more open space on the West End. I don't see how you can be against that.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
First, let me try to respond to Legislator D'Amaro. In a sense, yes, there is a potential impact to the East End in that there's a limited pot of money as more properties qualify or cross that threshold. Then that money's going to be diluted and there maybe less available for the East End. Now, that's not to say we shouldn't acquire land in Western Suffolk. I wanted to address the comments of the freshman Legislator, Legislator Gregory, who said that no money is -- or very little is being spent in Western Suffolk. The data is clear that roughly the same amount of money is being spent in the five western towns as in the five eastern towns. I would feel more comfortable with this bill, and I think Legislator Cooper makes a good point, there's dwindling amounts of open space. Some of that open space has environmental value. I would love to hear environmental arguments being made of why, you know, that property is important, maybe for water quality, or it's on a fly-away and birds -- there's very little open space left. Birds need a place to land that are migrating. There's lots of environmental arguments and you can make them. And maybe the form ought to address those things, if there is a true scarcity of habitat in an area. It's the population thing that you're infusing a non-environmental piece into this. And I have supported probably almost every single open space request in Western Suffolk, because I understand how important that is.

And I see your dilemma in feeling like you can't, because of the size of the parcel, get that higher

score, but I think you can make strong environmental arguments as to why those properties are worthy of preservation. And those forms, maybe they aren't perfect. Maybe Legislator D'Amato is right, they ought to address those things, but I don't know that population is the key. A scarcity of open space may be -- might be the key.

P.O. LINDSAY:

Legislator D'Amato wanted to talk.

LEG. D'AMARO:

Again, I thank you, Mr. Chairman. I just want to respond to Legislator Schneiderman. You know, you're saying you're not sure whether population is an environmental factor. I think it absolutely is. The higher density of population that you have, I would assume, has a much higher adverse impact on the surrounding environment. I think it is an absolutely legitimate environmental consideration that's not taken into account in these forms, and that goes to what I was speaking to before, that although these forms are set out with the best of intentions, they need to be adjusted, because they're not perfect.

LEG. SCHNEIDERMAN:

Yeah. If I can respond.

LEG. D'AMARO:

Sure. But, you know, again, I just think to say population is not an environmental consideration, I just -- I don't think that's the answer.

LEG. SCHNEIDERMAN:

No, not all open space is created equal. And, certainly, having, you know, trees in a densely populated area can really contribute to the quality of life and sense of place in an area, but there are other areas that are supporting habitat that's rare and endangered habitat that really -- you know, you have to look at those pieces of property differently. It's not to say that we shouldn't preserve those little pieces. The question is, when you have so much population around, like wildlife needs places to -- you know, they need places to find shelter, they need to move from one area to another. If you're talking about a ten-acre parcel that has limited habitat value, that's really what I'm getting at, is what is the habitat value of that parcel. And on the East End, I think it's pretty clear, it's been identified as one of the last great places in the Northern Hemisphere by the Nature Conservancy. It's important globally from an environmental perspective. And that property in Huntington may be very important to the people around it, maybe even it is providing habitat, which would elevate it, certainly in my mind. But that's what I'm trying to say, all open space is not created equal, and I want to make sure we have the money to purchase the pieces that we really need to purchase from an environmental perspective.

P.O. LINDSAY:

Legislator Beedenbender, and then Viloría-Fisher, and we'll be here. Go ahead, Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, I just -- we were having a discussion. Legislator Gregory had said that, you know, there was more spent on the east than the west, and then Legislator Schneiderman said, well, you compare the five east and west end towns, but the five west end towns include Brookhaven. So I don't have the numbers in front of me, but I would really suspect that if you separate -- you take Brookhaven out and you look at Huntington, Babylon and Smithtown --

LEG. HORSLEY:

You're not even close, yeah.

LEG. BEEDENBENDER:

-- and Islip, that that's where the disparity that Legislator Gregory was talking about, and Legislator

Cooper. And, for that matter, if you take pieces out of Brookhaven, for instance, where the Fourth Legislative District is, that would be separated out, too. I made the point during Committee, we got the report of all the planning steps that are active, there were several hundred in other Legislative Districts. There were 14 in my District. So I think that we can compare any way we want, but, you know, if you look at the four west end towns, and I'll say four, because Brookhaven is central and we'll just call that Central Suffolk, I guess, I think that's where you throw off the numbers. So I think that Legislator Cooper here has addressed a problem that needs to be addressed, because -- and I agree with Legislator D'Amaro, that it's not taken as fact that this form and rating system was fair to begin with.

LEG. NOWICK:

Take the vote. Take the vote.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

I just wanted to make a brief observation regarding environmental impact on the western towns, and that's the environmental impact of storm water and storm water remediation, and where you have heavily populated areas, very often that's a tremendously -- the numbers are stunning when you look at what happens in Smithtown with storm water and in Islip, all of the coastal areas. We live on an island and storm water is a true challenge for us, so we have to look at the importance of having some open space. Whether or not they're postage-stamp-size or huge, we need some open space to be protected on the western part of our Island, as well as the east. And so that in itself is an important environmental factor.

LEG. COOPER:

Before we call the vote.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

One final point. I have a -- next to my home, there's about a two-acre parcel of woodland. We have a family of foxes that live there. I've seen box turtles on the property, other species.

LEG. ALDEN:

What were they doing?

LEG. COOPER:

I'm sorry. What was that, Cameron?

LEG. ALDEN:

What were the turtles doing?

LEG. COOPER:

And, anyway, I don't think it's right for my constituents to have to drive out to Peconic to see an osprey or something. You know, they should be able to --

LEG. SCHNEIDERMAN:

Take a helicopter.

D.P.O. VILORIA-FISHER:

I'd say a picnic at Cooper's. Time for a vote.

LEG. COOPER:

Time for a vote.

P.O. LINDSAY:

Okay. We're going to vote, right? We've got a motion and a second? I forgot, it's been so long.

MR. LAUBE:

You have a motion and second to table, and you have a motion and second to approve.

P.O. LINDSAY:

Okay. So tabling first, and I'm going to call a roll on this one. This is to table this resolution.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes to table.

LEG. ROMAINE:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No to table.

LEG. BEEDENBENDER:

No to table.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

MR. LAUBE:

Was it no?

LEG. SCHNEIDERMAN:

No.

MR. LAUBE:

I can't see him.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. ALDEN:

No.

MR. LAUBE:

Three.

P.O. LINDSAY:

Okay. And motion to approve, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes for the West End.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Cosponsor, huh?

LEG. ROMAINE:

No.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

1670 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Reeves Bay property - Town of Southampton). Legislator Schneiderman, do you want to make a motion on this?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. I feel the love. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1712 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection for land acquisition.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Who made the motion?

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Viloría-Fisher. What exactly does this do?

COMMISSIONER GALLAGHER:

If I might.

P.O. LINDSAY:

Please.

COMMISSIONER GALLAGHER:

This is requesting an additional 25 million to be bonded against the anticipated future sales tax revenues from the Quarter Percent Program, and this would bring us up to a total of 57 million for the year. You previously authorized 32 million, and we anticipate that we'll need that much to close on all the acquisitions that we currently have in contract and in accepted offers before the Spring borrowing.

P.O. LINDSAY:

But this isn't going beyond the outside limits of the whole program; what was it 325 million?

COMMISSIONER GALLAGHER:

Three-hundred twenty-two million over the first four years, so, no, this will be 57 million.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

By the Springtime.

COMMISSIONER GALLAGHER:

Well, the next borrowing is the Spring, so we would need this to close on acquisitions before the spring borrowing, to take us through, essentially, May of 2009.

D.P.O. VILORIA-FISHER:

Mr. Chairman.

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

And until we close on those properties and actually use the money, we're not paying any interest on the bonds.

COMMISSIONER GALLAGHER:

That's correct.

LEG. ALDEN:

To borrow the money, you are.

D.P.O. VILORIA-FISHER:

No, we don't borrow it until we're ready to use it, right?

COMMISSIONER GALLAGHER:

Right.

D.P.O. VILORIA-FISHER:

Isn't that how it works?

P.O. LINDSAY:

They sell --

COMMISSIONER GALLAGHER:

This is authorize -- this would authorize us to bond on the acquisition -- to bond that money, and as we close on each acquisition.

LEG. ALDEN:

If you pass this, you borrow the money tomorrow.

D.P.O. VILORIA-FISHER:

Right, if they close on it tomorrow.

LEG. ALDEN:

No.

D.P.O. VILORIA-FISHER:

Yeah.

LEG. ALDEN:

You're authorizing them to borrow the money tomorrow, if they so desire.

D.P.O. VILORIA-FISHER:

Yeah, if they close on a property tomorrow.

LEG. ALDEN:

No, no, it has nothing to do with closing on property. This is -- you're authorizing borrowing 25 million dollars tomorrow, or whenever the County Executive signs it, that's what you're doing.

COMMISSIONER GALLAGHER:

But then each -- I mean, some of these authorizing resolutions have already been approved, some

were laid on the table.

P.O. LINDSAY:

No, we understand that.

COMMISSIONER GALLAGHER:

Yeah.

P.O. LINDSAY:

It's the mechanics of the debt. The Comptroller goes out with --

MS. VIZZINI:

Twice a year.

P.O. LINDSAY:

Twice a year with his --

MS. VIZZINI:

This would be bundled with that.

P.O. LINDSAY:

We don't -- when he does that, we get a rate, we don't actually borrow the money then, right? Don't we -- or does --

MS. VIZZINI:

At that point, we are borrowing.

P.O. LINDSAY:

We borrow the money.

MS. VIZZINI:

Yes.

P.O. LINDSAY:

So we're paying interest.

LEG. ALDEN:

Right.

P.O. LINDSAY:

So Cameron's right.

D.P.O. VILORIA-FISHER:

So Cameron's right?

MS. VIZZINI:

Well, the proceeds, the interest will be paid from the sales tax proceeds.

COMMISSIONER GALLAGHER:

Right. And doesn't it take several months after -- I mean, this would go in with the next bonding, and then it's several months after that that you start paying the actual interest.

MS. VIZZINI:

That's correct, this would be the Spring borrowing.

LEG. BEEDENBENDER:

Mr. Chairman.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

As a practical matter, though, when the County Comptroller -- this authorizes up to a certain amount. When the County Comptroller goes out, he will only borrow what you have contracts for or what we have approved as a Legislature, he's not going to borrow the whole amount.

LEG. SCHNEIDERMAN:

That's not absolutely true, they borrow the whole amount.

LEG. BEEDENBENDER:

Well, I guess -- so let me say that differently. Is he going to borrow the whole amount?

LEG. SCHNEIDERMAN:

Yes.

LEG. ALDEN:

You authorize it, he will.

COMMISSIONER GALLAGHER:

Yes, he -- well, I would assume he borrows the full amount and --

LEG. SCHNEIDERMAN:

You borrow the full amount and then it's used as needed.

COMMISSIONER GALLAGHER:

This is the -- I mean, we're requesting for the amount that we are going to be closing on or before May of 2009, and we've done a very conservative estimate, which is why it's 25 million.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. Clarify this for me. It sounds like you already know that's how much money you're going to need. It's more than original, I think you said it was 52 million and you realize it. We're looking at properties that will bring us up to 57, so you want to borrow the extra so you can meet your expected expenses.

COMMISSIONER GALLAGHER:

Yes. What we're trying to do is look at for the next six, eight, however many months, that's what we did with the 32 million. And I do actually have a listing here, if you're interested, I could pass out. This is every single acquisition, including the current status, that adds up to that approximately 57 million that we'll need for -- out of the Quarter Percent, so what was already authorized, you know, 32 million, and the additional 25 million.

LEG. EDDINGTON:

So it sounds like you're being responsible. To me, it sounds like a responsible thing to do.

COMMISSIONER GALLAGHER:

Yes. Thank you.

P.O. LINDSAY:

Ms. Vizzini, you want to shed some light on this debate?

MS. VIZZINI:

Only that there's another bite at the apple in terms of when we actually do the borrowing. There's an update from Public Works in terms of their needs. There's an update from E & E in terms of, you know, whether this targeted 25 million is exactly what -- exactly what we do need as well. So, if it happened to be less, it would impact the total borrowing. In the Spring, prior -- the target date would be May of 2009, so, you know, there is another opportunity for the Commissioner to give another update to the Comptroller before they decide the precise amount that we're going to need.

P.O. LINDSAY:

Okay. Legislator Montano, and then Schneiderman.

LEG. MONTANO:

Yes. You said you had the list there that you would pass out.

COMMISSIONER GALLAGHER:

Sure.

LEG. MONTANO:

Could you pass me a copy of the list, and anyone else who wants, I guess. Just hand them over, we'll pass them around. Do you have 18 there?

COMMISSIONER GALLAGHER:

I have at least 18.

LEG. MONTANO:

As long as you have one for me.

D.P.O. VILORIA-FISHER:

Carrie, are you oversubscribed? Usually, you're oversubscribed.

COMMISSIONER GALLAGHER:

Yes. I also have a sheet, if you'd like to see, of our current status, which, in this particular --

LEG. MONTANO:

Send it down. Give us what you have.

LEG. BEEDENBENDER:

Carrie, while they're passing it out, just a question on the -- I see tax numbers that start with 0204; what was that, because I know Brookhaven is normally 200.

