

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

SEPTEMBER 16, 2008

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

MINUTES TAKEN BY

**LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS
MEETING TRANSCRIBED BY LUCIA BRAATEN, ALISON MAHONEY
AND KIMBERLY CASTIGLIONE, LEGISLATIVE SECRETARY**

[THE MEETING WAS CALLED TO ORDER AT 9:24 A.M.]

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

P.O. LINDSAY:

All right. Mr. Clerk, would you call the roll, please?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Absent)

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Could everybody rise for our Salute to the Flag, led by Legislator Beedenbender, and it will be followed by -- Legislator Beedenbender will introduce our visiting Clergy as well.

(*Salutation*)

Please remain standing.

LEG. BEEDENBENDER:

Actually, before we get to the Clergy this morning, I -- there's a young lady from my District who participated in a group called Sound for America?

MS. SLOMIN:

Sound of America.

LEG. BEEDENBENDER:

Sound of America. I keep screwing it up. And she traveled through Europe singing with the group. So, before we get to the Clergy this morning, she's going to sing the Star Spangled Banner for us. So I would introduce Samantha Slomin.

*(*Star Spangled Banner was performed by Samantha Slomin*)*

(Applause)

LEG. BEEDENBENDER:

Okay. I had a list here to introduce the Clergy, but I seem to have misplaced it, so I will do it off the top my head.

Our visiting Clergy today is -- oh, there it is. Never mind. Our visiting Clergy today is Pastor Scott Kraniak from the Centereach Bible Church. It's a nondenominational Bible-based church in Centereach. And one of the things that I like the most about Pastor Scott is that he has opened up the ministries to as many different groups as possible, and he has opened it up to teens for many programs. They have the Pioneer Club, GLEEM, which is a teen study program, Stepping Stones, which is a program for teen activities. And then he also serves as the Chaplain for the Riverhead Raceway. So two of the other groups that he started is V8's For Christ, which is a group of racing enthusiasts that meet at Bald Hill every week, and Racing with Jesus Ministries, so -- and I know it sounds funny and it brings out a little smile to everybody's face, but I think it's just especially touching that, you know, he has found every little nook and cranny he can to bring faith and community to the people of our area and people that aren't necessarily only in my Legislative District. So, with that, I will introduce to you Pastor Scott Kraniak.

(Applause)

PASTOR SCOTT KRANIAK:

Good morning, everyone. Just first, I'd like to say what an honor it is to be here. I thank Brian for asking me. I really consider it a great honor. And just before we pray, I just thought of one Old Testament scripture that, really, I thought was quite apropos for what you great people do here and it's Proverbs 29:18, which says, "Where there is no vision, the people perish, but he that keepeth the law, happy is he." So I think that's a quite fitting verse. But let's just bow our heads in a word of prayer.

Dear God and Heavenly Father, we ask your blessing and guidance and wisdom on all of these here who are servants of the people. We pray that you would guide their steps, their words, their actions, and that all that is accomplished here today would be, first, pleasing to you, and second, a good and pleasing thing and a blessing for all the people of this fine County. We ask this in the name of the Father and the Son and the Holy Spirit. Amen.

*(*Amen Said in Unison*)*

P.O. LINDSAY:

Before we take our seats, I'd like a moment of silence for John Fritz, who was the Chairman of our Parks Board of Trustees. He passed away on Thursday of complications from a heart condition at the age of 73. Mr. Fritz was an accomplished birder, surf-fisher and environmentalist.

Also, John Donovan, a Legislator from 1976 to '79, who represented the Second Legislative District the old fashioned way, often found listening to problems over a cup of coffee at his constituents' kitchen table, or out and about in the community at a diner or a local pub. John was also a leader in the early days of farmland preservation.

And, of course, as we do every meeting, a moment of silence, and keep in mind all our men and women as we speak that are in harm's way.

*(*Moment of Silence*)*

Everybody can be seated. We have a number of proclamations. First up is -- Legislator Nowick and Kennedy have a presentation for the Smithtown Fire Department. And I know you guys are in a rush, so. . .

LEG. NOWICK:

You know, Legislator Kennedy and I share a wonderful District, Smithtown, with a Fire Department that is so incredible and that is celebrating 100 years of service to us. And I just always like to take an opportunity to tell people, our volunteers, these are the men and women that will get up at a Fourth of July barbecue, because they're on call, while we're sitting in our backyard, or Christmas Day, when we're celebrating with our family, their beepers go off and they leave their family to go do the work that we need them to do. We should recognize our firefighters all the time, every day, all the time.

Interestingly enough, Smithtown was celebrating 100 years, and they had a day of festivities planned, rides and parades, and groups to sing, and guess what? The hurricane came through. So, I don't know, maybe it's a good sign, because we'll have it a different day and we'll celebrate together. Maybe it's God's way of saying, "We recognize you, we're coming through with a hurricane." Guys, thank you. Thank you very much.

(Applause)

LEG. KENNEDY:

I'd just like to add that it's my pleasure to share the District along with Legislator Nowick. In Smithtown, the Department has really distinguished itself with all the training and the comprehensive way that they approach emergencies, even to the point where we have the PSAP,

which does dispatch throughout our whole Township.

I'm proud to be a representative of the Smithtown Township. I'm proud to work with my firefighters, and I think it's something that enriches all of us because of the volunteer nature that we have throughout our whole County. It's what makes Suffolk County, I think, unique when we look at other areas around there. We are proud of our volunteers, we support our volunteers, and we know the importance in contribution to the community. So I add and say congratulations, and thank you, guys. Let's look for another hundred.

(Applause)

P.O. LINDSAY:

Legislator Nowick, before you leave the podium, I had the wrong Fire Department. I had a time problem. Kings Park is here, which you gave a proclamation to earlier. I asked them to stay around for an official presentation, that I would do them first --

LEG. NOWICK:

Okay. Kings Park.

P.O. LINDSAY:

-- and I got the wrong Fire Department.

LEG. NOWICK:

We'll bring my volunteers up from Kings Park as well.

P.O. LINDSAY:

Okay, okay.

(Applause)

LEG. NOWICK:

Today, we're also here to recognize our Volunteer -- our Volunteer of the Year from Kings Park. Roy Starke has been -- you were Chief from 1993 to 1995. We are so proud and so happy and so lucky to have you in Kings Park. Again, volunteerism, I believe, is an act of love and dedication, and, Roy, you are that dedicated person, and I thank you so much. And Chief DeSaro is with us also today, and, of course, he's going to play ice hockey, so we have to let him go. Congratulations.

(Applause)

P.O. LINDSAY:

And, Legislator Nowick, if I could just add my congratulations to Chief Starke as well. I've known Roy for a long, long time, he's a great person. Thirty-five years ago he wore a different uniform. He was my right-fielder. And he was a great ballplayer, and I'm sure he's a great fireman and he's a great person.

LEG. NOWICK:

Well, Legislator, I just want you to know that my Aide said that you were old friends, and I told her that that was probably a poor choice of words. Thank you.

(Applause)

P.O. LINDSAY:

Okay. Next up is myself, presenting a proclamation on behalf of all 18 Legislators to Every Child Matters Education Fund in recognition of their invaluable work to make our nation a better place to live for our this children. Accepting the proclamation are Jessie Rock, Lynda Parmely, Brian Lahiff and Dena Maldon. And I'm going to ask the Chair of our Health Committee, Health and Human

Services Committee, Legislator Browning, to join me.

(Applause)

LEG. BROWNING:

Good morning. It is certainly a pleasure to give this proclamation this morning. As many of you know, this year, day care has been cut by 2.2 million dollars from the State. We are working with many of the organizations, with the Welfare to Work Commission. I don't know if Kathy Liguori is here yet. Is she here?

D.P.O. VILORIA-FISHER:

She is, I saw her.

LEG. BROWNING:

Okay. And, you know, one of the issues, it's so important that our kids get a good head start. And I want to say thank you to Every Child Matters, because they are being champions for this issue. Our children need to have day care. We have many poor working families who can't afford day care and need the assistance, and taking this money away from them, my concern is, is what's going to happen to those kids if they don't have decent quality day care? We have the moms who are going to wind up staying home and not work, and we want to make sure that they get back into the workforce, or they're going to wind up sending their children to uncertified, not-quality day-cares.

So, again, I want to say thank you to Every Child Matters and what they've been doing for this issue.

(Applause)

P.O. LINDSAY:

And I'm going to be very brief. I'm going to just echo the comments of Legislator Browning. Our children are our future, and we -- it behooves us to take care of our future. And the day care issue is a very, very important issue, and, please, keep continuing the fight. Thank you. Applause.

(Applause)

P.O. LINDSAY:

Okay. The first week of August was Firefighter and EMS Personnel Volunteer Week in Suffolk County. Each Legislator has chosen a Volunteer of the Year for their District. I'll read the recipient's name and a brief description of what they do in their community.

From the First Legislative District, Mike Harrigan. Earlier this year, Mike Harrigan, a Fireman from Wading River, was returning from a walking trail when he came upon a young woman whose father was unconscious in a car. Realizing the danger of the situation, he and a friend dragged the unconscious man from the passenger side of the car and administered CPR, ultimately saving the man's life. All of the doctors that the man encountered after the incident said that if it was not for the quick response of this Good Samaritan who breathed life into someone who was not breathing, this man, a husband, a father, and a brother, and a friend, would have been lost. Mr. Harrigan was not even on duty when he found that his lifesaving skills would come in handy. He exemplifies what a true hero is.

Second Legislative District, Legislator Schneiderman nominated Robin Owens. Ms. Robin Owens of Southampton Fire Department has been a dedicated and active Firefighter. She embodies the spirit of community service every day of the year, as she stands ready to protect the lives and homes of her neighbors. Robin was one of the top members in attendance with 98 points in 2007. Robin Owens was awarded Firefighter of the Year in 2007. She was the first female selected to be Firefighter of the Year since Southampton Fire Department's founding in 1881. Robin selflessly gives her time, knowledge and energy into making this community a safer place to live. Congratulations, Robin Owens.

In the Third Legislative District, Legislator Browning has nominated Walter Meshenberg. Walter has served with the Mastic Beach Ambulance Company for over a decade. His accomplishments over the years are too numerous to mention. Once he joined the Ambulance Company, he demonstrated just how dedicated he is by being named Probationary Member of the Year. His dedication to helping his neighbors and fellow citizens does not stop within the borders of the Third Legislative District. He is currently serving his second tour of duty in Iraq and is an inspiration to us all.