COMMISSIONER GALLAGHER:

Yes, but sometimes I think what happens is if there's like a split parcel or something got --

LEG. BEEDENBENDER:

So, those are still Brookhaven.

COMMISSIONER GALLAGHER:

Yeah, those are still Brookhaven.

LEG. SCHNEIDERMAN:

It's probably a village -- a village within Brookhaven.

LEG. BEEDENBENDER:

Well, thank you very much.

P.O. LINDSAY:

Okay. Where are we now? Legislator Montano, you still have the floor. Are you done?

LEG. MONTANO:

No, I just wanted the documents.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

When we, as a body, authorize the -- or reauthorize the Quarter Penny Program, the extension, we changed the program some, and we put it on the ballot and we allowed the public to vote. And I remember a lot of debates on the floor about how to be the most honest with the wording for that referendum vote, and we put in specifically that we were planning on borrowing against future revenues, in fact, I think 300 or 350 million dollars. Of course, we're nowhere near what the voters agreed in terms of borrowing against future proceeds. In fact, maybe Commissioner Gallagher knows where we are totally with it. I imagine it's 32, plus this additional 57 million.

COMMISSIONER GALLAGHER:

Right. This --

P.O. LINDSAY:

Fifty-seven million.

LEG. SCHNEIDERMAN:

All right, fifty-seven, which is a long way from that 300 million. I just wanted to remind everybody that the voters had approved us borrowing against future revenues and we're just at the beginning of that process.

P.O. LINDSAY:

Go ahead, Legislator Alden.

LEG. ALDEN:

Just, Legislator Schneiderman, I'm not so sure we told them, though, that we had a fiscal crisis where we're going to shut down Nursing Homes, and sell off our tobacco settlement money, and do all kinds of stuff to plug a 150 million dollar hole, so I don't remember that going out to the public.

LEG. SCHNEIDERMAN:

I understand that, but this money is --

LEG. ALDEN:

Maybe I missed it.

LEG. SCHNEIDERMAN:

This money cannot be used for those things. This is dedicated funds that can only be used for the specific purposes, and when they voted for it, they understood that this money could only be used for those specific purposes. If you want to do a bond for nursing homes, bring it forward.

P.O. LINDSAY:

Okay. All right. Getting everybody back to order. Legislator Romaine, I have you on your list -- on the list. Do you want to talk, or do you want to talk to the media? What do you want to do?

LEG. ROMAINE:

No, no, no.

P.O. LINDSAY:

Okay. Anybody else? Okay. We have a motion, Mr. Clerk?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Motion and a second?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, 1712A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. 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. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *1718 - Authorizing acquisition of land under Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Zebrowski and Mulvihill Estate property - Long Pond Greenbelt - Town of Southampton.* Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I just have a couple of questions. Do we know what the taxes are on this property? Not me, but does somebody know what the taxes are? And the other part of that question would be whether the people are current on their taxes. Do we know what the zoning is on this property, the condition of

the property? Also, what's the plan for this property?

D.P.O. VILORIA-FISHER:

Passive recreation.

LEG. ALDEN:

What was it?

D.P.O. VILORIA-FISHER:

Passive recreation.

LEG. ALDEN:

Okay. And are we still in conformity with our -- the resolution that we passed about the Park Police if we purchase this property, or are we down on the Park Police? And I ask this because there are pieces of property that we've bought, and I know it's hard to believe this, but people go and they misuse our property. They dump things on it, garbage that we end up having to clean up, they go in there and they ride, you know, quads and motorcycles and stuff, and they scare horsemen that are riding around in there, and they do damage to our property. So I just want to see where we are with the plan with this.

D.P.O. VILORIA-FISHER:

I know that we -- there were some Park Police who graduated from the Academy, but I will ask at the next Parks Committee meeting what the status is of the number of Park Police.

LEG. ALDEN:

Thank you, because --

D.P.O. VILORIA-FISHER:

And the ratio according to our statute.

LEG. ALDEN:

My understanding was, if we hired them, we are only coming back to what we were before a whole bunch of them -- they don't retire, they actually go to a different jurisdiction, so --

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

I understand we lost a whole bunch of them, so --

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

We're not able to -- if we're not able to take care of the property we have, you know we have to think long and hard about spending taxpayers' money to buy more property that's going to get abused, but -- that's why I think it's important to know like a whole bunch about this property or any property that we're going to go and buy, like, for instance, if they're not up to taxes, if they're not current on the payment of their taxes and what the taxes are. I find that -- you know, that would be a useful piece of information so that I could either support or not support some of these purchases. That's all. You know, I think it's relevant.

P.O. LINDSAY:

Maybe that should be another modification on the rating form.

LEG. ALDEN:

I tried, but it got killed in Committee, so I did try, but anyway.

D.P.O. VILORIA-FISHER:

I thought that was a good question. Try again, Cameron, because I think it's a good question.

LEG. ALDEN:

No. You get killed once around here, you don't -- you learn.

P.O. LINDSAY:

Okay. Anybody else? A motion and a second. All in favor? Opposed? Abstention?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1719 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation - for the Beechwood Horseblock Building Corporation property - Overton Preserve - Town of Brookhaven.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington. I have a second by Legislator Browning.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Do we know what this property is zoned for? And also, and here's the other -- like there was a couple of other questions that I would have had on every one of these. If the Town is actually working to minimize, whatever you want to call it, overpopulation or damage to the economics of the area, then we might be better off working with the Town. For instance --

D.P.O. VILORIA-FISHER:

It's a 50-50 split with the Town.

LEG. ALDEN:

No. But, for instance, if you could build ten houses on this and the Town was going to allow only five houses and insist on open space preservation, that's a better way to go than us going and spending money on it. So, again, I would -- I'd like to know what this property was zoned for. Was it zoned for housing or was it zoned for commercial, and are they current on their taxes, all that kind of stuff. I mean, it's not a real lot of money, but it's still a lot of money.

P.O. LINDSAY:

Well, you know, again, a suggestion. I don't think any of the things that you're asking is -- I think they're all legitimate questions, but what I would really like you to do is to reduce those questions to

writing, and I would like the Chairman of our Environmental Committee to ask these questions at Committee before we discharge it.

LEG. ALDEN:

Good, because they're actually -- I have a resolution and it got killed, so they're on that, and I'll --

P.O. LINDSAY:

Did I know that? Yeah, you told me that. Okay.

LEG. ALDEN:

Yeah. So I'll reduce it to writing again and I'll give it to you.

P.O. LINDSAY:

There you go.

LEG. ALDEN:

Thank you, I appreciate it.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1720 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007 - open space component - for the Fairfield Coram 112, LLC property - Overton Preserve - Town of Brookhaven.

LEG. EDDINGTON:

Same motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning. On the question, Legislator Alden.

LEG. ALDEN:

Maybe --

D.P.O. VILORIA-FISHER:

Same question, no answer.

LEG. ALDEN:

Well, some of them are the same question, but this property I think was -- they were trying to build houses on, so where -- and this is in Brookhaven, isn't it?

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yep.

LEG. ALDEN:

So what was Brookhaven doing --

COMMISSIONER GALLAGHER:

Yes.

LEG. ALDEN:

-- and what was their zoning on this?

COMMISSIONER GALLAGHER:

Their zoning back in 1991, they changed this to multi-family residence. So there's actually the three parcels. 1719, 1720 and 1721 are all Overton Preserve, 400 acres roughly that we've been working on preserving, as has the Town of Brookhaven, and it's all residentially -- all the parcels that we're acquiring, or looking to acquire, are residentially zoned.

LEG. ALDEN:

We're working with the Town of Brookhaven to preserve this?

COMMISSIONER GALLAGHER:

Yes.

LEG. ALDEN:

And the Town of Brookhaven zoned it for multi-family use?

COMMISSIONER GALLAGHER:

Back in 1991, they changed the zone, yes.

LEG. ALDEN:

Oh, okay. So that's a real partnership there. Thanks. Okay.

LEG. KENNEDY:

Bill.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Through the Chair, this parcel seems to have priced out substantially higher per acre than --

COMMISSIONER GALLAGHER:

It's a per-unit valuation, because it's multi-family, therefore, it's not a per-acre. That's why it's so much more expensive.

D.P.O. VILORIA-FISHER:

Highest and best use.

LEG. KENNEDY:

I'm not certain that I understand. So, in other words, if it's multi-family and you can construct multiple living units on an acre, it's going to throw a higher value, is that why?

COMMISSIONER GALLAGHER:

Because -- yes, the highest and best use. So the appraisal process has to follow the highest and best use, and, in this case, it would be for those multi-family per-unit dwelling accommodations, so you do a per-unit versus a per-acre valuation.

LEG. KENNEDY:

But, nevertheless, it's 23 acres and it's 11 million dollars. I understand.

COMMISSIONER GALLAGHER:

Right.

LEG. KENNEDY:

Now, I don't think that the Town can go ahead and back-down-zone it again. But once it became the subject of possible acquisition, wasn't there any ability to go ahead and have any other kind of conversation, or it's just through the appraisal at the highest and best?

COMMISSIONER GALLAGHER:

Well, typically, I mean, that's -- the ETRV procedures are to do appraisals based on the highest and best use.

LEG. KENNEDY:

Okay. All right.

D.P.O. VILORIA-FISHER:

Actually, if we tried --

P.O. LINDSAY:

Anybody else?

D.P.O. VILORIA-FISHER:

-- to go back and change the zoning, we would be sued.

COMMISSIONER GALLAGHER:

Right.

P.O. LINDSAY:

We have a motion and second.

COMMISSIONER GALLAGHER:

Well, the Town would be.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1721 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Fairfield Mill Estates, LLC as a contract vendee for the P and F Mining Corporation property - Overton Preserve - Town of Brookhaven.

LEG. EDDINGTON:

Same motion.

P.O. LINDSAY:

Same motion, same second.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Same question. Go ahead.

LEG. ALDEN:

No, this is a different question. Now, I was out here at this property and it was awhile ago. Isn't this missing something like the topsoil and the sand? Didn't they mine this one? No, I'm being serious. It's either this one or one right next to it that they took everything off of it.

COMMISSIONER GALLAGHER:

Yeah, there's the -- the portion that we're acquiring, I don't know if you'd like to see a map, but that portion is not part of what we're acquiring. There are some environmental issues. We will be doing a Phase II on this property. There are some environmental issues related to -- you know, there's some nearby paint-ball activities between this and the Beechwood acquisition that have to be addressed prior to closing.

LEG. ALDEN:

And what's this one zoned?

COMMISSIONER GALLAGHER:

This is also residential, Fairfield.

LEG. ALDEN:

Multi-family. And who zoned that, Brookhaven?

COMMISSIONER GALLAGHER:

Yes, the Town of Brookhaven.

LEG. ALDEN:

And, again, they were working with us when they did that, right? Good.

COMMISSIONER GALLAGHER:

Well, again, they're doing this prior to all the acquisition resolutions or the planning steps going in.

LEG. ALDEN:

I love it.

COMMISSIONER GALLAGHER:

They have actually acquired -- we've acquired about 150 acres, they've acquired 136 acres, and jointly, we've acquired another 31 acres.

LEG. ALDEN:

But, I mean, a point has to be made.

COMMISSIONER GALLAGHER:

Right.

LEG. ALDEN:

If not for the Town's action, we probably would be paying about --

COMMISSIONER GALLAGHER:

A lot less.

LEG. ALDEN:

-- one-third to maybe --

COMMISSIONER GALLAGHER:

Yes.

LEG. ALDEN:

-- a quarter of what we're paying for this.

COMMISSIONER GALLAGHER:

Yeah.

LEG. ALDEN:

So we were all working together to save this property and taxpayers' dollars.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

When was this zoned residential?

COMMISSIONER GALLAGHER:

I don't know if I have the --

LEG. EDDINGTON:

I think you said '91.

COMMISSIONER GALLAGHER:

Well, I know that the Fairfield Coram property, which is adjacent to 112, was back in 1991. I'm not sure --

LEG. EDDINGTON:

Yeah. It probably was similar, because I've lived in that area since 1970, and the Town of Brookhaven was basically selling property as quick as they could at that time, so I understand. I'm glad that the current administration has been working with us to try to partner. Unfortunately, they don't have anymore money.

LEG. ALDEN:

Maybe they should slow down working with us. I don't know if we could afford the help.

D.P.O. VILORIA-FISHER:

Okay. There's a motion and a second. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

D.P.O. VILORIA-FISHER:

Abstentions?

MR. LAUBE:

Fifteen. (Not Present: P.O. Lindsay)

D.P.O. VILORIA-FISHER:

1722 - Authorizing acquisition of the residual fee under the Old Suffolk County Drinking Water Protection Program. And these are in the Town of Southampton.

LEG. ALDEN:

Motion. Cosponsor.

D.P.O. VILORIA-FISHER:

Motion, Legislator Schneiderman. Is there a second?

LEG. ALDEN:

I'll second that.

D.P.O. VILORIA-FISHER:

Legislator Alden seconded. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

D.P.O. VILORIA-FISHER:

1722 --

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay)

D.P.O. VILORIA-FISHER:

-- is approved. ***1725 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 R.I. Miller Place Corporation property - Town of Brookhaven.***

LEG. LOSQUADRO:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Losquadro, seconded by Legislator Eddington.

LEG. ALDEN:

On the motion.

D.P.O. VILORIA-FISHER:

On the motion, Legislator Alden.

LEG. ALDEN:

By chance, does anybody know who we're buying this property from?

D.P.O. VILORIA-FISHER:

The R.I. Miller Place Corporation property.

LEG. ALDEN:

Oh. But who owns the --

D.P.O. VILORIA-FISHER:

I don't know.

LEG. ALDEN:

-- Miller Place Corporation? It wouldn't be a -- it wouldn't be one of the Toussies, would it? It is.

LEG. LOSQUADRO:

It's a planning steps resolution, Legislator Alden.

D.P.O. VILORIA-FISHER:

Yeah, it's a planning steps resolution.

LEG. LOSQUADRO:

-- not an acquisition.

LEG. ALDEN:

Excuse me?

LEG. LOSQUADRO:

It's a planning steps resolution, not an acquisition.

LEG. ALDEN:

Oh, it's not. Well, thank you for clarifying that for me, because that was my next question.

D.P.O. VILORIA-FISHER:

Okay. We have a motion, a second, and the requisite question. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen.

LEG. KENNEDY:

Abstention.

MR. LAUBE:

Fourteen.

LEG. MONTANO:

Abstention.

D.P.O. VILORIA-FISHER:

1725 -- another abstention?

LEG. MONTANO:

Yeah. It's a Toussie property.

LEG. ALDEN:

Are you kidding me?

LEG. NOWICK:

Okay. I'm going to abstain.

D.P.O. VILORIA-FISHER:

Okay, hold on, please. I'm going to ask for a roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Abstain.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Abstain.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:
(Not Present)

MR. LAUBE:
Ten. (Not Present: P.O. Lindsay)

D.P.O. VILORIA-FISHER:
Okay, approved.

LEG. ALDEN:
Onward and upward.

D.P.O. VILORIA-FISHER:
I.R. 1734 - Amending Resolution Number 1357 of 2007 in connection with the Brownfields Program. Is there a motion?

LEG. COOPER:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Cooper. Is there a second to approve? Seconded by Legislator Browning. On the motion?

LEG. ALDEN:
Can we just have an explanation?

D.P.O. VILORIA-FISHER:
Okay. There's a request for an explanation, Counsel.

MR. NOLAN:
This is amending a prior resolution, a Capital Project resolution, to reflect increased State funding, so it's actually going to reduce the County borrowing on this project.

D.P.O. VILORIA-FISHER:
Okay. We have a motion and a second to approve. All in favor? Opposed?

LEG. BARRAGA:
No.

D.P.O. VILORIA-FISHER:
Okay. Note the opposition.

MR. LAUBE:
Sixteen. (Not Present: P.O. Lindsay)

D.P.O. VILORIA-FISHER:
1734 is approved. ***I.R. 1748 - Amending Resolution Number 683 of 2006, creating a regional Solid Waste Management Commission to reduce pollution, traffic congestion and financial impact of current solid waste disposal practices in Suffolk County.*** Is this an amending -- amending your original resolution that created the Task Force?

LEG. SCHNEIDERMAN:
Well, we're out of time for filing the report. We actually have a draft report now. We just need a little more time to review it and edit it. So we're past the deadline.

D.P.O. VILORIA-FISHER:

So it's extending it?

LEG. SCHNEIDERMAN:

It extends it to the end of the year.

D.P.O. VILORIA-FISHER:

Okay. Thank you for the explanation. So there's a motion by Legislator Schneiderman, I'll second it.

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

Oh, seconded by Legislator D'Amaro. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed. You got to get things in on time.

MR. LAUBE:

Fifteen. (Not Present: P.O. Lindsay)

D.P.O. VILORIA-FISHER:

I.R. 1748 is approved.

HEALTH AND HUMAN SERVICES

Health and Human Services. Moving right along. ***I.R. 1667 - To require verification of Certificates of Occupancy and/or rental permits for housing used by the Department of Social Services.***

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. BROWNING:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Alden.

LEG. ALDEN:

Cosponsor.

LEG. COOPER:

Motion to table.

D.P.O. VILORIA-FISHER:

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

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Stern. Tabling motion takes precedence.

LEG. ROMAINE:

On the motion.

D.P.O. VILORIA-FISHER:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Through the Chair, I'd like to ask Legislator Cooper what's -- is there a purpose in tabling this for a later date? Why should it not be considered tonight?

LEG. COOPER:

I have some concerns about the resolution, particularly State preemption. We can certainly discuss it now, but my recommendation was to table.

LEG. ROMAINE:

Okay.

D.P.O. VILORIA-FISHER:

Okay.

LEG. BROWNING:

Vivian.

D.P.O. VILORIA-FISHER:

Legislator Browning, and then Legislator Alden.

LEG. BROWNING:

Yeah. I know at Health and Human Services Committee that came up, and George did bring it up, that that bill is -- it's already on the books, so it is kind of redundant to pass this bill again. However, my understanding is that the State has challenged it in the past and, you know, they said we can't do it. The reason why I'm supporting it is to get that message back out again. Again, I've been working with State Electeds, trying to get them to pass a similar legislation, which is what we really need on the State level.

I have a District that really needs this. And again, like I'm saying, most likely it's going to be challenged. The State's going to say you can't do this. You know, for 30 years my District has been abused and been neglected. And the issue is, is that where the people have been over the past 20, 30 years that represented that District and failed to represent them properly? And so I'm not going to sit back and allow them to be abused and continue to be abused the way they have been.

I'm disgusted at what's been allowed to happen over the past 20 years between the Town of Brookhaven and the County that -- in housing issues. Community development has -- nothing has been done. So I want to support this bill, and I will support this bill. Yes, the State may come back and say no, but we need to give them that message that we need this.

P.O. LINDSAY:

Anybody else? Legislator Cooper.

LEG. COOPER:

Well, I just wanted to ask Legislative Counsel if -- George, whether you can weigh in on this?

MR. NOLAN:

Well, at the Committee, I pointed out that back in the, I believe, early '90's, we passed a very similar bill where DSS was directed to check with municipalities to see if there was a C.O. and a rental permit on properties before they placed somebody in the housing, and we brought that to Commissioner Demarzo's attention. She said that's correct, it's on the books. The State at that time said, "You can't do it, you cannot implement it," so it was not implemented. Commissioner Demarzo said, if this was passed, she would go to the State again to see if they would allow it. She was not optimistic, but that's what she said she would do.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Briefly, you can't live in a house in Suffolk County in any town or village that I'm aware of unless it has a C.O. Some of the towns and some of the villages in this County have adopted rental permit laws. In those villages and towns that have, you can't rent out a unit without a rental permit. This is common sense. This is on the books now. Any private citizen that attempted to rent out a house to someone for which he did not have a Certificate of Occupancy for that house would be cited by the Town. This is as simple a question as you can get.

What type of housing stock do we want for the County? Do we want to use Social Services Department, too, in the few communities where they have huge impacts; Huntington Station, Wyandanch, North Amityville, North Bay Shore, Central Islip, Brentwood, Patchogue, East Patchogue, Gordon Heights, North Bellport, Mastic, Shirley, Mastic Beach, Riverhead, Riverside.

LEG. EDDINGTON:

Medford.

LEG. ROMAINE:

These -- Social Services population is not spread out throughout this County as you would spread butter on bread, it is clumped in a few communities. The one thing that we should do, if we're going to spend taxpayers' dollars for Social Service housing, we should ensure that that housing meets code.

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

LEG. ROMAINE:

One of the things that we can do is ask the landlord before we give him money, "Please give us a copy of your Certificate of Occupancy," and if necessary, if it's required, your rental permit. If we don't do that, one, we subject Social Service tenants to live in substandard housing; two, we enrich slum landlords; three, we impact low income communities with substandard housing.

As I sit here today, one of the questions I'm raising with Social Services is their use of a waiver that they make their clients sign, in several cases that I'm trying to find out how many, to allow Social Services to put them in sub-sized housing, substandard-sized housing that is being used routinely by the Social Services Department of this County. We have an affirmative obligation to speak for our communities and to ensure that our taxpayers dollars, make sure that Social Service tenants have decent housing that we're not impacting communities and we're not enriching slum landlords and we're obeying the municipal laws regarding Certificates of Occupancy and rental permit. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Some time ago we debated a bill -- I forgot who the sponsor was, it may have been

Legislator Romaine -- that would have required the Department of Social Services to conduct inspections prior to placement, and I opposed that bill on the grounds that the Department of Social Services is not charged with the responsibility of enforcing codes on the town level, the towns are responsible for doing that themselves, but this bill is different. This bill does not require the County to conduct the inspections, what it does is it just says to the County, "If you're going to place individuals anywhere in Suffolk County, that housing has to comply with the town codes; it needs a CO or it needs a rental permit." Having worked in a town for many years in the Zoning Board and a few other capacities, I can appreciate that. I think it's a positive step. It's showing cooperation with the County and with the County with the towns in saying that, "We're going to support your laws." And what it's going to do is it's going to force landlords who don't have the proper permits to come into the towns and to apply for them. And frankly, as Legislator Romaine said, that's what we expect from every other private citizen in Suffolk County.

So we're not taking on the obligation of enforcing the town codes, what we're doing is we're cooperating with the towns in ensuring that any housing that we place in Suffolk County is going to be complying with those town codes. I think that's a step in the positive -- that's a positive step in the right direction.

As far as Social Services saying, "This has been on the books before, it's unenforceable"; look, they -- that might be true, that might be true, I'll leave that up to other officials to make that decision whether or not to enforce it or if it's preempted. But the fact of the matter is we would be sending the right message to the towns, a right message to the communities, and certainly a strong message to the folks that own this housing that if you want to receive taxpayer funds for rentals properties, you're going to comply with the law; I think that's a legitimate use of our authority here and I'm going to support this bill.

P.O. LINDSAY:

Anybody else? I'm just going to weigh in a little bit. I think since I've been here I've probably seen at least three different variations of this same initiative in one form or another. And Social Services has always asked us to -- not to tie their hands as far as their clients are concerned. Some of the clients find their own housing and just come back with a voucher that we pay and they don't want to lose that ability, and the other fear was that it would shrink the available housing stock so great, so quick that they would be back in motels again, which we -- this current Legislature hasn't seen the effect of that, but if you go back about three or four years, that was a horrendous situation. We had people here almost every meeting, 30 or 40 of them complaining about the horrible effects that that warehousing, which it really was warehousing, of Social Service clients in one area. And I don't -- I for one do not want to go back to that horrendous situation. So, you know, I'm going to support Legislator Cooper's tabling. I'd like to see a little bit more work on this.

Anybody else? Okay. We have a motion and a second to table and a motion and a second to approve. Tabling goes first; roll call.

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

LEG. COOPER:

Yes to table.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No to table.

LEG. LOSQUADRO:

No to table.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes. Okay, tabling fails.

MS. ORTIZ:

Five.

P.O. LINDSAY:

To approve; roll call.

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

LEG. ROMAINE:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

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:

Abstain.

MS. ORTIZ:

Sixteen (Abstention: Presiding Officer Lindsay & Legislator Cooper).

LEG. EDDINGTON:

List me as a cosponsor, please.

LEG. GREGORY:

Renee?

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

1692-08 - Accepting and appropriating 100% State grant funds from the New York State Department of Health to the Suffolk county Department of Health Services for a Health Partnership Training Program - Minority Mini Grant (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, I'll second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

Labor, Workforce & Affordable Housing

P.O. LINDSAY:

1698-08 - Approving the reappointment of Dr. Richard E. Dibble as a member of the Suffolk County Public Employment Relations Board (County Executive). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

Who made the second?

LEG. SCHNEIDERMAN:

I did.

P.O. LINDSAY:

Second by Legislator Schneiderman. Legislator Montano, on the motion.

LEG. MONTANO:

Was there a correction made on the bill?

MR. NOLAN:

Yes, there was.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1700-08 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Brightwaters Child Care and Development Center, Inc. DBA Kiddie Academy of Brightwaters, the Community Programs Center of Long Island, Inc., and Kids Place Early Childhood Day School, Day Care Providers under contract with the Department of Social Services (County Executive). Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1703-08 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (County Executive). Who made a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

1738-08 - Authorizing planning steps for implementation of Suffolk County workforce Housing Program (County Executive).

LEG. MONTANO,

Motion.

P.O. LINDSAY:

Do I have a motion? Motion by Legislator Schneiderman. Is there a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. I'm going to ask for an explanation on this one. What is the explanation on this, do you have it, George?

MR. NOLAN:

Yeah, this is a -- authorizes the Affordable Housing people in the Department of Economic Development too do planning steps for the acquisition or infrastructure improvements for properties in Greenport to create affordable housing/workforce housing.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Romaine).

Parks & Recreation

P.O. LINDSAY:

1658-08 - Appointing Edward W. Walters Jr. As a member of the Suffolk county Board of trustees of Parks, recreation and Conservation (Schneiderman).

D.P.O. VILORIA-FISHER:

Jay?

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

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:

Did they show up?

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Oh, because I didn't.

D.P.O. VILORIA-FISHER:

And we missed you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1664-08 - Authorizing use of Smith Point County Park Property in 2008 by Building Homes for Heroes (Browning).

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Who made the motion?