From the Fourth Legislative District, Legislator Beedenbender has nominated Vinny Ammirati. Vinny is an extremely dedicated volunteer Firefighter in the Selden Fire Department. He is also a Trustee of the Selden Volunteer Exempt Fireman's Benevolent Association and President of the Riders of Fire Motorcycle Club. Congratulations, Vinny.

In the Fifth Legislative District, Legislator Vilorio-Fisher has nominated Rick Doran. Mr. Doran has a distinguished career as a New York City Fireman, as well as being a volunteer Firefighter for the Setauket Fire Department. It was Mr. Doran who had the idea that cellular phones be kept with the victims of the September 11th attacks, in order to aid in the identification efforts, a decision that helped bring closure to many of the victims' families. Congratulations, Mr. Doran.

From the Sixth Legislative District, Legislator Losquadro has nominated William Bozeman. Mr. Bozeman has displayed a deep dedication to the Coram Fire Department, being both a Firefighter and EMT, all on his own time. He responds to both big jobs and small. He spends large periods of time riding with the District Paramedics to learn more, and has even returned to school at Suffolk Community College. Mr. Bozeman manages all this while being a full-time mechanic and father. His level of dedication is most worthy of recognition, as he continues to be an everyday hero.

Seventh Legislative District, Legislator Eddington has nominated Robert Eisenberg. Rob is a long-time member of the Medford Volunteer Fire Department, is the Department's Community Organizer. Rob is also the first to step up and rally the Department to a cause in the community. He is currently leading a fundraising effort on behalf of the family of a fellow Firefighter who will be deployed to Afghanistan in just a few months.

From the Eighth Legislative District, I have nominated Gary Schaum. Mr. Schaum is a 44-year member of the West Sayville-Oakdale Fire Department, and their Drill Team's the "Flying Dutchmen" New York State Champion. He is a 30-year EMT, and has held ranks of Second Lieutenant to Commissioner for the District's Board. He gained his knowledge on the job from Suffolk Community College and has shared his expertise with the Suffolk County FRES for ten years, the Islip Town Fire Chiefs and the Advisory Board for three years each, in addition to volunteering for many years for the Suffolk County Parade and Drill Team's Captain's Association. His association with Firematic Organizations include those from Islip Town through Suffolk County, Southern New York, the State of New York, as a Life Member, and National and even International Associations. His volunteerism serves as a role model for our aspiring community of Firefighters.

The Ninth Legislative District, Legislator Montano has nominated Gene Ryerson. Mr. Ryerson, during a routine call to 911, of the East Brentwood Fire Department, used his great questioning skills, which led him to recognize that the patient was suffering the side effects of a carbon monoxide leak in the home. Upon arrival to the hospital, the doctors confirmed his hypothesis. Ultimately, Mr. Ryerson ended up by -- ended up saving the lives of 15 people.

In the Tenth Legislative District, Legislator Alden has nominated Karen Sansone. Karen, from the Great River Fire Department, is the Tenth Legislative District Firefighter and EMS Personnel Volunteer of the Year. Ex-Chief Sansone has been a member of the Department for over 26 years. She is, and has always been, the most active Firefighter for both Fire and EMS calls in Great River. In addition, she is the President of the Ladies Auxiliary and the Fire Instructor. You want to take over?

D.P.O. VILORIA-FISHER:

Sure thing. In the Eleventh Legislative District, Eddie Gonzales has been named Volunteer of the Year. Volunteer Firefighter Eddie Gonzales from the Bay Shore Fire Department has been with the Department for eight years, in which time he has joined numerous committees and has attended countless training seminars to become one of our most qualified Firefighters. Ed has also been an active member of the United States Army Reserve for over 22 years. During these years, he has completed tours in Bosnia and Iraq, and has volunteered to help at the World Trade Center.

In the Twelfth Legislative District, Legislator Kennedy has named two Volunteers, Ronald Barz and Salvatore Formica. Ex-Chief Ronald Barz joined the Hauppauge Fire Department in 1977 and has served as an Engine Company Lieutenant, Captain, Assistant Chief for six years, and Chief of the Department for three. He then became a Department Safety Officer, and served as a Commissioner for the Hauppauge Fire District. In addition, he served as a New York State Certified Administrator and Safety Officer, with an emphasis in fire prevention, investigation of accidents, and emergency control of hazardous materials. Mr. Barz was elected by his peers as Vice President and President of the Suffolk County Chief's Council. You can tell that Legislator Kennedy wrote this. Sorry, Legislator Kennedy.

LEG. KENNEDY:

That's quite all right. I do run on.

D.P.O. VILORIA-FISHER:

Yes. And was appointed to the Committee for the United States Homeland Security's FEMA Grant Program.

On September 2nd, 2007, Chief Salvatore Formica of the Commack Fire Department arrived at the scene of a gruesome fire to the aid of other Firemen on location. Chief Salvatore Formica crawled through the house on his knees until he felt the victim. Once locating the victim, he dragged Mary Feltham, a 78-year-old former teacher, to safety and into the hands of medics.

In the Thirteenth Legislative District, Legislator Nowick named Roy H. Starke. Roy H. Starke from the Kings Park Fire Department is being honored by Legislator Nowick for his 30-plus years in the Kings Park Fire Department and for being one of the top five most active members. Roy has served the Kings Park community since July of 1975, and quickly became a respected and revered member of the Department, serving as Chief from 1993 to 1995. Roy's tireless efforts between the fire calls and EMS runs have earned him this tribute.

In Legislative District 15, Legislator Gregory has named Rescue Captain Robert F. Etherson. Captain Etherson has been a member of the North Lindenhurst Fire Department for seven years and has dedicated his efforts to the Rescue Company. He responded to over 500 rescue/fire calls in 2007. In addition to his efforts responding to the needs of the North Lindenhurst community, he is Administrator of the Continuing Medical Education Program for the North Lindenhurst Fire Department. He has instructed several first aid courses to various community organizations, and assists with practice and training for CPR courses.

In the Sixteenth Legislative District, Legislator Stern has named Richard Sorrentino. Mr. Sorrentino has been a member of the Dix Hills Fire Department for 40 years, where he has served in various titles over the years, such as Second Lieutenant, First Lieutenant and Captain. He was the Chief of the Department from 1986 to 1987, and has also served as a Safety Officer, Recruitment Officer and Infectious Control Officer. Currently, he is the Department's Rescue Lieutenant.

In the Seventeenth Legislative District, Legislator D'Amaro has named Christopher Winter. Christopher Winter of Huntington Station has been a member of the Huntington Community First Aid Squad for 17 years, where he has held positions as Captain, First Deputy Chief and Second Deputy Chief. A Practical Work Instructor for the Suffolk County EMS, he works diligently with squad members in preparing them for their important roles as EMTs. When the Huntington Community

First Aid Squad was in need of Advanced Life Support Providers, Chris stepped up to the plate and went back to school, earning his ALS certification in 2007. Chris effectively and impressively juggled his commitment to the community with his desire to help even more people as a student at SUNY Farmingdale, where he is working towards his RN degree, while still providing multiple back-up calls for the Squad. Legislator D'Amato is proud to recognize Chris Winter as District 17 EMS Volunteer of the Year.

In Legislative District 18, Legislator Cooper has named Jim Mahoney. Legislator Cooper and the 18th Legislative District nominate Northport Fire Department member Jim Mahoney as 2008 Firefighter and EMS Volunteer of the Year for his outstanding service to the community as a member of the Department. Jim has been involved with the Department since 1973 and has held many roles, including the position of Captain in the Rescue Squad. He has also served as an Emergency Medical Technician for 35 years, and typically responds to approximately 250 fire and rescue calls annually. A household name in the community, Jim Mahoney's dedication and leadership have earned him the respect of his colleagues and he serves as a model to Firefighters everywhere.

Our congratulations to all of these Firefighter/EMS Volunteers for 2008.

(Applause)

P.O. LINDSAY:

Thank you, Legislator Vioria-Fisher, for helping me with that. Now we're going to the public portion.

First up, we have a number of public officials in the audience and I'm calling them first. Lou Marcoccia from the Tax Receiver from the Town of Brookhaven. Do you want to come forward, Lou, and bring some of your colleagues? It's about some pending legislation.

MR. MARCOCCIA:

Good morning. I'm still waiting for someone from the County Executive's Office to review the final draft of the resolution. So, at this point, we have no position. I'll give you an update of what occurred.

On Friday, we had a meeting. We came up with a solution that satisfied everyone. It satisfied the issue with the percentage. It restored the format of the tax statement, so no format changes were required. And we also had language that would be placed on the opposite side of the tax statement. We agreed on Friday. We received a copy of the reso on Monday, and it appeared that what we agreed upon didn't show up in that reso, and so we made changes. We actually wrote the reso, we sent it back, so we're just waiting for someone from the County Executive's Office to show up, because they, you know, want this to happen, and we're willing to wait here until it happens, so we're waiting for Lynne.

LEG. ALDEN:

He's waiting for a CN.

P.O. LINDSAY:

It would have to be a CN, right, right. Lou, I don't know -- I'd hate to see you wait around all day. I mean --

MR. MARCOCCIA:

I'm willing to do that.

P.O. LINDSAY:

You folks are --

MR. MARCOCCIA:

You know, I want to help. I'm willing to do that. We could get it done today. Because I believe

that, if we don't get it done today, it probably can't happen, so I'm certainly willing to wait here all day. It really would only take about ten minutes to do, and we really, you know, want this to happen, if the County wants it to happen.

P.O. LINDSAY:

Okay. I thank you for coming, Lou, and giving us an update on -- of course, we're talking about the legislation that would modify the tax bills, 1651.

MR. MARCOCCIA:

1651, yes.

P.O. LINDSAY:

Right. So thank you for coming.

MR. MARCOCCIA:

So I'd just like to thank Ester Bivona, who could not be here, who's a lovely lady, who actually had a resolution designed in July, and she really led the attack, so I really would like to thank her. And I'd also like to thank the members that we've been talking to, Miss Nowick, Mrs. Fisher, Mr. Lindsay, Mr. Romaine, and the other Legislators as well. So I'm going to wait around, and then, hopefully, you'll be able to call me back, if that's okay.

P.O. LINDSAY:

Okay. Does anybody else from the Tax Receivers want to speak?

MR. MARCOCCIA:

I don't think so. I'm representing the Association.

P.O. LINDSAY:

Okay. Thank you.

MR. MARCOCCIA:

Thank you.

P.O. LINDSAY:

I appreciate it. Okay. Public portion. Nadia Marin-Molina is first up. You have three minutes. And behind her is Dr. Luis Valenzuela.