D.P.O. VILORIA-FISHER:

Browning.

LEG. BROWNING:

I did.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1680-08 - Extending the deadline for the trap and Skeet Search Committee (Browning).

Legislator Browning --

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. LOSQUADRO:

Opposed.

MS. ORTIZ:

Sixteen (Opposed: Legislators Barraga & Losquadro).

P.O. LINDSAY:

1707-08 - Authorizing use of Smith Point Park Property by Mastic Knights of Columbus for 5K Race (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Who made the second? Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1726-08 --

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

-- Reappoint Daniel R. Olivieri as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 1) (Presiding Officer Lindsay). Motion by Legislator Viloría-Fisher, I'll second it.

All in favor? Opposed? Abstentions.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

D.P.O. VILORIA-FISHER:

And he came even though he was a reappointment.

P.O. LINDSAY:

Okay.

P.O. LINDSAY:

1727-08 - Reappoint Michael B. DeLuise as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 8) (Presiding Officer Lindsay). How about same motion, same second, same vote all right with everybody?

D.P.O. VILORIA-FISHER:

And he also came to the meeting.

LEG. ALDEN:

Cosponsor.

CHAIRMAN EDDINGTON:

Okay, and Legislator Alden wants to cosponsor.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1728-08 - Appointing Sarah S. Anker as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 14) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote all right?

D.P.O. VILORIA-FISHER:

And she attended the meeting.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1729-08 - Appointing Noel J. Gish as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 10) (Presiding Officer Lindsay). Same motion --

LEG. KENNEDY:

Motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Okay, motion by Legislator Kennedy, seconded by Legislator Nowick.

D.P.O. VILORIA-FISHER:

And Noel attended the meeting.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

LEG. ROMAINE:

List me as a cosponsor on that one.

P.O. LINDSAY:

1731-08 - Authorizing Mastic Beach Ambulance Company to use Smith Point County Park Property for an EMS Field Day (Browning). Legislator Browning?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1739-08 - Appointing Arthur M. Sillman, Jr., as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7) (Presiding Officer Lindsay). I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. All in --

D.P.O. VILORIA-FISHER:

And he attended the meeting.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

Public Safety

P.O. LINDSAY:

1714-08 - Accepting and appropriating a grant in the amount of \$25,000 in Federal pass-through funds from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's 2nd Precinct Community Support 2008 Grant program with 90% support (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington to approve.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Beedenbender & Montano).

Public Works & Transportation

1174 we already did.

1689-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with safety improvements at various intersections (CP 3301) for a traffic study on County Road 16 (Kennedy).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1689A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

MS. ORTIZ:

It was a yes?

LEG. COOPER:

Yes.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes; yes, again.

MS. ORTIZ:

Oh, I'm sorry.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:
(Not present).

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.

D.P.O. VILORIA-FISHER:
Kennedy got his vote.

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

P.O. LINDSAY:
If you come up with 19, I quit.

MS. ORTIZ:
Sixteen.

P.O. LINDSAY:
1690-08 - A resolution making certain findings and determination in relation to the planning phase of proposal to increase and improve facilities for Sewer District No. 3 - Southwest (Outfall) (CP 8108) (County Executive). I'm going to make a motion.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. I wasn't at the committee meeting, so maybe -- what does this -- do we know what this does? I'd like to hear from Mr. Anderson about what this is about.

LEG. HORSLEY:
Gil's here, nice.

COMMISSIONER ANDERSON:

Good evening. This resolution makes or accepts certain findings and determinations with regard to the planning of the replacement of the outfall which includes alternate analysis of various options with regard to the -- you know, the replacement or the repairs. It also, you know, seeks environmental approval of the final design.

P.O. LINDSAY:

Will this in any way slow down the process of engineering solutions to the problem?

COMMISSIONER ANDERSON:

No, this is just part of the process. This is just part of the process of going about what we have to do to get to that point, so.

P.O. LINDSAY:

Okay. Okay, Legislator Alden.

LEG. ALDEN:

Gil, so we still have the opportunity to trench, put it down, to put it right next to where it is on top of the ground, or if there's an alternative that's cheaper then we can go that route?

COMMISSIONER ANDERSON:

We're going to assess the various alternates, yes, this gives us that ability to move ahead with that.

LEG. ALDEN:

Okay. But we do accept the findings that this outfall pipe is having problems, right.

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1691-08 - Authorizing the purchase of up to 55 automated bus stop annunciators for Suffolk Transit and amending the 2008 Capital Budget and Program and accepting and appropriating Federal Aid and State Aid (CP 5648)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, the accompanying Bond, 1691A, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yep.

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. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1704-08 - Authorizing transfer of four (4) surplus County computers and four (4) surplus County monitors to the Boys and Girls Club of Suffolk County (Kennedy). Legislator Kennedy?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1705-08 - Authorizing transfer of six (6) surplus County computers, monitors -- and meece; no -- mouses, keyboards and two (2) surplus County printers to RSVP (Kennedy). Same motion, same second, same vote?

D.P.O. VILORIA-FISHER:

The PO is getting punchy.

P.O. LINDSAY:

I know.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1713-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with Energy Conservation at various County facilities (CP 1664)(County Executive).

LEG. BEEDENBENDER:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender, seconded by Legislator Eddington. On the question, on the motion?

LEG. ALDEN:

A brief explanation.

MR. NOLAN:

Within this Capital Project it moves \$140,000 for planing to construction and then appropriates a million seventy thousand dollars for the project.

P.O. LINDSAY:

I didn't think we'd make it to the bewitching hour, but maybe we will.

LEG. ALDEN:

One specific -- maybe the Commissioner would know; is this one specific building or is this --

COMMISSIONER ANDERSON:

It's for two separate buildings, the Fire Training Academy in Yaphank and the Emergency Services Building in Ronkonkoma.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution 1713A, same motion, same second; roll call.

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

LEG. BEEDENBENDER:

Yes, I'm sorry.

LEG. EDDINGTON:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yep.

MS. ORTIZ:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1716-08 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Lexington Village Condominiums (IS 1263) (County Executive).

Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

They're getting a \$15 per gallon per day charge; they were already granted conceptual --

COMMISSIONER ANDERSON:
Yeah, prior to the increased rate.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1717-08 - Transferring Escrow Account revenues and transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2008 Operating Budget, amending the 2008 Capital Budget and Program and appropriating additional funds for the improvement and rehabilitation of the existing facilities in Suffolk County Sewer District No. 6 - Kings Park (CP 8144) (County Executive).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Motion by Legislator Nowick.

LEG. KENNEDY:
Second.

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1724-08 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 - Medford with the owner of Amneal Pharmaceuticals, LLC (County Executive).

LEG. EDDINGTON:
Motion to approve.

LEG. BEEDENBENDER:
Second.

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1735-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 16, Smithtown Boulevard @ CR 93,

Lakeland/Rosevale Avenue, Town of Smithtown (CP 5118)(County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

I might as well second it.

P.O. LINDSAY:

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

LEG. BARRAGA:

Abstain.

LEG. ALDEN:

Abstain.

MS. ORTIZ:

Sixteen (Abstention: Legislators Barraga & Alden).

P.O. LINDSAY:

1735A, the accompanying Bond, same motion, same second; roll call.

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

MS. ORTIZ:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1744-08 - Amending Resolution No. 34-2008, to purchase one (1) replacement vehicle (County Executive).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

What type of vehicle?

D.P.O. VILORIA-FISHER:

It's a hybrid.

LEG. ROMAINE:

A passenger van?

LEG. ALDEN:
It's not a hybrid.

D.P.O. VILORIA-FISHER:
Oh, right.

LEG. ALDEN:
So this is a gas-powered, gasoline powered, or is it diesel?

D.P.O. VILORIA-FISHER:
Alternate fuel it says. Gil, do you know?

P.O. LINDSAY:
Oh, Mr. Anderson.

LEG. BEEDENBENDER:
It's for the Health Department.

COMMISSIONER ANDERSON:
According to the resolution, it's an alternate fuel 2008 Chevy Uplander.

MR. ZWIRN:
There was such a demand for hybrids that they just can't get one, so they didn't want to stop the program so they got a regular fuel energized vehicle.

LEG. ALDEN:
So it's just a gasoline engine.

MR. ZWIRN:
Yes.

P.O. LINDSAY:
It's a big Lexus truck.

LEG. ALDEN:
They'll die on the way to the Health Department.

LEG. BEEDENBENDER:
Well, this is used by the Health Department program that, if I remember correctly. I think this is the program where they do stings in departments in association with the Police Department; is that what they -- I think that's what I remember.

MR. ZWIRN:
Yes.

LEG. BEEDENBENDER:
With the cigarette buying I think?

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

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1745-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with safety improvements at various intersections (CP 3301)(County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, did you say, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MS. ORTIZ:

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

P.O. LINDSAY:

1745A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yep.

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. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen (Opposed: Legislators Barraga & Alden).

LEG. ROMAINE:

Could the Clerk please list me as a cosponsor on 1745 and 1745A since they're in my district?

Thank you.

P.O. LINDSAY:

1746-08 - Amending Resolution NOs. 873-2007 and 571-2008 for participation in construction in connection with the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851) (County Executive).

I'm sure Legislator D'Amaro wants to make this motion.

LEG. D'AMARO:

I had a question.

P.O. LINDSAY:

Oh, okay. Let me get a motion first.

LEG. HORSLEY:

When is this going to be done?

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a --

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. And Legislator D'Amaro.

LEG. D'AMARO:

I'm still driving under this bridge every day and it's not finished yet. And I would just like a brief explanation as to what this resolution is doing, is it changing the dollar amount or upping the dollar amount of the project?

COMMISSIONER ANDERSON:

What this does is to -- it amends the amounts based on the final cost of construction. So it does increase costs slightly for the County and for the Federal participation.

LEG. D'AMARO:

So it really -- it brings into line the other cost increases that we've already approved.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Okay, so we're not approving --

COMMISSIONER ANDERSON:

This not further --

LEG. D'AMARO:

-- an increase.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MS. ORTIZ:

Seventeen (Abstention: Legislator Alden).

WAYS & MEANS

P.O. LINDSAY:

Okay, *IR 1563-08 - Amending the Rules of the Legislature of the County of Suffolk - Rule 6(B) (Presiding Officer Lindsay).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. On this motion, I don't believe this is a wise rule change, and let me tell you why. You have been a very active Presiding Officer, have attended many meetings, all of which are commendable. Most Presiding Officers I've seen over the last 25 years usually don't attend committee meetings, usually don't cast votes at committee meetings. Thus a problem arose at one of these committee meetings where you cast a vote and that problem is something that we're grappling with today, and it's as simple as this. As an ex-officio member of the committee, you have every right to cast that vote and it's commendable you attend so many meetings and that you stay on top of things. But if you're going to attend and vote, if you want your vote counted, you must also have your presence counted. How do you count a person's vote, ex-officio or not, and not their presence?

I think if you look at Section 41, and I would ask Counsel to comment on this, Section 41 of the New York State General Construction Law, I think it's pretty clear that if you're casting your vote you have to be counted as part of the people present. You cannot have your vote count and have your presence not count, that's the problem that I have with this rule.

I have great respect for you as Presiding Officer, I have great respect for your work ethic, but this I believe is a wrong rule change that would give too much power to the Presiding Officer and tend to fly in what is the normal accepted practices of Robert's Rules of Order. If you're going to vote, you've got to have your presence counted. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I have, I guess, two questions. One question would be if somebody abstains, are they counted as being there?

MR. NOLAN:

That was an amendment, they will be counted as being there. So in a situation where we -- let's say we have a five member committee, the Presiding Officer participates as an ex-officio member, the vote is three, two and one abstention, the motion would fail, the discharge motion would fail. Because if there are six Legislators present with the Presiding Officer as an ex-officio, we amended this to reflect that if somebody abstains you're still going to need four votes in that situation to discharge it from committee.

LEG. ALDEN:

That was my main concern with the first time it came up. And just to answer Legislator Romaine's concern, and it is legitimate, the Presiding Officer as it's presently constructed has the power to appoint himself anyway --

LEG. ROMAINE:

Right.

LEG. ALDEN:

-- as a member of a committee, so, or to replace an absent member of a committee. So I don't see this as giving him any more power or any less power, it just makes it a little bit more of a -- I guess it cleans it up a little bit as far as him coming in and voting. Thank you. So I'll support it.

P.O. LINDSAY:

And I -- Legislator Barraga, did you want to say something, too?

LEG. BARRAGA:

I just wanted to make a comment because there was something in the paper indicating that the proposed rule change defines the majority necessary to pass a bill from committee as a majority of Legislators present as opposed to the current rule that requires a majority of Legislators assigned to the committee; is that statement accurate?

MR. NOLAN:

Well, this is something that was in Newsday?

LEG. BARRAGA:

Yeah.

MR. NOLAN:

Then it has to be right.

*(*Laughter from Audience*)*

LEG. ALDEN:

Take it to the bank.

MR. NOLAN:

Basically the rule as amended is going to be that it's going to be a majority of those present and voting, abstentions will be counted as present and voting. But what the rule also says is that the bill also has to get at least a majority of the entire appointed membership of the committee, so that let's say --

LEG. BARRAGA:

If you have a committee of five and only three people show up --

MR. NOLAN:

Right.

LEG. BARRAGA:

-- you have to get all three.

MR. NOLAN:

You have to get all three.

LEG. BARRAGA:

It's just that the system that we have here, you know, it's one thing to have advocate transparency and it's another thing from the standpoint of understandability. I mean, I would think that these committees should be set up so the average person understands how a vote is taken, and I think down here it's very, very confusing, especially with the Presiding Officer sitting as an ex-officio member who can cast his vote. I mean, certainly a Presiding Officer has a great deal of power, as the Speaker in the Assembly does; I mean, he can appoint individuals to committee, chairpersons,

he can -- he creates the size, decrease the size. But the reality of him sitting in at every committee and then being able to cast votes, I think we'd be better off down here if the Presiding Officer took it upon himself to do all the things I just mentioned, but if he wants to be on a committee, let him pick *the* committee that he thinks is the most important one and become chairperson of that committee and become members of other committees that he has an interest in. But to sit -- but to sit there and -- did you cut that off?

*(*Laughter from Audience*)*

P.O. LINDSAY:

Me? No.

D.P.O. VILORIA-FISHER:

They got the orders from Bill.

LEG. BARRAGA:

But I just think the system we're adopting and the system that's been in effect here is extremely confusing to the average person, and I think it's quite unique to Suffolk County compared to other counties.

MR. NOLAN:

I would just -- if I might respond to that. I think the rule as it presently exists is ambiguous and I think that it led to a lot of the controversy and confusion, there's a lawsuit. And I think really a good faith attempt was made to try to clarify it so it's as crystal as possible. It's always a little confusing because you're sliding in an extra member at certain times. But I think now it's pretty clear, I think the members can understand it, I think the public can understand it, that it's a majority of those present and voting but it's got to achieve minimum vote requirements, though. And where you don't have a situation where you have on a five member committee three people showing up to establish a quorum and then it's a two-to-one vote and it would be discharged; we're saying that can't happen, it has to be three votes. So I think the rule is clear now, at the very least.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Okay. George, I have a question, too, I guess, how this actually works its way out; two questions. One, the section of law, General Construction Law that Legislator Romaine cited to you before, does this rule as it's proposed harmonize with the way that section of law is written, or are we moving afield from the statute?

MR. NOLAN:

Well, to be honest with you, it's been a while since I looked at General Construction Law and all that, but I think the rule is fine.

I think it's -- you know, you'll always have to get a majority of those present and voting, I think that is consistent with the -- if I remember General Construction Law, what that states. But we establish, you know, a floor that also has to be achieved, the majority of the appointed membership of the committee, so we don't have too low a number of people being able to discharge a bill from committee to the floor.

LEG. KENNEDY:

The law issue, I guess, is something that, you know, you counsel to us, some of us have read it and looked at it and I don't want to argue the law. But I'll go back to the practical example that we talked about a five member committee with three members who show up and vote. If the Presiding Officer then decides to come into that committee and cast a vote, it doesn't change the fact that the three members who are members of the committee have to cast in the affirmative?

MR. NOLAN:

It has -- in that situation where three regular members show up --

LEG. KENNEDY:

Yeah.

MR. NOLAN:

-- the Presiding Officer participates as an ex-officio member, some combination, including the Presiding Officer, of three has to vote to discharge the bill. It doesn't have to be the three appointed members, the Presiding Officer can be the third vote to discharge a bill from committee.

LEG. KENNEDY:

See, that's where then to me it begins to become inconsistent, or I'm confused.

P.O. LINDSAY:

Legislator D'Amaro?

LEG. D'AMARO:

Well, let me see if I can add to the confusion a little. I look at it as a two-part test in the Statute as proposed, but I think you should take the second part first. And the second part says that you always need a majority of the regular members, the number of regular members assigned to the committee; is that correct?

LEG. BARRAGA:

Not based on what he said, no.

MR. NOLAN:

No, that's not what the rule says. It has to be a number of -- a majority of those present and voting, assuming you've established a quorum. Example, you have three appointed members --

LEG. D'AMARO:

Okay. All right, you're right. The second part -- sorry, George.

The second part of the test is the number that is present and voting always has to equal at least the standing number of committee members.

MR. NOLAN:

To get out of committee --

D.P.O. VILORIA-FISHER:

The majority.

MR. NOLAN:

-- the majority of those present and voting also has to constitute a majority of the appointed membership of the committee.

LEG. D'AMARO:

Okay. And I think the point is that the reason why this works for me is that it really is intended to cover a situation where you have committee members that are absent. I mean, if you have a full committee and all five committee members or seven committee members show up and the Presiding Officer participates in that vote and in that -- is present and voting, you're going to need four votes to pass that bill out of a committee; is that correct?

MR. NOLAN:

On a five member committee?

LEG. D'AMARO:

Yeah.

MR. NOLAN:

Yes, you would need four and a seven member committee it would go to five.

LEG. D'AMARO:

Right, so the Presiding Officer is being counted in that circumstance. What this covers is what if a committee member is absent, really, and there, if you have a five person committee and only four show up and the Presiding Officer comes in as the fifth, you're not going to need four, you're going to need three in that circumstance.

MR. NOLAN:

Correct.

LEG. D'AMARO:

Okay, but it can never be less than three.

MR. NOLAN:

Correct.

LEG. D'AMARO:

Okay, thanks.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I think what's important about this piece of legislation is that we ran into a problem when there was ambiguity. And we have a set of the rules that we established during the Organizational Meeting or the lead-up to the Organizational Meeting and it wasn't a clearly-defined rule, and so what this is doing is defining it and removing the ambiguity. If members of this body are not in agreement with this, the time to change it is at the next Organizational Meeting. Set up a different rule for how the voting, or not, of the Presiding Officer will occur and make it unambiguous from the outset so that we don't run into the type of problems that we ran into this year. So I will support this.

I had a question about an interpretation of how someone who abstained from a vote would be counted which had been interpreted as not being present and that is not -- although that may be how Robert's Rules interprets that, that's not in practice the way we interpret an abstention and that was clarified in the amended bill. And so I believe that this achieves the purpose of clarifying and removing the ambiguity of the rule, so I will be supporting it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I agree that the rule on the books is confusing. And I think it's important that whatever rule we put in place, we all understand what it means and what it does and that the ambiguity disappears, and I believe that this does remove the ambiguity, but there is, I think, an essential problem with it. It's not a problem if, let's say, you had a six-member committee and it was a tie vote, 3-3, the Presiding Officer walks in, clearly breaks the tie. It's when you have an odd-numbered committee that you can end up with a situation with three yes' and three nos, normally three yes' and three nos would not pass a bill, it would fail, but now we're saying it will pass with three yes' and three nos.

MR. NOLAN:

No, that's --

LEG. SCHNEIDERMAN:
That's not correct?

MR. NOLAN:
No, it will have to be --

LEG. SCHNEIDERMAN:
Because you'll have the majority --

MR. NOLAN:
It has to be a majority of those present and voting. So if there are six present, it's going to have to get four.

LEG. SCHNEIDERMAN:
I thought you didn't count the Presiding Officer as present, only voting.

MR. NOLAN:
The rule as it's written now, in the situation you just described where all five regular members are present, the Presiding Officer participates as an ex-officio member, the rule states in order to be discharged the vote would have to be a majority of those present and voting and that would include the Presiding Officer. So it would be -- it would have to get the four votes.

LEG. SCHNEIDERMAN:
It would have to get four.

MR. NOLAN:
Yes, absolutely.

LEG. SCHNEIDERMAN:
That's fine.

P.O. LINDSAY:
Okay, I'm just going to weigh in a little bit. As far as I'm concerned, as long as I've been here this is always the way we've handled this. There's no doubt about it, there's been some confusion and we've had some problems this year, and at the time I threw out the challenge to every one of you, clarify my role once and for all, tell me what you want me to do; nothing came forward, guys, nothing came forward. So I instructed George to draft a rule change that will clarify this point once and for all. And if this isn't what you want, for those that vote against it, please come forward with something that you think will work.

And I admit that I see the roll as the Presiding Officer a little bit different than some of my predecessors. I am more active than my predecessors.

LEG. ROMAINE:
To your credit.

P.O. LINDSAY:
Huh?

LEG. ROMAINE:
To your credit.

P.O. LINDSAY:
Well, maybe, I don't know.

LEG. ALDEN:

Thanks to Paul Tonna who put some hours in.

*(*Laughter from Audience*)*

P.O. LINDSAY:

This resolution is not meant in any way, shape or form to grab more power or anything like that, it's just to clarify what we're doing. And again, if you don't want to vote for this, put forward something that you will vote for and let's clarify it once and for all.

If you want me to stay out of the room, I'll stay out of the room, I don't really care. Most of the time when I participate in the committee meetings it's when there's someone absent, and if I'm not in the room, a lot of times -- I shouldn't say that the committee can't function, but I don't think the bills get a true test of what the whole group would do. All right? Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to pick up on that. And I think that's exactly -- the point I was trying to make before is that this is really about when you have a member of the committee out. And if you have a five-person committee, someone can't make the committee for some reason that day and the Presiding Officer comes in and participates, why should you need four votes in that instance to pass a bill as opposed to three?

I mean, that is the flip-side of what we're talking about and that really doesn't make sense to me. So here's the Presiding Officer coming in, standing in for an absent committee member, and by virtue of doing that you still have the same number of people in the room had that committee member not been absent but yet you need an extra vote to get your bill out of the committee, and that just doesn't make sense to me.

D.P.O. VILORIA-FISHER:

Call the vote.

P.O. LINDSAY:

Okay. We have a motion and a second. I'm going to call the roll; roll call.

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

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

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

P.O. LINDSAY:

1605-08 - Adopting Local Law No. 2008, a Local Law amending the County Legislature Organizational Meeting date requirement (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Anybody on the question?

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

LEG. BEEDENBENDER:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. GREGORY:

Opposed.

MS. ORTIZ:

Fourteen (Opposed: Legislators: Browning, Beedenbender, Eddington & Gregory).

P.O. LINDSAY:

1608-09 - Adopting Local Law No. 2008, a Local Law to add hardship caused by military deployment as a basis for a Section 215 conveyance (Beedenbender). Legislator Beedenbender, you want to make a motion on this bill?

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1662-08 - Sale of County-owned real estate, pursuant to Section 72-h of the General Municipal Law - Town of Riverhead (SCTM No. 0600-126.00-01.00-002.003) (County Executive). Does Riverhead want to make a motion on this?

LEG. HORSLEY:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1681-08 - Sale of County-owned real estate, pursuant to Local Law 13-1976, Walter B. Schutzenbach (SCTM No. 0500-194.00-02.00-075.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second? I'll second it.

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1695-08 - Authorizing certain technical correction to Adopted Resolution No. 1129-2007, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space for the Girls and Boys Harbor, Inc. Property, Town of East Hampton.

(SCTM Nos. 0300-092.00-01.00-011.001 and 0300-074.00-05.00-030.002) (County Executive).

LEG. D'AMARO:

Question.

P.O. LINDSAY:

You want to make a motion for the purpose of questioning?

LEG. SCHNEIDERMAN:

It might be a tabling, so.

P.O. LINDSAY:

Okay. I'll make a motion for the purpose of questioning. Second by Legislator D'Amaro. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, Mr. Zwirn, this property came up in the committee with some concerns by a neighbor. But one of the things actually that I'm -- would like to try to get some more information, since this has been working its way through for a while and the real estate market has been shifting and there was some information that an individual gave to me that the price may be substantially higher than we're offering than the actual value of this property at this point? Do we have -- do you know when the last appraisal was done and have we looked into the fact that the real estate market is shifting on us?

MR. ZWIRN:

Well, this would have gone through ETRB with the appraisal, so it would have gone through the entire process. This technical correction, as Legislator Schneiderman points out, some of the neighbors to the property had some questions with the town's proposed use for it. The County didn't have, you know, qualms with it because the town is going to manage this property, it's a joint purchase with the Town of East Hampton and the County. But some of the neighbors were concerned about the fact that it was going to be a rather active use of the property, it would be the ball fields and volley ball courts and there was going to be active parkland. And there was some discussions with the town and the community and they have cut back on exactly what kind of use, I think they're allowed one ball field is what they're going to have on the property. I spoke with one of the Town Board members, Pete {Hammerly}, he said that they had reached, they think, their final agreement with the community. This correction just reflects the change in the Town Board's resolution and this is going to be passive parkland as far as the County is concerned.

LEG. SCHNEIDERMAN:

It limits the uses.

MR. ZWIRN:

Yes.

LEG. SCHNEIDERMAN:

And the town is fully -- is going to maintain this property at no cost to the County, as I understand it.

MR. ZWIRN:

That's right. And this is adjacent to the property -- when Legislator Schneiderman was the Town Supervisor at that, the County bought the other part of Boys Harbor and it's a beautiful, beautiful piece of property. It was a camp for underprivileged kids, it goes right down to Three Mile Harbor. You know, it's near my neck of the woods, so we're very appreciative. But that's what this reflects, all it was was a compromise with the town, the town changed their acquisition resolution and we were just trying to conform with ours.

P.O. LINDSAY:

Let me ask you something. If you -- is County -- all County residents going to have access to this property?

LEG. SCHNEIDERMAN:

Yes.

MR. ZWIRN:

Yes. They do now to the neighboring piece as well.