MS. MARIN-MOLINA:

Good morning. Good morning, Legislators. We're going to divide our time between the two of us. But don't worry, we won't go over our allotted time.

DR. VALENZUELA:

Distinguished Ladies and Gentlemen, we are here today on behalf of the Long Island Immigrant Alliance to ask you to embrace our new neighbors, and not only to recognize, but also to celebrate their enormous contributions to Suffolk County. The County is becoming more diverse and, because of that, more prosperous.

Over the last few years, a series of anti-immigrant bills have been introduced in this Legislature that forced a division, rather than an inclusion. Today you will hear from a diverse group of individuals. Would you guys please stand.

MS. MARIN-MOLINA:

Everybody stand up who's here for immigration.

DR. VALENZUELA:

Who will share concerns that affect all County residents, regardless of nativity. This group will also

urge you to work with us to assess the situation of immigrants on Long Island and to implement strategies for integration that will make this a stronger community.

MS. MARIN-MOLINA:

I'm going to read just three statistics with regard to immigrants on Long Island, and then introduce the Long Island Immigrant Alliance's five-point agenda.

Long Island's immigrant population more than doubled since 1980 to just over 465,000 residents here, both in Nassau and Suffolk Counties. That's more than 16% of the general population. The top ten countries from which Long Island immigrants come are El Salvador, Italy, India, Jamaica, the Dominican Republic, Haiti, China, Columbia, Germany and Poland. After subtracting income and payroll taxes, savings, remittances and property taxes, Long Island's immigrants had an estimated 7.5 billion dollars in buying power in 2006. Their total spending produced an economic impact of 10.6 billion dollars.

So we're here to say that we're asking the Suffolk County Legislature to work with us on some proactive legislation, and we have five points that we'd like to introduce to you today.

First point is the creation of a funding stream for ESL programs. There is an increased need for education about English as a Second Language and for people to have that.

Number two, increased access for health care services, such as translations at hospitals and clinics.

Three, promotion of community safety and building trust between immigrant community and the police by ensuring separation between immigration status and law enforcement.

Four, protection of workers' rights through local enforcement of labor laws against exploitive employees.

And five, promotion of civic engagement among new citizens through supportive voter registration efforts.

We have speakers today who are going to be speaking on each one of these issues from many different organizations and this statement I'm going to hand to you all. Thank you very much.

(Applause)

P.O. LINDSAY:

Thank you. Next, we have Lisa Votino-Tarrant, and followed by Maryann Slutsky.

MS. VOTINO-TARRANT:

Hello, my name is Lisa Votino-Tarrant. I am the blogger for Long Island Wins and a resident of Suffolk County. Long Island Wins is proud to be speaking today to support the Long Island Immigrant Alliance and our mission to bring positive and practical immigration solutions to Suffolk County.

For six long and chaotic months, my colleagues and I spent hours speaking at this microphone to fight against legislation we believed would have harmed Suffolk County more than it would have helped it. To this day, I still have two questions. What is the larger picture for Suffolk County and when did we lose sight of it? I can say from this side of the microphone, it all seemed very haphazard without much thought going into our County's future. Somewhere along the line you lost a vision you once had for our home.

At 29 years old, I plan to have a very long future here in Suffolk County, but I don't want to live in a community that isn't welcoming. I want to raise my family in a diverse community, where everyone's contributions are appreciated. I am tired of speaking to people in Nassau County and

getting a look of disgust when I say I live in Suffolk County because what is viewed as unwelcoming legislation.

Recently, while covering the Nassau County Latino Americano Night, a Latino man asked me where I lived. When I replied Hampton Bays, he looked at me with a little shock. He then said, "Suffolk County? Oh, well, we're not welcome there." Then he smiled, looked around at the music and dancing and said, "Besides, why would I want to live there and be hated when I can live here and I'm appreciated?" This isn't us. This isn't how we want Suffolk County to be portrayed anymore, and I don't think you do either.

We don't lack resources. Long Island Wins is open to all of you to brainstorm and research practical immigration solutions. Use us. We don't lack passionate people. We are all here ready and willing to work with you. We don't want to fight, we want to build relationships and trust with you, our elected officials.

Legislator Schneiderman, you represent me and my husband and my husband's family. Legislator Romaine, you represent my father. Legislator Gregory, welcome, nice to meet you, and you represent my mother. Presiding Officer Lindsay, you represent my home town of Sayville, where I was born and raised and where my family and friends still live. I share this with you, because the one thing I hope you remember about my statement today is that this is much bigger than me. Everyone who speaks today, and those who couldn't be here, but sent their thoughts, it's bigger than them. We are only a sliver of the community at large who want to move past the dark cloud hanging in the Legislature and start working.

There's lots of work to be done. If you have never met any of us outside or speaking at this microphone, then you're not doing your job and we're not doing ours. Give us a call and set up a meeting. Long Island Wins, the Long Island Immigrant Alliance, and the many other groups here want to work with you. We can create a comprehensive immigration plan for Suffolk. Let's go out into our immigrant communities and see what the needs are and how they can be met. Let's improve the quality of life for all people who call Suffolk County their home, and let's see how we can make our new residents the shining stars in Suffolk County.

(Applause)

P.O. LINDSAY:

Maryann Slutsky, followed by Nancy Mariano.

MS. SLUTSKY:

Good morning. My name is Maryann Slutsky. I am the Campaign Director of Long Island Wins. I live in Eatons Neck, was born and raised on Long Island and have lived on Long Island all my life. Long Island Wins is a campaign that works to promote practical solutions for local immigration issues.

As Nadia just pointed out, in 2006 immigrants contributed 10.6 billion dollars to the Long Island economy, with 7 1/2 billion dollars in buying power, generating 82,000 new jobs. Not only did they create jobs and strengthen the economy, they also paid 2 billion dollars more in taxes than they received in government services. Think about what Long Island would look like if there were 82,000 less jobs and 2 billion dollars less in taxes to go around.

I'd like to share a cautionary tale with you about a community in New Jersey called Riverside. Riverside is located in Southern New Jersey and has a population of nearly 8,000 residents. Around the Year 2000, local residents began to notice a change in the Town's population. By 2006, Riverside had an immigrant population of an estimated 3,000, which created significant expansion in revitalizing the economy of this faded factory town.

In June 2006, Riverside became the first municipality in New Jersey to pass an anti-immigrant

ordinance. The ordinance aimed to penalize anyone who employed or rented to undocumented immigrants. The ordinance, which was unenforceable, attempted to fine business owners for hiring undocumented immigrants, as well as landlords for renting property to immigrants who could not prove legal U.S. status. The effects of this legislation were dramatic and felt immediately. Thousands of immigrants experienced hostility and hardship caused by the legislation and, consequently, left town. The local economy suffered severely. Small businesses like hair salons, cafes and restaurants were forced to close, changing the face of Downtown Riverside dramatically. According to the Riverside Coalition of Business Owners, sales declined as much as 50%. Less than a year later, the local Legislator repealed the ordinance, citing that they now recognized the impracticality and economic consequences of such ill-conceived legislation. The moral of this story is clear. Good people, both immigrant and native, are being hurt by a broken Federal system. Please, don't make the same mistake as Riverside, New Jersey.

This story demonstrates the devastating economic, social and cultural effects of anti-immigration legislation. This is what happens when a local community puts anti-immigrant politics ahead of common sense. Long Island Wins is here today to make an appeal that you leave immigration enforcement actions to the Federal Government and turn your attention to create solutions that promote opportunity and integration that both respect the law and reflect our American values. There must be a comprehensive plan developed --

P.O. LINDSAY:

Please, wrap up, you're out of time.

MS. SLUTSKY:

Okay. Thank you very much.

(Applause)

P.O. LINDSAY:

Nancy Mariano, followed by name Jaime Martinez.

MS. MARIANO:

Hi. Good morning. Many of you have already met with me and I thank you for that, and I thank all of you for past support of Friends of Karen. And I'm here mainly to -- I don't know what we would do without your help, but also just to remind you of our services, because we're still finding out that many of our families don't know about what we do and they come to us much, much too late. So, real quickly, I'm just going to just remind you about the work we do.

Last year, we helped fourteen hundred and twenty-four children who had either cancer or some other life-threatening illnesses, and financially, which is where you help us, we help them with rent, mortgage, insurance premiums, electric and heating bills, telephone bills, transportation, medical co-pays, child care for their siblings, food, Ronald McDonald House stays, prescriptions and much more. We have children now in 24 hospitals. We've been doing this for 30 years and we work very, very closely with all the medical and professional staff of these hospitals. But just in Stony Brook alone, just one of our hospitals, just since August, we just had thirteen new inquiries. Those are thirteen new families have just heard the most devastating news, that their children have been diagnosed with cancer or some other life-threatening illnesses. And some of our other programs that I really want you to know about is -- I'm talking real fast, because in those packages you have our whole program. We have a Back-to-School Program where every child in the family, not just a sick child, has school supplies and that new outfit for the first day of school; a Birthday Gift Program, again, for the whole family; a Holiday Adopt Program for the whole family. We work closely with our families and advocate for them to secure other available resources through government and other agencies. And our Bereavement Program, which is part of what we do, the saddest part of what we do, and last year we lost 70 children. And we take the families through this process, we pay their bills, and these families stay with us forever.

And our newest program, this is with Cancer Care, I mentioned fourteen hundred and twenty-four children last year. We're not a cancer organization, but most of our kids have cancer. With Cancer Care making such advances, many of our children are surviving, most of them are surviving, and we're now working and being a leadership in the program of late effects with the many Pediatric Oncology units, because these children are surviving, and years later, they have other problems that need attention; hearing, eyesight, sterility problems, cognitive delays, dental problems, and there's nothing out there for them, because they don't have a medical condition. So, Friends of Karen is out there, and because of this leadership role, we were just approached by Lance Armstrong and we're pretty sure we're going to get a substantial grant to work with him and with these medical facilities to help these families.

We do major fund-raising events, we don't rely just on this. I think we have a good portfolio of grants and foundations, and, of course, government, and we had very successful events, and we're a lead in the Long Island Marathon and the Hamptons Marathon, which is coming up in two weeks. And, again, I thank you so much for your support, your devotion and kindness to our children and their families. And I understand the economic difficulties that we all face, but please remember us in the budget this year. And from the bottom of my heart and all our families, I thank you for your continued kindness. You truly make a difference. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Nancy. Jaime Martinez, followed by David Sperling.

MR. MARTINEZ:

Hello, Legislative Body. I am Jaime Martinez, and I am also a son of immigrant parents, and I am a representative of the "American Dream". Can you hear me?