LEG. SCHNEIDERMAN:

I don't know to what degree there'll be parking or whose developing the management property. My concern --

P.O. LINDSAY:

My wife has to drop me off from Holbrook and I can use it then.

LEG. SCHNEIDERMAN:

Yeah, I think the plans have been scaled back and I think that's fine. I am concerned, though, that the appraisals are old and there has been adjustments and I would hate to see the County overpaying. Do we have any of that information and is it too late, are we in contract?

MR. ZWIRN:

Yes. What I don't understand is this happens, I mean, the real estate goes up and down, it fluctuates. And once ETRB makes their ruling, I think and the paper work gets started, I mean, by the time some of these close it could change.

LEG. SCHNEIDERMAN:

Yeah, the offer has been made based on appraisals at the time.

MR. ZWIRN:

Right, and there were two appraisals done, I know the County did one and the town did one.

LEG. ALDEN:

How much is it?

LEG. SCHNEIDERMAN:

It's seven million.

MR. ZWIRN:

I think our portion is three and a half million.

LEG. SCHNEIDERMAN:

And then the town is picking up the other three and a half million.

MR. ZWIRN:

What was the other parcel? The other parcel is expensive, about 12 million.

LEG. SCHNEIDERMAN:

It's 12 million, yeah.

MR. ZWIRN:

And the County paid six.

LEG. SCHNEIDERMAN:

The other one was the waterfront piece.

MR. ZWIRN:

Yes, it's a bigger piece.

LEG. SCHNEIDERMAN:

A much bigger piece.

MR. ZWIRN:

And if this goes through, you're all welcome to come out and you can have a --

LEG. ALDEN:

What a bargain.

LEG. SCHNEIDERMAN:

I'm going to make a motion to table it.

MR. ZWIRN:

The trailers go to Cedar Point Park which is two miles down the road.

P.O. LINDSAY:

Motion to table? Okay, we've got a motion to table. I'll support the motion to table.

LEG. ROMAINE:

Why?

D.P.O. VILORIA-FISHER:

If I may, Mr. Chair? You know, Jay, all this is doing is adding the new resolution from the town.

LEG. SCHNEIDERMAN:

I know, it's --

D.P.O. VILORIA-FISHER.

But it's not affecting the appraisal. We would have to reject this and go right back to the planning.

LEG. SCHNEIDERMAN:

I just wanted to clarify with the legal department to what extent we are bound at this point.

D.P.O. VILORIA-FISHER:

Okay. I just wanted to point out that the appraisals have been done --

LEG. SCHNEIDERMAN:

And if we are bound and we can't get out of it, we move forward.

D.P.O. VILORIA-FISHER:

Okay.

MR. ZWIRN:

There has been an offer and acceptance on this parcel.

D.P.O. VILORIA-FISHER:

Sure. At this point, we're ready to go ahead with the acquisition --

MR. ZWIRN:

That's how we know what the cost is.

D.P.O. VILORIA-FISHER:

-- and it was just a change in the town resolution, that's the only thing that's reflected in this resolution.

MR. ZWIRN:

And the residents only had -- the residents had no quarrel with the County, their disagreement was with the town and I think the town --

D.P.O. VILORIA-FISHER:

And the use.

MR. ZWIRN:

And the use.

LEG. SCHNEIDERMAN:

Well, the residents would rather see the property, I think, developed. They're concerned about the use there, but that's understandable.

MR. ZWIRN:

Yeah, absolutely.

LEG. SCHNEIDERMAN:

It was a camp. And the County is not proposing a greater use, I think a lesser use than it was. But is there somebody from Law who can answer that question to the extent that we are bound?

MS. BIZZARRO:

I don't know. I'm sorry, we don't have an answer for you. We can certainly take a look at it and can get back to you.

LEG. SCHNEIDERMAN:

Then I'm going to ask to table.

P.O. LINDSAY:

You want to find out if the helicopters are disturbing the turtles cohabitating?

LEG. SCHNEIDERMAN:

You don't want to interrupt those turtles. It's a peaceful night in East Hampton, so.

P.O. LINDSAY:

Okay, we have a motion to table. And we have a motion to approve as well, right?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Okay. We'll go on the motion to table first. All in favor? Opposed? Abstentions to tabling?

LEG. LOSQUADRO:

Opposed.

P.O. LINDSAY:

One objection to tabling.

MS. ORTIZ:

Seventeen (Opposed: Legislator Losquadro).

P.O. LINDSAY:

Okay, so it stands tabled.

P.O. LINDSAY:

1736-08 - Adopting Local Law No. 2008, a Local Law to enhance the County's Truth and Accuracy in Property Tax Billing Policy (County Executive). Do we have a motion?

LEG. NOWICK:

Which one is this now?

P.O. LINDSAY:

This is on the Tax Receivers.

LEG. NOWICK:

Wasn't there a CN on that?

P.O. LINDSAY:

The companion bill?

LEG. ALDEN:

This is the penalty phase.

LEG. NOWICK:

Isn't that a difference?

P.O. LINDSAY:

Oh, I see.

MS. BIZZARRO:

Yeah, there's no CN needed for this. Excuse me, I'm sorry, Presiding Officer.

P.O. LINDSAY:

Yeah, could you explain this? This isn't the one that's the CN.

MS. BIZZARRO:

This is not the one for the CN, right.

P.O. LINDSAY:

Okay.

MS. BIZZARRO:

This already had a Public Hearing, the Public Hearing was closed and it just went through the normal course. It's a relatively simple amendment to the bill. This bill enables the County to enforce any amendments to Resolution No. 256-1998. That resolution sets forth the format that the ten Suffolk towns must follow for the Real Property Tax Bills. IR 1651, which I believe is going to be brought to you by CN, that's pending and that seeks to amend Resolution 256 of 1998.

LEG. NOWICK:

This is confusing.

D.P.O. VILORIA-FISHER:

Oh, that's clear as mud.

MS. BIZZARRO:

This bill will allow enforcement.

LEG. NOWICK:

Now, what are you saying? Do that again.

MS. BIZZARRO:

Okay.

D.P.O. VILORIA-FISHER:

Go past that again, yeah.

MS. BIZZARRO:

This bill, the way -- let me backtrack. Section 176, I believe, of the code -- let's see. Excuse me. Yeah, 176 of the code allows for enforcement of Resolution No. 256-1998.

LEG. NOWICK:

Where is that?

D.P.O. VILORIA-FISHER:

Which is what?

MS. BIZZARRO:

If you're in Section 176-6 of the code, it's Article 2 of the Suffolk County Administrative Local Laws.

D.P.O. VILORIA-FISHER:

But can you tell us what it means if we don't have the code in front of us?

MS. BIZZARRO:

Yeah. Basically what it states is that it allows -- this statute, 176-6, allows for enforcement of Resolution 256-1998. 256-1998 sets forth, as I stated earlier, the format the ten Suffolk towns must follow regarding the real property tax bills.

P.O. LINDSAY:

Lynne, could -- would it make any sense to pass over this and address the CN first?

MS. BIZZARRO:

I think that would probably make sense if you do it that way, because you need 1651 to be passed and then this would --

P.O. LINDSAY:

Okay.

MS. BIZZARRO:

It makes sense for the two to be passed together.

P.O. LINDSAY:

So if it's all right with everybody, I'm going to pass over this so we can have a discussion on the CN; is that all right with everybody? I'm sorry, Legislator D'Amaro, you want to weigh in on this?

LEG. D'AMARO:

I just -- you know, I don't want to take a lot of time, but the only thing this bill does is says that if we pass the CN, this bill allows us to enforce it; that's all this does. Or if we don't pass the CN but in some future date we pass an IR similar to the CN or affecting what the CN affects, this bill would allow us to enforce it.

LEG. NOWICK:

Then how can we pass a bill if we can't enforce it?

LEG. D'AMARO:

Right, that's exactly the point. That's why you need this bill either to enforce the CN, if we pass it, or to enforce any other subsequent bill that we may pass. So by passing this bill and making -- and approving this bill first, you're just kind of laying the ground work for either the CN or any other future legislation.

LEG. NOWICK:

Let's do it the other way.

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, we're going to get back -- I think we're going to pass over this and go to 1651. And what I thought I heard you say was that the bill that we're going to pass over allows us to enforce Local Law 11-1999, is that accurate; am understanding this properly?

MS. BIZZARRO:

It would allow you to enforce --

LEG. MONTANO:

Under 1651, the WHEREAS clause, the third WHEREAS, the second WHEREAS clause talks about 11 -- Local Law 11-1999 and it talks about -- the third WHEREAS clause talks about a Stipulation of Settlement; is that what you're referring to when we talk about enforcement or am I --

MS. BIZZARRO:

Local Law No. 11-1999 is Section 176-6.

LEG. MONTANO:

Okay. So --

MS. BIZZARRO:

That is the enforcement bill.

LEG. MONTANO:

So what I'm reading, and I don't have all the facts, is that we passed a law and then it was challenged by the towns and then we reached the Stipulation of Settlement; is that the fact pattern here? That's what I'm picking up.

MS. BIZZARRO:

We -- I believe the history of it was that Resolution 256-1998 was passed.

LEG. MONTANO:

256, okay.

MS. BIZZARRO:

And then litigation was brought I believe by the County.

LEG. MONTANO:

And then we reached the Stipulation of Settlement --

MS. BIZZARRO:

And then we had the Stipulation of Settlement.

LEG. MONTANO:

-- that was so ordered by the court.

MS. BIZZARRO:

Correct.

LEG. MONTANO:

But now if we change the law, how do we enforce something that was negotiated without going back to court? That's the legal question I have here.

MS. BIZZARRO:

Well, the stipulation states that the law and the Stipulation of Settlement are to be enforced, basically, so everyone agreed that this Section 176-6 is a valid law as well as the Stipulation of Settlement. So you have the two documents --

LEG. MONTANO:

But we're amending the law, am I correct?

MS. BIZZARRO:

Correct.

LEG. MONTANO:

So the stipulation doesn't cover a law that -- it covered the law as it existed at the time that it was implemented or enacted but we're subsequently amending the law and then saying that they have to follow it; that doesn't make sense to me.

MS. BIZZARRO:

Well, actually the wording in the stipulation states that the Local Law shall mean Suffolk County Local Law 11-1999 amended, so it includes any amendments thereto.

LEG. MONTANO:

So any amendment that we make to that law they have to --

MS. BIZZARRO:

Right, correct.

LEG. MONTANO:

It doesn't make any sense to me.

MS. BIZZARRO:

Under the Stipulation of Settlement, correct, it was drafted just to allow that. I'm thinking it may have been an error in the drafting of Section 176-6 that didn't state --

LEG. MONTANO:

I'm thinking it was bad lawyering, because what lawyer would agree to something subsequent? It doesn't make any sense. Well, you know what, we'll leave it for later. I don't think it really --

MS. BIZZARRO:

But it does state that in the Stipulation of Settlement.

LEG. MONTANO:

I don't have that in front of me, the Stipulation of Settlement.

MS. BIZZARRO:

I have a copy of it here.

LEG. MONTANO:

The question still remains, though, whether or not we can amend the law and then impose our amendment unilaterally on something that was court ordered.

LEG. NOWICK:

Right.

LEG. MONTANO:

That's really the issue I have with this.

MS. BIZZARRO:

Well, you certainly can amend the resolution.

LEG. MONTANO:

We can amend the resolution, granted, but the question that I have is how do we enforce something that we amended subsequent to the time that the parties signed the agreement? And what you're telling me is that they signed off on any amendments that we may make in the future.

MS. BIZZARRO:

Correct. I'll read verbatim --

LEG. MONTANO:

I got you.

MS. BIZZARRO:

-- "The Local Law" --

LEG. MONTANO:

You answered the question, you said that the stipulation includes prior amendments.

MS. BIZZARRO:

It says "as amended", correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

I go back to my original intent. I'd like to skip over that.

LEG. ALDEN:

It doesn't mean in the future.

LEG. MONTANO:

Right, Mister -- Legislator Alden and I have the same issue with the interpretation as amended, but I'm not going to debate the point now, we'll move on.

P.O. LINDSAY:

All right. No huge objection, we'll just skip over that and handle the CN, all right?

All right, with that there's one other Procedural Motion that was just laid in front of you, it was an oversight by Budget Review. When we did the community support initiatives before we left off one community initiative. So I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

Certificates of Necessity

P.O. LINDSAY:

Okay. Now, go to the red packet and we've got CN's and the first one up is the one in question, ***1651, establishing a Truth and Accuracy Policy to reflect the impact of the New York State Equalization on Suffolk County Real Property Tax Billing.***

LEG. NOWICK:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Nowick.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Okay, while it's before us, I have a question that maybe Mr. Zwirn could answer. I don't think anybody objects to the intent of this bill. Our concerns about it last time was that we received a number of calls from the Tax Assessors that the wording of the bill couldn't be implemented and it was difficult for them and they expressed a desire to have some dialogue with the Executive Branch. My office talked to Esther Bivona today, the head of the Tax Assessors, she said she's had no dialogue at all.