(Affirmative Response)

Okay. As a citizen, native born Latino-American, I am concerned with racial profiling. Past legislation bills that have been introduced presently pose a policy that would ultimately lead to discrimination in hiring practices and further add to anti-Latino sentiment.

We are a nation of immigrants, yet, at times, it feels like we are scapegoated or marginalized. I hope that in any future immigration policies presented to you, Legislative Bodies, that we will have a vision of social justice and humanity. As Martin Luther King once said, "Man who lacks a social vision will not implement change." Thank you for your time and consideration.

(Applause)

P.O. LINDSAY:

David Sperling, followed by -- looks like Kathleen Carballeira. Carballeira?

LEG. BROWNING:

Hello. My name is David Sperling. I'm an Immigration Attorney in Central Islip and Huntington Station, and I'm here to urge the Legislature to resolve in a positive and a pragmatic manner such critical issues as education, health care, housing and transportation.

In my job, I meet a lot of Hispanic immigrants, both documented and undocumented, as well as their employers who depend on immigrants to fill jobs that native-born Americans simply will not accept. I'm also here to tell you that the great majority of Hispanics and other immigrants on Long Island are here legally through such programs as Temporary Protected Status, and the Nicaraguan Adjustment and Central Relief Act that have resulted in tens of thousands of Central Americans obtaining legal status.

As many of you know, Salvadorans constitute the largest immigrant group on Long Island. And, of course, the children who are born in the United States are U.S. citizens. The demographics of Long Island are changing and we have to be able to embrace the change and not to ignore it.

Immigration is a Federal issue, and both Presidential candidates have come out strongly in favor of comprehensive immigration reform. It simply makes no sense for local jurisdictions, including this body, to create its own immigration policy. The Federal Immigration and Customs Enforcement Agency does a very good job, a very effective job of detaining and then deporting noncitizens who do not obey our laws, and who prey on the immigrant community and others on Long Island. Any attempt to deputize police as immigration agents are counterproductive and will erode the trust between the police and the immigrant community.

Immigrants are helping to revitalize Long Island at a time when many young people are leaving and the economy is stagnant. Immigrants are helping to build new businesses, they're paying taxes, and they're contributing to the diversity of our neighborhoods. I'm asking the Legislature to welcome and to work together with its most vulnerable constituents in a manner that will benefit all of Long Island. Thank you.

(Applause)

P.O. LINDSAY:

Kathleen Carballeira, and followed by Charlotte Koons.

MS. CARBALLEIRA:

Yes. Thank you for hearing me today. I'm Catherine Carballeira. I'm a social worker here in Suffolk County with Children and Families. I'm on the Suffolk County Red Cross Disaster Mental Health Committee, and I'm also the President of the National Association of Puerto Rican and Hispanic Social Workers.

I'm here today to speak to you on behalf of those children who have no voice, the five million, three million of whom are U.S. citizens, the children of the 11 million undocumented immigrants we're talking about today. I'd like to raise your awareness of the emotional and psychological factors associated with their parents' and communities' raids, and to talk about some of the ways that we can do something concrete to mitigate the effects that these raids have had on children.

The Urban Institute, a nonpartisan, nonprofit policy research organization, just released a new pamphlet called "Paying the Price: The Impact of the Immigration Raids on Children". It begins by saying that, "It's not one of our society's fundamental principles that we punish children for the sins of their parents." They recognize that abused and neglected children do not grow up to be productive and well adjusted adults, and, therefore, consider it imperative to ensure that children are protected whenever possible. The Department of Homeland Security's raids, leading to forced separation of children from their families, impact the most innocent and vulnerable members of our society. The question's not whether to enforce immigration law, but how to do it to limit the negative impact on children.

The statistics are striking. For every two immigrants taken, there's one child left behind, affecting thousands of children of which two-third are legal residents or U.S. citizens. The immediate impact of the ICE raids on the children are really severe. The impossibility of arranging for care for the children, the widespread fear that the children will be apprehended as well comes into it. The taking in detention of a parent creates an immediate stressor in the community and the extended family for food, formula, diapers, the schools rushing in to make sure that the child has a place to go, that the child's not going to be home alone and unsupervised, left on the bus. The long-term impact, though, of the sudden unexpected removal of the parents from the household is a significant economic hardship and psychological stress. The uncertainty of not knowing whether the person will return, whether your parent will be coming home, increases the stress on the child, as well as the extended family in the community, creating what we call a pervasive climate of fear. The child

experiences feelings of abandonment that he or she might personalize. For instance, "Pappy hated me and he left me alone here."

P.O. LINDSAY:

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

MS. CARBALLEIRA:

Okay, sure. I just wanted to say that I really hope that we consider these worksite enforcements with the children in mind, so that, for instance, Congress provides oversight of immigration enforcement, so children are protected during the worksite enforcement, that there'll always be children-involved needs to be really seriously looked at, and that the majority of these children are infants, they're toddlers and preschoolers. Thank you very much.

(Applause)

P.O. LINDSAY:

Charlotte Koons, followed by Cheryl Keshner.

MS. KOONS:

Good morning. I'm Charlotte Koons and I am on the Board of the Suffolk Chapter of the NYCLU, which has an Immigrants Rights Project. I'd just like to give you a quote. "Whatever his state is under the immigration laws, an alien is surely a person. Aliens, even aliens whose presence in this country is unlawful, have long been recognized as persons guaranteed due process of law by the Fifth and Fourteenth Amendments." And that is a statement by the U.S. Supreme Court Justice William J. Brennan, made in Plyer versus Doe, 1982. And that is the Suffolk ACLU's position. I'd like to give you mine as a person.

"Perhaps because I was an immigrant's child
In the time of the Great Depression
Though born in the U.S. of A,
Papa was Austrian, Mamma, Swiss,
And I spoke no English until I was four,

Then came the 'good war'
And when I started pulling furniture from the wall,
And Mamma asked me why, all I could say was,
"You're a German spy and I'm looking for the hidden radio."
And then kids threw stones at me because
I couldn't promise to 'clean my plate'

For years, I internalized the fears, the hate.
Until something in me,
Took up the cause of the underdog,
As if to expiate the demons
Of being 'the outsider', the unwelcomed 'other'.

With three minutes of time
I stand before this august body,
Lobbying in verse and rhyme
Against those heartless ICE Raids,
Families ripped apart by sweeping
Detentions and Deportations,
Without hearings, or access to counsel,
Regardless of the infractions,
Children detained, Judges restrained
From having the final say

If an immigrant is innocent and can stay.

I weep for my nation,
The Constitution violated, Due Process denied,
Compassion, and our common humanity, decried.
Have all our true American values died?

No! I will side with those that fight for the right and say, My country still can be the
land of the immigrants' pride."

Thank you.

(Applause)

P.O. LINDSAY:

Cheryl Keshner, followed by David Pratt.

MS. KESHNER:

Good morning. My name is Cheryl Keshner and I'm here today on behalf of the Empire Justice Center, a statewide legal support and advocacy program, which protects the legal rights of New Yorkers who are poor, disabled or disenfranchised. I have worked on Long Island for many years as a social worker and a legal advocate, and I believe that has given me a great deal of insight into many of the struggles which immigrant families are experiencing. And I'd like to speak today, particularly about some of the difficulties that I've seen families experience when dealing with the Department of Social Services and their attempts to access benefits.

Like the rest of us, immigrants are hardworking. They often labor long hours at minimum wage or below, but sometimes don't -- things don't go the way families expect or the way individuals expect. They're faced with job instability, substandard housing, illness, domestic violence and discrimination, and many of these families or individuals are reluctant to apply for benefits from Social Services, either out of pride or fear. They're not there to milk the system, but, often, they have no choice and they have no resources. So I I'd just like to discuss some of the problems and propose some solutions.

The U.S. Department of Health and Human Services requires that every agency receiving Federal funding provide meaningful access to programs and services to individuals who may have limited English proficiency. If, for example, a person needs help from their local Department of Social Services, but is having difficulty communicating in English, the Department is required to provide an interpreter, either on site or by phone. There are also posters which are supposed to be available, indicating that the person may need an interpreter in a different -- in various languages, and the person can point to the language that they need in order for those interpretive services to be accessed. The reality, in going around and visiting the centers, is that those posters are usually posted way up high on a wall, far away from the reception area, where they cannot be accessed. So a better solution would be to have this signage available at the reception area, either a sign or, as is used in many areas, palm cards which list the various languages, so the person can indicate what services they need and in what language.

The need for interpretive services goes beyond the application process. It also involves one's ability to access benefits, because, often, there are very complicated criteria, very complicated documents that are needed. And if a person indicates that they need information in their native language, they need to get that back indicating what's needed. You know, if they have a disability and they need to be evaluated, that evaluation should be done in their native language.

We had one gentleman, when I worked for Nassau-Suffolk Law Services, who had a severe psychiatric disability. He was a veteran. But, even though he spoke some English, his primary language was Spanish and the Psych evaluation was done in English. So, obviously, it was not adequate and there was no notation regarding the severity of his illness. These are some changes

which are recommend.

Another problem I'd like to highlight involves the incorrect denial of benefits based on immigration status. The fact that a person is not a citizen does not automatically mean that he or she is ineligible --

P.O. LINDSAY:

Cheryl, you have to wrap up. You're out of time.

MS. KESHNER:

Okay. Just -- I'm going to quickly just go on a couple of points. Just people should not be denied benefits simply because they're not citizens. They may be eligible based on other types of status, and there needs to be more training to the social service workers regarding the various classifications. Also, the immigrant community needs to be educated that they will not necessarily endanger their immigration status and their ability to become a citizen if they access food stamps and other benefits.

Social Service regulations prohibit any local district from implementing any policy or practice which has the effect of discriminating against individuals based upon their national origin by promoting a policy of respect by educating County Social Service Workers and by providing more information to immigrant communities regarding these services which are available to them in their native languages. Our local Department of Social Services can help to make these regulations a reality and to bring services to the needy eligible individuals and families. And I'm going just to submit my full remarks to you now. Thank you very much.

P.O. LINDSAY:

Thank you very much.

(Applause)

David Pratt, followed by Isabel Alianza.

MR. PRATT:

Yes. Thank you for this opportunity. My name is David Pratt, and I'm with the New York Committee for Occupational Safety and Health, NYCOSH, here on Long Island. Our mission is to make sure that workers, all workers, make it safely home from work without losing life, limb, or their health. Insofar as we do that, we are not experts on immigration policy, but we are quite expert, I think, on knowing what is needed to some degree in terms of protecting all workers, including workers on Long Island.

There are over 5,000, close to 6,000 workers killed in the United States every year on the job. Of the industrialized nations, this is the highest number. The United States has the worst record in terms of fatalities, in terms of injuries, in terms of health conditions from asbestos and lead and other materials that result in tens of thousands of fatalities every year. These people are not dying on the job because they made a mistake, because it was their fault, they're dying on the job because employers are breaking the law.

We need better enforcement, which is not about Suffolk County, it is about the Federal Government, it's about OSHA. We need to work together on that. But I believe that there are things we can do, and we would welcome working with Suffolk County and with other stakeholders here on these issues. For example, we've been involved in pilot projects around health care workers who are subject to the worst number of injuries, in terms of back, shoulder and related injuries by lifting patients. We've been able to reduce lost-time injuries, work-time injuries, ninety-seven percent at hospitals and nursing homes in New York State, through education, training and the use of certain equipment. We think that that could be translated into other jurisdictions, helping other workers.

Another area of concern are young workers. Every five days, someone under the age of 20 is killed on the job. It happens nationally, it happens here in Suffolk County. Every year, 200,000 kids, teenagers, are hurt on the job, about half of them seriously. This is an area where there's little enforcement, little education. We think, even here in Suffolk County with limited resources, we could work together to bring greater education in the schools, on the job to young workers, who are some of our most vulnerable people in the workforce, and increase enforcement and protect and make sure that more of them are making it home and to school without being injured on the job.

In conclusion, we would like to unite and work together with anyone who is interested in pursuing and improving workers' health and safety here. This will reduce the human cost and the economic cost that are translated and transferred to emergency room visits, to union health and welfare funds, and to other areas where they don't belong, instead of Workers Compensation and employer costs directly. Thank you.

(Applause)

P.O. LINDSAY:

Okay. Isabel Alianza, followed by Patrick Young.

MS. ALIANZA:

Good morning, Legislators. The United States has been a nation built by immigrants, and, still today, immigrants make a huge contribution to this country and to our County. As a resident of Suffolk County, I feel that in order to improve and enhance our community, we need to incorporate immigrants into civic life, since its population is immensely increasing. And yet, and still on Long Island and across the country, immigrants are being treated inhumanely. I believe that if we turn our backs to our immigrant community and ignore the problems that they're facing, we will make the situation worse.

Immigrants in our community are making huge contributions and, instead of hurting our economy and communities, they're only making it a better place to live. In 2004 alone, Hispanics chipped in about 925 million in tax revenues and government fees, and, as a whole, Hispanics paid 202 million more each year in local tax coffers than they used in local services such as schools, health care and correction facilities.

Even though I'm not a citizen of the United States, I have lived here for ten years and I consider this my home. Trying to obtain my residency in the United States has been a long bureaucratic and frustrating process. And even though that may be the case, my family and I have looked at the situation with a different perspective and we have turned all the negative aspects into positive ones. Having experienced this and, at the same time, being an immigrant from Columbia, I know that I can't take opportunities for granted, especially if you don't have a legal status here in the United States. My family and I live every day of our lives trying to prove wrong stereotypes that people may have about immigrants. I feel that this is also true for the majority of immigrants and families who live here -- have moved here.

Ever since arriving in the "Land of Opportunities", we, as a family, have tried to be the best citizens that we can. For example, we pay taxes and we have abided by the rules. My father has always said to me that education is the key to success and I truly believe in this. He brought me and my sister here because he wanted us to have a better future and to live the so promised "American Dream" that he could never -- that he wasn't able to reach. I know that I'm not going to rest until I achieve it. And since my family and I are still in the process of legalizing our status, we had to face many obstacles along the way. For example, not being able to get financial aid for college has made it more difficult to obtain my education, but that sure hasn't stopped me. I am now a Junior at SUNY Old Westbury and I plan to graduate and go to law school.

P.O. LINDSAY:

Can you wrap up, Isabel? You're out of time.

MS. ALIANZA:

It's very frustrating to see that Suffolk County hasn't developed a comprehensive approach to welcoming immigrants, and I believe that this -- it's never too late and the time is now. We need to open doors and break down the barriers. Thank you.

(Applause)

P.O. LINDSAY:

Patrick Young, followed by Mirna Cortes.

MR. PATRICK YOUNG:

Yeah. My name is Patrick Young. I'm an attorney with the Central American Refugee Center in Brentwood and Special Professor of Immigration Law at Hofstra University. And I want to talk about something that happened far away, which means that some Legislators will tune out, but I think you'll see why you need to listen to this example.

On July 1st, 2008, a new law went into effect in Mississippi requiring the use of E-Verify. Its author, State Senator McDaniel, said it would help end illegal immigration in the State and preserve jobs for Americans. On August 25th, ICE conducted the largest raid in history against Howard Industries in Mississippi. Five hundred and ninety-five alleged undocumented immigrants were arrested in Laurel, Mississippi, where the plant is located. ICE was tipped off by a worker at the plant. The arrests had the expected short-term effect on the community. The factory shut down temporarily, some businesses in the area saw sales drop and closed as a result. Tax revenues, particularly sales tax revenues, fell off immediately. Children were left without support, and, in many cases, those children were United States citizens, and they went onto public assistance, and the local towns and counties had to bear the cost of the ICE raid.

Now, the worker who tipped off ICE faces the loss of his own job. This isn't because of retaliation by the company, but because the new Mississippi law, like laws proposed in Suffolk County, may require the closing of Howard Industries for at least a year, because the law takes away business licenses for a year for immigration violations. Howard Industries has two large factories in Mississippi, with 6,000 employees. So they had 600 undocumented workers, but they have 6,000 employees who face loss of their jobs. It is the largest taxpayer in the two counties, and it has -- it has development loans out from the State and from County government, totaling 50 million dollars, which now may be total losses to the State and to the locality.

State Senator McDaniel, a freshman Legislator who campaigned on a platform of getting tough with immigrants, he had been a talk radio host beforehand and he felt this was a way to get himself elected. Well, he's taking a slightly different position now. One of the two Howard Industry plants is in his district. Mississippi's Attorney General is looking at closing Howard Industries, and freshman Senator McDaniel is looking for a Legislative fix, so that his own law can be overridden. Senator McDaniel pandered to anti-immigrant sentiment and then scurried to undo his own legislation.

Before you consider any new laws relating to immigration, please, consider the impacts beyond pleasing a small, but vocal, anti-immigrant minority and look at the long-term impacts, both on County -- the County economic, County revenues, localities that will be forced to deal with children who are --

P.O. LINDSAY:

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

MR. PATRICK YOUNG:

Who are left without parents who can work, and, also, on the long-term impact on young Latinos and Asian immigrants who are here in the United States legally, but who are being identified by the

County Executive as anchor babies and as people who don't deserve to be here. Thank you.

(Applause)

P.O. LINDSAY:

Mirna Cortes, followed by Thomas Young.

MS. CORTES:

Good morning. My name is Mirna Cortes. I am the Health Coordinator at the Central American Refugee Center. I assist clients to navigate the health system. The problem I still encounter is about hospitals, private hospitals who fail to inform patients about financial assistance. One of my clients went to the emergency room and two months later she got a bill for \$3,000. Eventually, also, she got from the -- she got from the -- they requested for the money to pay, and, also, she got -- for collection, I'm sorry. And then she got a letter from the attorney, the collection agency. She didn't know what to do about it and she was never informed about financial options like sliding scale payment or monthly payment. This shouldn't happen.

Then I have another client that went to the emergency room and the same thing happened to her. She was taken care of, and months later, she got a bill from the hospital. And the client, again, doesn't know what to do. She's sick, she's afraid to go to the hospital, because she doesn't have the money to pay. And this shouldn't happen and we should be working to try to fix this problem.

I ask the Senate -- the Senate -- I'm sorry -- the Senate and the Legislature to make sure hospitals know the law, because this is a law and it should be followed by the hospital. Thank you for your time.

(Applause)

P.O. LINDSAY:

Thomas Young, followed by Diane Caudullo.

MR. THOMAS YOUNG:

Good morning. Thomas Young. I'm here representing --

P.O. LINDSAY:

You have to talk into the mike, we can't hear you.

MR. THOMAS YOUNG:

Sorry. I'm Thomas Young.

P.O. LINDSAY:

Close the door, please, in the back. Wait a minute. Thank you. Go ahead, Mr. Young.

MR. THOMAS YOUNG:

Good morning. I'm here today representing Gerald Pallotta in regard to the veto message that was forwarded on the sale of the Bay Shore property known as Beefsteak Charlie's.

One thing I learned last time I was here, that I don't speak fast enough to get everything in in three minutes, so I did submit to you a letter which summarized all of the points to be made in regard to the veto message. Going over them briefly is the fact that nowhere in that message is there a denial that in regard to the case law that was submitted or the fact that there is a cloud on title. There's no denial in any way that the notice that was given was not the proper notice. The notice that was referred to in the veto message is a notice that came later in the proceeding, and, in fact, would be saying -- akin to saying, "You didn't get the notice at the beginning, but we're giving it to you now by putting something in the newspaper after we've taken your property," which does not meet the standards of the Supreme Court or the Court of Appeal cases that have been submitted.

The proposal that was submitted last time that we were here, to issue a correction deed, has already been rejected by the title company. The title company, in fact, on the Fidelity title on the New York State Agency level, has refused to ensure this title, as I understand, has lawyer's title.

There is references made here as to the fact that title companies can give indemnity. The indemnity that's referred to here is really not applicable to this case, to this matter. Indemnity is normally given when a title company closes on a property, there's a mortgage to be paid off, the monies are collected, they go to get a satisfaction. Before they can get the satisfaction, another title company comes into play, because the person sells the property again. That company, knowing they have the money and are getting the satisfaction, issue an indemnity. In this case, you can't indemnify for bad -- excuse me -- for bad title. There's numerous references to the property being off the tax rolls and unsightly for all these years, costing the County money. An issue to be mentioned there is that none of that was Mr. Pallotta's doing.

There's references in the letter to give the impression that because of the indemnity, anyone buying this property would be protected. In fact, any title policy in its boiler plate contains language that if you take knowing any defect, the company does not cover that, and, clearly here, the purchaser has knowledge of the defect.

Going back to the indemnity very briefly to drill this in; it's an important point here. Even if they did take it and there was the \$500 -- \$500,000 insurance, one, I don't believe the title company would have to pay on that; two, any company, now once this property was improved for millions of dollars, would not indemnify.

P.O. LINDSAY:

Mr. Young, you're out of time; okay?