MR. ZWIRN:

Right. We did have some dialogue with some of the receivers; quite frankly, they're not happy. Probably as Legislator Nowick who was a former Receiver of taxes, will tell you, they don't really

want to make any changes, some of them say they can't. What the County Executive's purpose was was because what happens, and I know Legislator Schneiderman would be a good example, when you voted for a flat General Fund property tax, in our town it went up one year I think it was 24% and you're sitting there saying, "Well, I voted" -- well, anyway, it wasn't a big increase as far as dollars went, but because of the State equalization rates it affected our taxes and it's not fair. And one year it was in the Town of Southold, I know the County Executive dispatched me out there to talk before a budget hearing to the Southold residents who couldn't understand why if the General Fund property tax remained flat, how come their County property taxes went up.

That's -- so the point of this was to try to show when the State equalization rate takes effect, what the increase is, what it is before and what it is after. Now, in some instances it will even be a greater decrease as the values of the different towns go up and down. But it was something to -- it was just to try to give a little more education to people who look at their own tax bills to understand that while you may hear that the County Legislature did not vote for a tax increase, all of a sudden you're seeing your County property tax increase on your bill and this would be a way to try to explain that.

So the purpose, I think, which had the support of the entire Legislature, this is really our last opportunity to do it before the tax bills go out, before they're printed, because they're just about -- we don't meet again until September 16th, that's why we tried to get it done now.

With respect to the Receivers of Taxes, I don't think we've had anybody, to be very honest, say, you know, "We're in favor of this and it's a good idea."

P.O. LINDSAY:

No, but my point is -- and I'll get to you in a minute, Legislator Nowick, I didn't forget you -- is if they said to us that, "We object to what you are trying to do," I could understand that if the dialogue was there, but there didn't seem to be any dialogue. I mean, Esther Bivona is the head of the Tax Receivers Association in the County.

MR. ZWIRN:

I think we spoke, I know at least I spoke with the Town of Brookhaven, I don't know if there were other -- other receivers who weighed in.

MS. BIZZARRO:

I'm sorry, just at the committee meeting I believe Ms. Bivona was supposed to appear and speak but never did and we don't know why.

MR. ZWIRN:

That's right, she was.

P.O. LINDSAY:

But again, when this was tabled last cycle, you guys said that you would reach out to the Tax Assessors and have some dialogue with them; that's all they seem to want is to have some dialogue and they didn't. I mean, in my initial discussions, they didn't object to the concept, they just thought that the way we were doing it would make it difficult for them.

MR. ZWIRN:

I think we were trying to get this done, to be -- you know, try to get it done in a way that we thought we could work with them, that the language would be simple enough that it could be put on there. Did we reach out to all of them? We didn't have time to get it done before this meeting.

P.O. LINDSAY:

Take over, Legislator Nowick, I'm tired. Legislator Nowick has the floor.

LEG. NOWICK:

I think you're right when you say they don't like changes, and I understand that. I reached out to my town, I don't know if anybody else reached out to their towns, but Esther Bivona is the President of the Association, I know for a fact, I think she was away, I think she has a son or something out of state.

D.P.O. VILORIA-FISHER:

She was away, yeah.

LEG. NOWICK:

But be that as it may, I don't -- I think the Tax Receiver from Brookhaven was in; it's not that they're adamantly opposed, they were trying to find a way to do it that would work with all of the Tax Receivers' bills; some of them were larger than others. It's my understanding that one of the suggestions, and I didn't think it was a bad suggestion and I thought somebody was going to speak to Esther, was that they had no problem with letting our constituents know that if you see a change, if you see an increase, it's due to State, it's due to a State formula.

MR. ZWIRN:

Right.

LEG. NOWICK:

But one of the suggestions was that instead of utilizing three extra lines or four extra lines on a tax bill that in my district, or actually in Legislator Kennedy's district in Hauppauge with different sewers, they're almost at the end, they didn't know if they could do it. And according to one of these, the resolution, I think the print has to be the same size, so here we're using lines that in some cases we don't have. One of the suggestions was that maybe we could put in bold print one line that said something like, "If there is a difference in the tax, if you see an increase, it's due to State tax formula."

The other thing I just wanted to ask you is that we keep saying this is the last bite at the apple; why is that? Why is that the last bite? Those bills get printed blank, right? And then when the Tax Warrant comes in, don't they then print, doesn't it then go to Data Processing and get printed in December?

MS. BIZZARRO:

Yeah, they do. The back of the bill and the front of the bill without all the specific information gets printed out of the seven -- there are seven towns --

LEG. NOWICK:

Right.

MS. BIZZARRO:

-- through our --

LEG. NOWICK:

And those are done probably already, right?

MS. BIZZARRO:

Then they have not been signed off.

LEG. NOWICK:

Okay.

MS. BIZZARRO:

And, you know, it's right about toward the end, you know, mid to the end of August that basically --

LEG. NOWICK:

Right, and those are the blank bills.

MS. BIZZARRO:

Right, right. And then the final --

LEG. NOWICK:

Okay. But the guts of the bill don't go to Data Processing, right, until the Tax Warrant is signed. How can they?

MS. BIZZARRO:

Yeah, that's a little later on, correct.

LEG. NOWICK:

So why is this the last bite at the apple then?

MS. BIZZARRO:

Well, there's an approval process that goes through my department whereby we basically sign off and say, "Everything's good to go."

LEG. NOWICK:

How long does that take you?

MS. BIZZARRO:

I could be almost done assuming this bill gets passed. I mean, we're kind of at the end of that process.

LEG. NOWICK:

Well, I mean, if you had the opportunity in the next month to speak to the association and you came up with something, could you then -- and we passed it at the September whatever meeting --

MR. ZWIRN:

Sixteenth.

LEG. NOWICK:

-- could you then get it done?

MS. BIZZARRO:

I just know, just in dealing with them in the last few years, they are not going to like for their programming purposes, they're not going to want to be told like in September that they're going to have to make a change. It's going to be very difficult for them to make any type of change in their program. So really if any change is going to be made by this body, it would be suggested that you do it now, they're not going to want to hear it in September. It's going to be difficult for them.

LEG. NOWICK:

Well, I really do have to suggest -- it would be my feeling that you did speak to Esther. I think it could be done, I think you still could get it done, but I think somebody should reach out.

MS. BIZZARRO:

If I could also clarify, it's not going to four or three lines, it's really -- technically, what the bill does is it takes two lines and it just changes them. So it goes from two lines with option number one and it turns into four lines, so you're only adding two additional lines there; you're just modifying it.

LEG. NOWICK:

But that has to go in the portion of the tax bill where all the lines are.

MS. BIZZARRO:

Correct.

LEG. NOWICK:

But I think what the suggestion was, if they couldn't fit it there, would you guys agree -- would everybody agree to having one -- just one second. Hey, excuse me. Would you agree to have one bold line that says, "Any differential you see is due to the State formula"?

MS. BIZZARRO:

The problem with that, without having additional lines, is that you won't know what you're referring to. Like, you'd have to see a line that says the actual General Fund versus the General Fund after the New York State adjustments. So somewhere they're going to -- if they agree to that, they have to agree to some additional lines, it's the only way; it would be the only way.

LEG. NOWICK:

If you see -- "If you see a difference in the General Fund and the Police Fund, it is due to such and such".

MS. BIZZARRO:

In fact, option number two allows them to do just that. Option number two --

LEG. NOWICK:

So it sounds to me like --

MS. BIZZARRO:

-- does that because it leaves the two lines that they already have, it just renames them and then it allows them to put a statement stating that if there's any difference or any deviation, that is due to the State adjustment.

LEG. NOWICK:

Okay.

MS. BIZZARRO:

So more or less, number two takes care of that problem.

LEG. NOWICK:

So the big problem is that some receivers say they can't fit it on their tax bill, the others weren't spoken to, Esther wasn't spoken to, so right now we're kind of at a standstill. All right. You know what? It's late, I'm going to keep my motion to table.

LEG. MONTANO:

I have some questions.

P.O. LINDSAY:

Legislator Romaine.

LEG. MONTANO:

Put me on the list.

LEG. ROMAINE:

I'll just make this quick. The Brookhaven Tax Assessor, Lou Marcoccia, appeared before us, spoke -- Receiver, excuse me -- appeared before us, spoke against this. The Tax Assessor, Jim Ryan, who's also an attorney, presented a memo against this, they spoke against this. At the time we said, "Okay," and the Executive was going to speak to the Tax Receivers; that didn't happen.

We're here tonight, this is something they don't want, Lynne Nowick, a former Tax Receiver, esteemed Tax Receiver in Smithtown understands this, this is something that I don't want to do at a quarter to midnight. What I'd like to do is get this tabled, put this aside, get the Tax Receivers back here, let them know that this is going to be debated at our September meeting, listen to what they have to say, the Executive will have plenty of time then to reach out. Let's just table this, it's late.

P.O. LINDSAY:

Okay. Legislator Montano and then D'Amaro.

LEG. MONTANO:

1651 was discharged?

MR. NOLAN:

It was discharged from committee. What you before you -- the reason you have it in a CN form is it has been amended within the last day or two, so to get it before you they had to do a CN, but 1651.

LEG. MONTANO:

It doesn't sound right.

MR. NOLAN:

Well, that's what they did.

LEG. MONTANO:

I hear you, it is late. You know, I've read -- I'm reading -- hold on a second. I'm reading 1736 which amends -- if I understand this correctly, it amends Suffolk County Resolution 256-1998. Lynne, you want to step forward?

MS. BIZZARRO:

Sure.

LEG. MONTANO:

The amendment that I'm reading in this in Section 176 says, "The amended part or any amendments thereto"; that's the only change in the substantive law that was part of the Stipulation of Settlement and I'm having trouble reconciling this amendment with the third WHEREAS clause that refers to a Stipulation of Settlement. And even though the Stipulation of Settlement says "as amended", I don't believe that that refers to future amendments. I have some questions about whether we can mandate this in the fashion that we're doing it and then as you read further on in the resolution it talks about if a public official does not abide by this they're guilty of malfeasance. I have some real issues here. I can't reconcile that; can you reconcile it for me?

MS. BIZZARRO:

I think that the Stipulation of Settlement was worded just so that it would allow the County, in the event of a change later on with respect to Resolution 256-1998, to be able to include that in what is required by the County of the towns to put into the tax bills; I believe that that was the whole purpose of it.

LEG. MONTANO:

I find that difficult without being there.

MS. BIZZARRO:

Well, the reason --

LEG. MONTANO:

I understand what you're saying.

MS. BIZZARRO:

The reason that it makes sense to me that way is because 11 -- Local Law 11-1999, at the time the stipulation was executed, had never been amended. So why would it say as amended? It makes no sense.

LEG. MONTANO:

To be quite honest with you, a lot of times we put "as amended" and it's not been amended, but I'm not going to argue the point with you. My issue is that I can't reconcile the two clauses, my legal mind doesn't reconcile them, and if I can't reconcile it I'm not going to vote on a C of N without having a chance to review it further. Others can do what they want, but I see a real conflict here in terms of mandating this in the fashion that we're doing it.

P.O. LINDSAY:

Legislator D'Amaro?

LEG. D'AMARO:

Well, if anyone's listening.

P.O. LINDSAY:

All right, come on, let's go. We've got 13 minutes to finish this, all right?

LEG. D'AMARO:

All right, I spoke to Esther Bivona and she sent me an e-mail and I spoke to her when the bill was first introduced and came the first time to Ways & Means. She could not make the meeting that day due to a personal matter but she called me afterwards and said that they're not, per se, against putting the lines on the bill, but they want to be absolutely sure that if that's the way we're going to go that it can be done in all of the towns that are responsible for doing it, and I thought that was a responsible position to take. My response to her was, "Well, from a policy perspective, I really want to pass this bill." Because I'm voting to keep taxes flat or reduce County taxes and in Babylon and Huntington people are looking at their tax bills and they're saying I raised their taxes and there's no explanation of that, and I just don't think that's fair to us. So she agreed with that and then I encouraged her, I said, "Look, it's not my resolution, I would encourage you to speak with the County Executive and with his folks to try and work something out."

With that said, the bill seems pretty straightforward, it just adds two lines to the bill. What we did and what happens after the State formula was applied, I think that's fair. I think taxpayers have a right to know that information. If we pass the bill and it turns out one of the towns cannot implement it, you know, technology has come a long way, I'm sure they can find a way; if they can't, well, you know, we can make an exception and I think we can address that later on. But I'd rather pass this now and charge each of the ten towns with doing this and if there's a reason why they really can't legitimately do it we could consider that later on.

P.O. LINDSAY:

Okay. Anybody else, no? The only motion before us is to table.

LEG. D'AMARO:

I'll offer a motion to approve.

P.O. LINDSAY:

Motion to --

LEG. GREGORY:

Second.

P.O. LINDSAY:

-- approve and a second to approve. Okay, tabling motion comes first; roll call.

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

LEG. NOWICK:

Yes. To table.

LEG. ROMAINE:

No. Yes to table, excuse me. Yes to table.

LEG. NOWICK:

It's getting late.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

All right, it stands tabled.

IR 1709-08 - Adopting Local Law No. 2008, 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 on any instrument.

MR. ZWIRN:

Mr. Presiding Officer, this was part of our original budget package that was recommended by the bipartisan group. We did I believe a Home Rule Message on this, this was passed by the State on a County-wide basis. The Clerk's Office asked for some software which would cost about \$40,000 to be able to implement this and the County Executive has agreed with Ms. Pascale, so that money will be coming forward so she'll be able to redact the information that is -- this is the filing fee one.