MR. THOMAS YOUNG:

Okay. That's pretty much --

P.O. LINDSAY:

We're pretty aware of the issues here --

MR. THOMAS YOUNG:

Okay.

P.O. LINDSAY:

-- and we have your letter; okay?

MR. THOMAS YOUNG:

Okay. That's very good.

P.O. LINDSAY:

Thank you very much.

MR. THOMAS YOUNG:

Thank you.

P.O. LINDSAY:

Diane Caudullo, followed by Pat Flynn.

MS. CAUDULLO:

Good morning, everybody. Totally new topic. I'd like to just speak briefly on the Intersection Study proposed by Legislator Beedenbender. It's 1798 on your agenda today.

Very quickly, I'd like to commend Legislator Brian Beedenbender. He's only been with us eight months in the community and he's off to a great start, because the couple of projects that he has worked on and has turned into actual result is truly making a difference in our community. We have been talking about street safety and congestion and major roads and it's really -- it's making a positive impact.

I'd like to highlight his recent legislation to study Nicolls Road, to study and redesign Nicolls Road in front of the Suffolk Community College. It's actually underway now and it's making a great difference and promises to continue to make great differences in our neighborhood. Nicolls Road, it's a tough one, it's a lot of congestion. He then recently had studied, and I must add, thanks to your approval as an entire body, he did put together a study and proposed a plan for Patchogue-Holbrook Road, which is another disaster of a road, and it directly affects the school systems and the library on that road. Now, there is a plan that, when implemented, will bring great relief to that area, most importantly, safety for the school children. And right now, in front of you is a resolution to study another portion of Nicolls Road up by Hammond and Hawkins.

Now, I appreciate the fact that not everybody is familiar with the true issues of our community, but I'd like to implore you to know that that is just an area of chaos. Right now, the Town of Brookhaven is studying their portion of the roads that directly affect this area, as well as we have a community hub there, which is the Centereach Pool. The Centereach Pool is already a major attraction in our neighborhood, but it's actually up for major enhancements, making it even a bigger draw for community usage. It is in the middle of a residence, so the traffic issue is -- if not addressed properly, will become ten times worse, making the project itself, you know, not necessarily a great thing. So we would like -- I have to, I guess, go back a step and tell you that I am the Community Liaison for smart growth and the Centereach Civic Association. So today, this morning, I really would like to ask you to please approve this resolution. I believe it's money well spent.

Our section of -- where Nicolls meets Middle Country, is one of the highest fatality areas. We have some pretty strong accidents there and some major fatality -- well, any fatality is major. So we really ask of you to, please, consider approving this resolution.

P.O. LINDSAY:

Thank you very much, Diane.

MS. CAUDULLO:

Thank you.

P.O. LINDSAY:

Okay. We have Pat Flynn, followed by Elaine Kahl.

MS. FLYNN:

Hi. My name is Pat Flynn. Good morning. I'm from the Suffolk County Coalition for Legal Immigration/No Amnesty.

Here we are, seven years and a week after the attacks on our country and we still don't have a fence at our borders. Border Patrol Officers Ramos and Compean who tried to do their job are still in prison, and the illegal alien crossing the border got a lesser sentence for transporting drugs after his arrest by those two brave men. And we are handing out voter registration forms in foreign languages asking if you are a citizen of North America instead of the United States of America.

A couple of weeks ago, I requested all of you to investigate the Mexican Consulate's brazen actions in handing out passports and Matricula I.D. cards to illegal aliens in our country. I have yet to hear from any of you.

The September 8th issue of Newsday printed Representative David -- Daniel Losquadro's remark.

"Everyone realizes how much illegal immigration hurts the average taxpayer," he said, "but the price of fuel, it's really hurting people very badly." Are you kidding me? What about the cost of schooling, hospital costs, when emergency rooms are used for nonemergency and no charge to the illegal? Our car insurance is sky high because of many crashes happening and cars and drivers are not covered by insurance. I'm a senior citizen, and when I go to AARP meetings in Montauk, the talk is often about health care, how to fill out Part D forms, how to figure it all out. We are citizens and pay our taxes and our money is going to schools, etcetera, to pay for those who are here illegally. My children pay for their own day care, they pay for their own education also. They were raised to be self-sufficient and not to depend on the government.

If you cannot do your job and protect the American citizens, maybe you should start looking for a new day job, because we will remember you in November. Thank you.

(Applause)

P.O. LINDSAY:

Elaine Kahl, followed by Herbert McKay.

MS. KAHL:

Hello. Elaine Kahl from the Suffolk County Coalition for Legal Immigration. I am here today to represent the American citizen, and I'm happy to say they're alive and well and they've sent me down here today to speak in their behalf. And I speak for the union guys that work every day that want to keep their jobs, that some are losing them. We are for immigrants, but I want to share with you today that I've conducted an investigation on this voter credibility situation, which I've termed "Voter Fraud", which you all have in your computer.

There have been many times that the United States has had problems with their elections, and everyone has stated to me, "Well, why bother doing this investigation now when it's always been that way?" Well the buck stops here. We have --

(Applause)

We have in -- the rule of law, we have, in the United States of America laws. We don't need new ones, we need to follow the rules that we have. Let's talk about the voter registration. I clocked 123 miles on my car, went in and out of post offices, libraries, and whatever, just to find out exactly, hands on, where are we at here. One says, "Are you a citizen?" The other one says, "Are you a citizen of North America?" Now, I believe we live in the United States of America. I believe there should be one form. I believe that those that are allowed to vote should work from this one form, because in the new form, the English one, up on the right quadrant, there are people who cannot speak the language that can call and get the necessary language.

I have to tell you something. I do not, personally as well as professionally, want to look at Suffolk County as a -- as an embattled ground. The Suffolk County Legislature has tried, through Beedenbender's bill, through the rental laws, through everything. They are not anything but safety issues and credibility issues. I am tired of the mockery of the people of Suffolk County. They are giving, loving people who care. They care about their neighbors, but they do not like, will not support what is being said of them now, and I for one will not stand for it. Thank you very much.

(Applause)

P.O. LINDSAY:

Herbert McKay, followed by Mary Donohue.

MR. MCKAY:

Good morning, Legislators. My name is Herbert McKay, and I represent the Suffolk County Coalition for Legal Immigration. We are the largest legal immigration committee, coalition, in all of Suffolk

County. Does anybody call on us and ask us our opinion? Of course not. They don't want to hear our side. Our side is the citizens' side, it's the people that come here, work here, pay taxes. What are the positive contribution of some of these people that are here without documentation, that are here illegally? They came across the border, broke the law, came into our country. They're destroying the school systems.

In the school systems in Suffolk County, it's \$19,000 a year to educate a student. You can't tell me that the people are renting, that the people are living four and five families in one house, overcrowding, are paying their fair share when they've got five and six children in the school. I have no problem with educating them. Pay your own bill.

I'm going to look for a resolution, a way that the individual in the school, like I did with my students, with my children. I have seven children, I educated them. My choice was to send them to a private school. I paid for that. I worked a second and a third job to make sure that they would get a good education, the type of education I wanted. I didn't go to the Welfare Department, I didn't go to the Board of Education, "Help me, help me," I didn't do it. Luckily, I was able to pay with a second and third job. The problem is now these people, yes, they come here and work, but how do they come here? They came here and they broke the law. You people are Legislators, you're here to uphold the law. You're here to uphold the law, right law, right legislation, that helps the citizens, the people here that are paying their salaries.

We have a problem with the Department of Education. We are letting anybody go to school and we're footing the bill. I'm upset over that. You've got your hospitals. My wife just was in the hospital. It cost me and my medical payments \$48,000. I paid every nickel, every dime, because I have insurance. I'm responsible, I paid it. I still have a small portion to pay. I'm not asking you to give me relief to pay a medical bill. Take a look at Southampton Hospital. It's 40 million dollars in debt, not because of Herb McKay and his wife and his family, but because people that go in there and they get free medical care. I don't get it.

Let's start to reestablish the way things should be done. Lets take a look at illegal -- the people that come here. Take a look at the jails, they're overcrowded. Have you taken a look at some of the people that are there? M-13. They have left their own country, they've come here --

P.O. LINDSAY:

Mr. McKay, you're out of time. Could you wrap up, please?

MR. MCKAY:

I will. I'm here to say we're for legal immigration. We're asking you people to listen to our side of the story, listen to our side. Legislate fairly, not unfairly, improperly, giving benefits to people. We're looking at a situation in this country, we're looking at this voter fraud that's going on now. It's unbelievable. Every one of you have in your computers the information that we provided statistically on how they're using forms to --

P.O. LINDSAY:

Mr. McKay, you've got to wrap up, you're out of time.

MR. MCKAY:

Thank you. They're using forms that were outlawed in 2007. They're still giving them out. They should not be allowed to vote if they have used that form to register. Thank you.

(Applause)

P.O. LINDSAY:

Thank you. All right. Before Ms. Donohue takes the mike, I'm going to make a motion to extend the public portion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Legs. Beedenbender, Losquadro, Alden and D'Amaro)

P.O. LINDSAY:

Okay. All right. We have Mary Donohue, and on deck is --

D.P.O. VILORIA-FISHER:

Migdalia Otero.

P.O. LINDSAY:

Migdalia Otero. Go ahead, Ms. Donohue.

MS. DONOHUE:

My name is Mary Donohue. I'm an R.N. for 35 years and a Nurse's Aide before that. It is -- I want to thank you all for what you've done and for the opportunity to speak, and just to say it is so easy to become overwhelmed with all of the problems and the evil that is out there, and just to remind us all, all of us, we all have a dark side, and when the shoe starts to pinch my foot, my dark side starts to come out. There's a lot of solutions out there, and just by opening our heart and see ourselves in the eyes of the other person, I fully admit, I have to do this 24/7, but to try to see ourselves and our own needs and wants in the eyes of other people around us. It's just too easy to become overwhelmed. Thank you.

P.O. LINDSAY:

Thank you, Mary. Migdalia, followed by Omar Henriquez.

MS. OTERO:

Good morning, and thank you for having me. My name is Migdalia Otero and I'm the Vice President of Operations for Island Harvest. We're the largest hunger relief organization on Long Island. And I'm in support of Long Island's Immigrant Alliance Group, not only because of hunger as an -- well, let me put it to you this way. Hunger is an issue. It has no color, it has no age, it has no limit, it has no destination. And the reason why I say that is because we service about a quarter of a million Long Islanders every day. We rescue over seven million pounds of food and we service these individuals, and I can truly say that most of them are legal status people, working poor, homeless, hungry people that can be your next door neighbor that we see each and every day. But with this number that Luis and Nadia said today about the 465,000 immigrants, and it has doubled since 1980, is staggering to us, because I can say that probably 1% of that number we service. The remainder, we're unable to, because of the fear that they may be deported, the fear that they may be found and left homeless, that -- the fear that we're not going to help them. I personally see a lot of these immigrants in neighborhoods where I travel, and I do invite them to go to the local food pantry and soup kitchens in the area in which I'm in, and their response is always like, "No, thank you." Maybe it is pride, but I'm sure and I guarantee you that most of it is because they're illegal here and they don't want to be pointed out. And I'm here in support of them, because the quarter of a million that I do support right now in food, I want to be able to support those 465,000 if they're in need of food as well. And I ask you to support us and help us, and thank you.

(Applause)

P.O. LINDSAY:

Thank you. Mr. Henriquez, followed by Enzo Bard.

MR. HENRIQUEZ:

Buenas mornings, distinguished Members of the Legislature. My name is Omar Henriquez. I serve as the Vice Chair of CASA, Coordinated Agency for Spanish-Americans, and I'm also the Immigration Chair for LCLAA, the Latin Council for Latin American Advancement, the largest labor Latino organization with the AFL-CIO.

The Pastor began this session by saying that we pray for faith, guidance and wisdom, and I couldn't agree more. Faith in God and in democracy, and in you, our elected officials, to do the right thing. Guidance, so we can take a clear path for justice, and wisdom to know that we are elevating the principles of this nation, which include freedom and equality. You know, I come here all cocky and embattled at my First Amendment, because, also, I'm a citizen. On June 14, Flag Day for those who have forgotten, I became a citizen.

(Applause)

And I took a pledge. I took a pledge, and today, on September 16th, 2008, I'm not going to take a pledge. I'm going to take a plea, not a plea that's in court in front of Judges, but a plea as in pleading with you to work things out, to come together as community, elected officials, religious leaders, labor leaders, those who oppose immigration, ordinary folks.

[NEGATIVE RESPONSE FROM AUDIENCE]

Ordinary folks.

P.O. LINDSAY:

No, no, nothing from the audience. Stop.

MR. HENRIQUEZ:

To be a shining example to the nation, to the world, or how one day we overcame our unfounded fears, our emotions and prejudice to be part of the solution to the immigration debacle. I'm pleading that we work together to hold our Federal Branch of government responsible, and demand that a humane immigration reform become a reality in this nation, recognized throughout the world as a nation of immigrants.

Time flies, Tempus Fugit is in Latin, but time is also a witness and a judge to how, as a community, as a nation, we rise up to face the challenges at hand. There was a time that slavery was accepted, as well as a time when women and blacks could not vote, but we overcame that. Let's not waste our time bickering and pointing fingers, but, rather, use it wisely to solve the problem in an American tradition, with justice for all. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Henriquez. Mr. Bard, followed by Suzanne Grant.

MR. BARD:

Good morning. First, I would like to thank the Legislature for giving me the opportunity to talk. My name is Enzo Bard. I am a U.S. citizen. I am an immigrant, as some of you may be, or your parents or your grandparents, or some of your ancestors. We were very lucky that the native people didn't have ICE to expel the people that came here uninvited. But let me give you my personal approach.

I am a resident in Long Island since 1977. I left my country because there was a dictatorship. With a PhD., it was not too difficult to obtain a visa and eventually became a citizen. I think I did -- I paid my dues. I contributed more than 40 scientific papers, wrote chapters in four books, taught medical students, but fast forward. Some years ago, I started working with the Freeport Community

Working Center with day laborers in Freeport, some of them undocumented, some of them documented. We don't ask and we don't care. And what I found is these people are, most of them, honest, hardworking, and are doing things as important as what I did at their level. They are being mistreated. Sometimes they have salaries unpaid. They are unable to open bank accounts, so they have to carry money in their pockets and that makes them prey to robbers.

And I don't call them illegals, I cannot call them illegals, because the borders are artificial, and you know that. Our northern border and our southern border divides communities. These were not done naturally. The planet doesn't recognize borders, people did. Perhaps they are needed, but we have to recognize that.

So what I'm asking you, the Legislature, is to consider that these people, documented or undocumented, deserve all our thanks and deserve our protection and the protection of the law. Thank you.

(Applause)

P.O. LINDSAY:

Suzanne Grant, followed by Pete Quinn.

MS. GRANT:

Hi. My name is Suzanne Grant and I'm with the Long Island Coalition for Immigration Control and Enforcement. I have been coming here for many years, and now I would like to just once have the folks in this room who advocate for a certain group of people to define who they're really talking about. Is it immigrants' rights? Because, in that case, as I have -- I have nothing to say and I will just sit down. If, on the other hand, and I expect they're being dishonest, which they are, they were talking about illegal aliens. In that case, they are here to ask you, the Legislative Body, to allow that certain people operate outside the law, the law that you swore to uphold in order to protect the rights of the citizens and legal immigrants in Suffolk County.

I pay my taxes. I paid for Social Security to care for the disabled and the elderly. I took a driving test years ago and I have my driver's license and I pay my auto insurance. I pay for medical insurance for myself and my husband, and I pay school taxes, which are very high, by the way. So why are they asking you to allow these folks to work off the books, drive without insurance and licenses, go to hospitals without having to pay, and be allowed to have their children attend our schools? And last, but not least, asking you do all this with a smile on your face, because, if you do not, they will call us all racist.

It is safe to say that most citizens, and yes, even legal immigrants who have come here the right way, are pretty fed up with this whole state of affairs, and it is time that you do something to end this lawlessness once and for all.

Every year that goes by, the County is losing more money in taxes and it is costing me more. Every business in Suffolk County should be using the E-Verify system to make sure the workers are here legally and using the proper documents.

Some folks will tell you to believe that we cannot do without illegal labor. That is not the case, especially with the downturn in this economy. American citizens did the work before and they will do it again. It seems like our elected officials are sitting now on their hands waiting for Tweedle Dee and Tweedle Dumb to get elected and they're not doing anything. Thank you very much.

(Applause)

P.O. LINDSAY:

Pete Quinn, followed by Michael O'Neill.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, a citizen activist. I find the comments made by the predecessor who came to the mike were informative, laudatory, and a lot of it about money. But what nobody is discussing is the financial crisis on Wall Street and the impact on not only Suffolk County, but every county, every town, every village, and including the State of New York. They are all suffering revenue shortfalls and higher expenditures, which create a huge gap, which isn't going to be remedied unless we rein in Wall Street with regulation. That comes from Congress, and I'm hopeful they'll do that in the Spring.

In the interim, you're wrestling with an attempt to balance your budget when the County Executive proclaims no new taxes. What we have are taxes forced on us by the Federal Government with the takeover of Bear Stearns, or by arranging to give 29 billion dollars of our tax dollars to J.P. Morgan to bail out Bear Stearns. Similarly, last week we had the Fed decide that Fannie Mae and Freddie Mac couldn't be totally undone, there were too many investors, and so we don't even know, because that credit decision won't be finalized until the Spring, and it may mean 100 billion to 300 billion dollars of Americans' taxpayer money to bail out those institutions.

How does government survive that with your revenue shortfalls when you have needs, increasing needs for people who are ill, uneducated or undereducated, and a whole host of attempted needs, and the State calling for a cutback in arrangements to County government? I'm hopeful that we'll create -- go back to Rockefeller's days of pay-as-you-go to solve some of the problems, but bring in the rating agencies and ask them to explain how they could give AAA ratings, AA ratings, A ratings to many of these investment banks who totally failed us, and bring them before your Ways and Means Committee and your Budget Committee and rethink how some of those rating agencies are destroying government, along with the conservative think tanks who have been like --

P.O. LINDSAY:

Pete, you're out of time. Wrap up.

MR. QUINN:

Those conservative rating -- conservative think tanks who have given us no new taxes for 30 years and we've all suffered the consequences. Thank you.

(Applause)

P.O. LINDSAY:

Michael O'Neill, followed by Milan Hat? Halt, Hat? I don't know. Bhatt.

MR. O'NEILL:

Legislature, in the United -- when the Pope was in the United States, Benedict XVI, he spoke of the love which God lavishes upon us and which we experience by sharing with others. Speaking on immigration, he stated, "That love lavished by God needs to be organized if it is to be an ordered service to the community."

John Rawls, the preeminent moral philosopher of the last part of the Twentieth Century, stated that the pursuit of justice must be -- must be a fundamental norm of the state. It is a citizen's responsibility to help form conscience in political life to stimulate greater insight into the authentic requirement of a just society.

Current debate about immigration needs and infusion of the Pope's message about love. The love of God does not stop at national boundaries. Immigrants crossing into the U.S. are in need of the love of neighbor that was specifically commanded by the founder of Christianity. That love becomes even more essential for persons who are in the greatest need. The Bible specifically tells us to welcome the stranger. Immigrants are in need of our kindness and deserve to be treated with dignity and respect, because we profess they are created in the image and likeness of God.

This Legislature must recognize immigrants contribute many gifts and talents to schools, businesses, churches, institutions and communities across Suffolk County. Immigrants add diversity to our culture, strength to our economy, and vitality to our Society. They often work hard in low-paying jobs to keep our streets, homes, offices and hotels clean, to toil on our farm fields and food production facilities, restaurants, and to provide an array of services that boost the U.S. economy and allow us to maintain a higher standard of living. Payments for income taxes and Social Security are automatically withheld from their paychecks, even when they do not qualify for tax benefits of government services available to citizens.

In many ways, the future well-being of our Suffolk -- of our Suffolk County's economy depends on the establishment of a safe, legal and orderly path to U.S. citizenship for immigrants, so they can continue to contribute to our society, and so they may fully participate in our communities. It also requires legislation at the state and local level to create more opportunities for immigrants to overcome barriers to their full participation.

Nobody argues our nation does not have a right to secure its borders. Illegal immigration has created difficulties for people on both sides of our southern border, but efforts to patrol and secure our borders must be balanced with careful attention to protect the human rights of all immigrants. Otherwise, these efforts can create an environment of fear, which can lead to abuse, exploitation, and even death of many immigrants, as we have seen, such as the deaths of 11 immigrants locked in a rail car.

P.O. LINDSAY:

Mr. O'Neill, your time is up. Please, wrap up.

MR. O'NEILL:

Okay. I will skip the other two pages and just say --

P.O. LINDSAY:

Thank you. Thank you.

MR. O'NEILL:

-- something is vastly --

P.O. LINDSAY:

Thank you.