P.O. LINDSAY:

This is -- we just closed a public hearing on it?

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

Okay. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the question?

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. ROMAINE:

On the motion?

LEG. KENNEDY:

This resolution is only to set the public hearing?

MR. ZWIRN:

No, we had the public hearing, it was closed.

LEG. KENNEDY:

This resolution before us today is to actually go ahead and implement it?

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

What does BRO say as far as the projected revenue from this?

MS. VIZZINI:

Actually, the Budget Office, and we generally concur, \$5.7 million in 2009, based on the reduced level of activity due to the market.

LEG. KENNEDY:

This would effect, the way I read it, the per page charges and the certified copies, Gail? Which of the list of fees would it impact?

MS. VIZZINI:

I'd like to defer to Mr. Kovesdy or Mr. Zwirn.

MR. KOVESDY:

Good evening. Most of these are affecting deeds and mortgages. We got the numbers from the County Clerk as to the number of documents that would be affected; last year it was 185,000 documents, averaging nine pages per document. The recording fee is going from \$5 to \$20 and the per page fee is going from \$3 to \$5. We estimate that we'll get about \$5.7 million next year if the economy stays flat and we'd get about a million dollars this year if it's passed tonight.

P.O. LINDSAY:

I'm sorry, we get a million -- if we pass it tonight we get a million dollars this year?

MR. KOVESDY:

Yes, sir.

P.O. LINDSAY:

And five seven next year?

MR. KOVESDY:

Yeah; if the economy stays flat, yeah.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

But what I don't understand is why it's before us as far as the CN. I mean, have you gotten to the point why you did the difference between tonight and September?

MR. ZWIRN:

We're trying to get this done as fast as possible so we can start getting revenue in. We're facing some very hard times and, you know, with all due respect, a lot of Legislators like to spend money in their districts, which is understandable. But we've got to have -- we've got to --

MR. BROWN:

(Inaudible).

MR. ZWIRN:

I understand. But the faster we get this passed, Mr. Kennedy, the faster we can start bringing this revenue in. We're trying to keep the taxes as low as possible. This is a way --

LEG. KENNEDY:

Ben --

MR. ZWIRN:

I'm just saying, it's got to be done and we've agreed to do it -- not you necessarily, but there was a bipartisan group that sat down and spent months going over this and this was --

LEG. KENNEDY:

I never voted for this one, you know that and I stated --

MR. ZWIRN:

You've never voted for anything.

LEG. KENNEDY:

That's not true. That is not true and I stated --

MR. ZWIRN:

Except for underwater property.

LEG. KENNEDY:

-- on the record my objections.

P.O. LINDSAY:

Okay. Come on, I've got five minutes left, otherwise I've got to adjourn, all right?

LEG. KENNEDY:

All right, I'll yield.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, the \$40,000 that you're going to give to the Clerk has nothing to do with the redacting; the redaction was done probably two years ago. It has to do with software changes, whether you up the fees or down the fees you'd have to make software changes. So it's for software changes to implement this fee increase.

Here's the problem. The County Clerk's Office roughly cost the taxpayer in this County about \$7 million. Now, I understand revenues are slightly off, not tremendously off but enough off. The last year I served as County Clerk we took in half a billion dollars. Do you think that they don't have user fees? Do you think they might have abuser fees? Because when you think about it, collecting a half of billion dollars for an office that costs the County about \$7 million, not including the million you get from the mortgage tax revenues that you can use for staffing, there is a huge disproportion. There is no connection with this fee with the service being provided. This is nothing more than a way that both the County, the towns and the State has decided to collect revenue. This is something that will effect every homeowner because it's going to be imposed on deeds and mortgages. You're going from five to \$20 to start off; that's, what, a 400% increase? Then it's not per page fee, it's per side per page, from three to \$5.

I understand the County has a lot of fiscal problems; I'm very sympathetic. But to use and continue to use the County Clerk's Office to raise revenues so far beyond the actual cost of providing those services; again, cost of providing service \$7 million, anticipated revenue for State, County and town, half a billion dollars, okay?

I mean, think about that; that's a huge, huge thing. This is a huge increase. This will impact every homeowner in Suffolk County. What does it matter if it comes to the tax bill or comes in the form of extra fees? Except that the County Executive says, "I didn't raise your taxes, I only raised your fees," and fees are harder to see because they don't come on a tax bill. But it's the same concept,

you can't push up one and say you're not doing the other.

This is, for all practical purposes, a back-door tax. If you admitted that and said, "Yeah, it's a back-door tax. We don't want it to appear on our tax bill, but we need the revenue so we're going to hit up every homeowner by charging more, and a sometimes 400% increase in a department that already charges a lot." Okay, I'd accept the honesty of that and say, "Okay, maybe I'll consider that." Thank you.

P.O. LINDSAY:

Okay, I have Legislator D'Amaro and then Vilorina-Fisher.

LEG. D'AMARO:

Very quickly. I would rather raise the filing fee by \$20 or \$15, which is a one-time payment that you're going to make -- if you buy a home or you refinance, you're going to pay that one time -- as opposed to the alternative where we don't get the extra \$5.7 million, where you may have to consider raising property taxes which aren't going down. You're going to pay them year after year after year.

So, you know, none of these are the best solution, but the least painful solution here is to do a one-time, nominal increase in the filing fee as opposed to a reoccurring increase in property taxes. Otherwise, I just don't see how you'd make up the 5.7 million.

P.O. LINDSAY:

Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

I just wanted to clarify that when that half of billion comes through, it's not coming to the County, most of it is going to the State --

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

And it also goes to the towns and villages. And secondly, when I proposed as an alternative that we do -- that we should raise the General Fund Property Tax, there was no one who was ready to jump and stand alongside me on that. And we need to have the money coming in because there's money going out, we just have to reconcile that.

So I'm going to support this. I don't see that we have much of a choice.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Legislator D'Amaro said what I was going to say. But the only thing I'll add is that -- you know, I know it's late, but I would just like everybody to think about all these times where we discuss these things and remember everybody who is against all these things and then think when we have to deal with the Operating Budget, if we have to raise taxes, that those same people would be against it. And we could have come back here today and realized that we have problems and Legislator D'Amaro was absolutely right, there's a big difference between a fee that is not paid every single year and a tax which will just compound for eternity.

P.O. LINDSAY:

Okay.

LEG. BEEDENBENDER:

And I spoke my peace before.

P.O. LINDSAY:

Roll call.

LEG. SCHNEIDERMAN:

Wait, I -- I thought I was on the list.

P.O. LINDSAY:

I'm going to have to extend the meeting in two minutes. If you want to talk, keep talking.

LEG. SCHNEIDERMAN:

All right, thank you. I'll go as quick as I possibly can. And we talk about sales taxes all the time, the County collects some \$50 million in sales tax. The big item for the County --

P.O. LINDSAY:

No, no, 50 million in real estate.

LEG. SCHNEIDERMAN:

I'm sorry, I said it's late. We talk about property taxes, nobody wants to raise property taxes, we collect some 50 million in property taxes. The big number is sales tax which is 1.3, roughly, billion dollars, and a lot of it's related to the real estate market. And anybody who has read the papers knows the real estate market is tanking. And if you sat there and you said, "Okay, how can we stimulate the real estate market? There's not a lot we can do. Maybe we can lower fees to try to encourage some of these housing transactions to happen." This is probably going to add a few hundred dollars to a closing of a house, it's the wrong direction. So if you want to talk about helping the economy, don't put an additional burden on the housing market, it's wrong. We need it to move.

MR. ZWIRN:

Presiding Officer, could I just say one quick thing?

LEG. SCHNEIDERMAN:

You don't need to.

P.O. LINDSAY:

Stop, stop. I have to make a motion to extend the meeting until 12:30.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Seconded by who?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Legislator Beedenbender. This takes a two -- it takes 12 votes; roll call.

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

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Reluctantly.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yep.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

Sure.

MR. LAUBE:

Sixteen (Opposed: Legislators Kennedy & Alden).

P.O. LINDSAY:

Okay, we've got another half hour. Go ahead, let's continue the conversation. And Mr. Zwirn, I just

stopped you from commenting.

MR. ZWIRN:

If I just may. It's very difficult, the hour is late, but Legislator Schneiderman spoke to me earlier today, he wants \$300,000 for Long House and probably close to a million dollars for sidewalks in Bridgehampton and Sag Harbor.

LEG. SCHNEIDERMAN:

No, it's Third House, not Long House.

MR. ZWIRN:

Third House; Long House is in another part of town. But the fact is is that this costs money. I mean, it's got to come from somewhere. You can't say, "We're not going to raise fees, we're not going to raise taxes." What are we going to do, print money? We're not the Federal government, you can't do it and we've got to make some hard decisions.

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

MR. ZWIRN:

And we spent a long time going over this. We went up to the State a number of times trying to get this done and the State allowed this to be done by counties all over New York, not just in Suffolk County because everybody's facing the same problem. One way to do it, it has had bipartisan support and I would hope you would get started tonight so we could start generating additional revenue.

LEG. SCHNEIDERMAN:

Can I -- I'd like to respond, if I might. One is we are making hard decisions and I've been a part of those decisions, I agreed to sell Suffolk County -- Suffolk Health Plan, I agreed to securitize tobacco; these were major revenue generators. You know, yeah, we've got to repair sidewalks, that's true. We've got to fix buildings that are crumbling, you've got to take care of your infrastructure, but I think we may fundamentally disagree on how to stimulate the economy in Suffolk County. And when you know the real estate market is tanking, you don't put additional burdens on it because that is a sales tax revenue generator.

MR. ZWIRN:

Fifteen dollars on a home in the Town of East Hampton?

LEG. SCHNEIDERMAN:

One point three billion dollars comes in from sales tax. You don't want to hurt industries that are helping our sales tax collections.

P.O. LINDSAY:

I know, I've got you. Okay, Legislator Kennedy.

LEG. KENNEDY:

I'm just going to go ahead and try to keep it quick. I stated my concerns or objections, or even a request for just an exemption for first time home buyers. I hear what Legislator D'Amaro talks about the initial purpose or when we go ahead and we have a refinance.

This is a fee that comes in in an insidious way all the way through to the person who dutifully pays their mortgage for 30 years and goes out to the Clerk's mortgage to file that sat of mortgage and now has to go ahead and engage in the privilege of paying quadruple what it would have been when they made it in the first instance. An exemption or some kind of relief for a first-time home buyer is not an unreasonable thing to look at in the compilation of efforts that we look to do.

And as far as costs go or trying to approach from a frugal nature, I looked at attempts to go ahead and work with the tax liens. Earlier today we just talked about a tax lien that's been kicking around for 15 years. Now, that thing, had it been sold, could have realized a lot of money a lot sooner. So I'm not going to support this and I'm not going to support it because it's an issue of inconsistency. Sometimes you say you've got to walk your talk. If we want to do something for first-time home buyers, we should give them the ability to get in.

MR. ZWIRN:

Let me just say, you need State approval. You need State Legislature to do what Legislator Kennedy has suggested. Have you suggested that legislation to anybody? Have you drafted anything or given it to a State representative to carry up in Albany?

LEG. KENNEDY:

I've talked to both of my representatives.

MR. ZWIRN:

And what did they say? Out on the East End --

LEG. KENNEDY:

They left Albany, as a matter of fact. They left Albany.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

Well, they're back today.

P.O. LINDSAY:

Okay. We have a motion and a second? I think everybody's had their talk.

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

This is to approve? Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay.

1778-08 - Authorizing use of Blydenburgh County Park by the Marine Corp League for its Run-Walk Fundraiser.

MR. ZWIRN:

The reason we have a CN is because their walk is before the next General Meeting.

P.O. LINDSAY:

Come on, folks, help me out.

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1803-08 - Authorizing the County Executive to enter into an agreement with the U.S. Army Corps of Engineers in connection with the Suffolk County Route 48 Cap Section 14 Emergency Shoreline Protection Project.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. 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:

1805-08 - Amending Resolution 184-2006, which does what?

D.P.O. VILORIA-FISHER:

Money for Federal pass-through grant, FRES.

P.O. LINDSAY:

Okay, Federal pass-through grant for FRES. I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Anybody on the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, we've got to go back in the agenda to the one bill that was skipped over, 1736 on page 10. I'm going to make a motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Motion to adjourn.

MR. LAUBE:

Eighteen.

Late Starters

P.O. LINDSAY:

No, no, we've got Late Starters. Late starters, I'll make a motion to waive the rules and lay on the table the following Late Starters:

1793 to Health and Human Services; 1794 to Ways and Means; 1795 to Ways and Means; 1796 to Ways and Means; 1797, Ways and Means.

D.P.O. VILORIA-FISHER:

We're going to be busy.

P.O. LINDSAY:

1798 to Public Works; 1799 to Parks & Recreation; 1800 to EPA, 18 there's no one, right -- oh, yeah, 1801 to EPA; 1802 to Public Works; okay, 1804, Public Works; okay. 1806 to Ways and Means and set a Public Hearing for 2:30 on 9/16/08 in Hauppauge. I made the motion, I need a second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I make a motion to adjourn.

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 12:10 A.M. *)*

{ } - Denotes Spelled Phonetically