MR. O'NEILL:

Something is vastly wrong when out of sixty-four Counties in New York State, only Suffolk County has a reputation of being intolerant of immigrants. Only Suffolk County, of 64 New York Counties, has passed laws aimed ostensibly at illegal immigrants, but felt by all immigrants to be harmful and aimed at them. I beg you, please, to recognize what they're doing.

P.O. LINDSAY:

Thank you, Mr. O'Neill.

(Applause)

Milan.

MR. BHATT:

Good morning, and thank you for your attention. My name is Milan Bhatt, and I'm the Workers Rights Advocacy Coordinator at the New York Immigration Coalition. I've spoken here before. The NYIC is a statewide umbrella and policy advocacy organization for more than 200 groups around the

State and I'm here to represent our member organizations and our own.

I am here appearing today essentially to urge the Legislature in strongest possible terms, especially as the new session begins, to move in a positive direction, one that is inclusive and welcoming of local immigrant communities. As we know, in recent years, this body has wavered a bit. It has considered and, in fact, passed legislation that has punished hardworking immigrants and their families, while devastating the local economy, bills that were divisive, unjust, and economically unsound. Now is the time, again, as the new session begins. I think this is particularly timely to set us in the right direction, and I would implore Suffolk County to take cues and really look at Nassau County for a positive example of how its neighbor has dealt with immigrant -- with immigrant populations and communities in a positive, embracing manner.

Those who have spoken here already have made the points about the various contributions, both social and economic, that immigrants have made to the economy. I think those points at times have fallen on deaf ears. I want to be clear that there is no inconsistency in the data that immigrants of all ethnicities, immigrants, regardless of status, have contributed billions to the local economy, both in Nassau and Suffolk County, and hundreds and millions more in output, economic output, than they have received in benefits for which, in many cases, they're not eligible. So I wanted to really be clear and set the record straight that the data is not inconsistent, it's actually rather clear.

I wanted to focus on immigrant workers. The speaker who just came before me highlighted various industries that we know immigrants, you know, work tirelessly, such as construction, the restaurant industry, as crew members of various sports arenas, and restaurant workers, etcetera, domestic workers. But I also wanted to highlight that in Suffolk County, 29% of all nurses are immigrants, 22% of all accountants, 41% of all surgeons and physicians. Immigrant families use these earnings to -- there, in turn, to invest in local communities, and 77% of immigrants own houses. The number of Asian and Latino entrepreneurs locally exceeds 10,000.

I want to end with a few recommendations to add to those that have already been made today. Rather than penalizing hardworking immigrants, I would strongly encourage this Legislature to come up with creative, positive solutions, such as implementing local language access policies to ensure parents can communicate with their children's teachers, and that critical information about emergency services and health care is accessible to all Long Islanders, especially and including those who are in the process of learning English. It can create and provide funding for day laborer job centers. There's some excellent models here today about how to do that, and we're more than help -- more than willing to help the Legislature to come up with those facilities. And the reason that they're valuable is because they essentially ease traffic congestion and address various community concerns, but also --

P.O. LINDSAY:

You're out of time, Milan. Thank you.

MR. BHATT:

I just wanted to finally end with two sentences, simply to say that there are various solutions that have been tested across the country to really deal with immigrant populations in a positive win-win situation, and I would encourage this Legislature to look closely at those --

P.O. LINDSAY:

Thank you.

MR. BHATT:

-- and to move in a positive direction.

P.O. LINDSAY:

Thank you.

MR. BHATT:

Thank you.

P.O. LINDSAY:

Before we go to the next speaker, Lou Marcoccia, I just was handed a copy of the CN, I guess, the legislation. You guys have had a chance to review it? Do you want to comment? I don't want to keep you here all day long.

MR. MARCOCCIA:

Yep, I'll be quickly. We reviewed it, it's acceptable. Again, I'm representing the Association. I gave Esther Bivona a call, she's unable to be here, and we're fine. It solves all the problems. It displays the correct percentage. It will not increase the format in the front of the tax bill, and it will have a three-line explanation in the back of the tax statement. Yep, in the back.

P.O. LINDSAY:

Thank you very much, Lou, for spending the time to get this finalized. Thank you.

MR. MARCOCCIA:

And I would like to thank this Body for their help and assistance. Thank you very much.

P.O. LINDSAY:

You're welcome. Okay. Maysoun Freij, followed by Mara Bard.

MS. FREIJ:

Thank you very much for your attention today and for holding this hearing. My name is my Maysoun Freij, and I'm with the New York Immigration Coalition. I'm the Health Advocacy Coordinator. And as a policy and advocacy organization, we actually work closely with social service organizations, including some based on Long Island, like the North Fork Spanish Apostolate and the Central American Refugee Center. And what we learned altogether is while New York State has good laws with regard to health care for immigrants, on Long Island, at Social Services and at hospitals, there seems to be a blind spot with regard to certain aspects of the law that apply to immigrants, so I'm going to go over what those are, because they're fairly simple, and they would actually bring greater revenue into the hospital and into the Health Care System if the laws were applied correctly in Suffolk County.

One is around a matter called PRUCOL. PRUCOL stands for Permanently Residing Under Color of Law, and it's a collection of immigration statuses that entitles someone to receive Medicaid benefits if they are also income-eligible. And we understand from our local community-based organizations that on Long Island, PRUCOL is largely ignored as a category for which makes people eligible for Medicaid.

The second issue that seems to be applied in a sort of spotty way is around financial assistance. This is a law that went into effect in January 2007. It entitles anyone who's uninsured and below 300% of Federal poverty level to receive financial assistance at all public and private hospitals, and, again, this is not being applied consistently.

Both the issue of PRUCOL and financial assistance would bring greater revenue into the health care system.

The third issue is around language assistance. Language Assistance Law has been longstanding since 1964 in terms of offering language assistance to people who are not proficient in English. However, there was an added regulation in September 2006 that entitles people to receive free language assistance services at hospitals in New York State. And this law is not being applied correctly either. People are asked to bring family members or friends, or really just to refer to this next stranger in the waiting area to provide interpretation services in hospitals and I have seen that.

So, basically, we ask for the Legislature to apply the State laws and uphold the law in Social

Services and hospitals consistently and proactively. Thank you.

(Applause)

P.O. LINDSAY:

Thank you. Mara Bard, followed by -- Mara, go ahead. I've got to get my glasses on.

MS. BARD:

Good morning, Legislators, and thank you for your attention. I am here today -- my name is Mara Bard, as you well said, and I represent the Long Island School of the American Watch. I'm here as an immigrant and I'm here as an American citizen.

The reason that I'm here today is because I -- it breaks my heart to see and to read how our country is treating the immigrants today. I am an immigrant, an immigrant myself. I came here in the '70's and I came here from Argentina, because, at that time, it was a dictatorship in my country that was supported by the U.S. administration at that moment. I have served my country, I think well. I served as a scientist. I have written papers that have been published. And I felt that every immigrant have to have the opportunity to develop in any country, but most of us in our country because of the principles that we said we carry. So the immigrants that are coming today are because -- they are here because of the economical situations in their countries.

The Free Trade Agreement, NASTA, is not the agreement that really increased the economical development of this country. Actually, maybe it's good for us, but not for them. So the immigrants are coming here because they need to work, they have children, they want to have good education for the children. They need to eat and they need all the necessities that every human being needs. So with all respect, I'm asking you, please, treat the immigrants with respect and dignity, and give the opportunity to them that all of us here or our grandparents, or whoever came first, they did have. Thank you.

(Applause)

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

P.O. LINDSAY:

Lauri LoQuercio followed by Claire Fratello.

MS. LOQUERCIO:

Hi. My name is Lauri LoQuercio and I work for Local 1102 RWDSU. A large portion of our members are immigrants. They are very hard working people who contribute to society and pay taxes; they deserve dignity and respect. It is essential to fund programs like English as a Second Language. It is very intimidating to be in another country and perhaps not speak the language. Local 1102 has been fortunate enough to be able to offer many different types of training; English as a Second Language being most -- the most important for our immigrant workers. Being able to communicate is so imperative.

I have heard stories from our members who have taken English-as-a-Second Language, known as ESL, which prove how critical these programs are. Many people who do not speak English tend stay in communities and jobs where everyone speaks the same language. One of our members, Jose from Riverhead who has taken five sessions of ESL, was out one day with a friend and his friend needed medical attention. The medic only spoke English and Jose's friend only spoke Spanish, but due to Jose's training in ESL he was able to translate what was wrong with his friend, therefore assisting in his friend's recovery.

Another one of our members, Carmella, recently became an American citizen. She was so grateful for the ESL classes, she wrote us a letter; that letter stated that had it not been for the training that

Local 1102 provided she would not have been able to read or answer the questions on the test and now anything is possible for her.

Speaking English builds confidence which leads to much more. The simple things that we take for granted like communicating with doctors and teachers, helping our children with their homework and banking are difficult tasks if you don't speak English. It is the American dream. Everyone wants to build a better life for themselves and their families and it is crucial that funding is available for these programs so that everyone has an opportunity to speak English. I believe that this is the first step. Once people have a voice, anything is possible.

Applause

P.O. LINDSAY:

Claire Fratello followed by Michele Lynch.

MS. FRATELLO:

Good morning. I'm here on behalf of the LIA and I'd like to read a prepared statement by Matthew Crossen, the President of the LIA.

Long Island cannot afford to be identified as a place where intolerance is tolerated. We cannot afford it as a community because intolerance shreds the fabric of every community it touches, and we cannot afford it economically because growing companies and talented, creative people do not want to live in places that have the feel of intolerance.

Developing a reputation for intolerance poses a risk for Long Island that is illustrated by the story of Skokie, Illinois. Thirty years ago this summer, a group of Neo Nazi's sought a permit to march down Skokie's Main Street on Independence Day. The town went to Federal Court and successfully joined the march, but the surrounding controversy etched the name of Skokie into millions of minds around this country. Today when people in our area are asked what they associate the name of Skokie, Illinois, inevitably they say bigotry. The people of Skokie did nothing that was bigoted or intolerant 30 years ago and yet the stigma of bigotry is still attached to the town.

A reputation for intolerance can attach to a town or a County more easily than we might think. A reputation for intolerance can even arise from well-intentioned actions within a community that are perceived outside the community as intolerant. And as Skokie's experience shows, once a place has a reputation for intolerance it may never recover its good name. It is for that reason that Long Island's County and local governments must take great care in addressing the issues surrounding immigration.

Properly documented immigrants comprise an increasingly important part of our regional community. During the 1990's, according to U.S. Census Bureau data of the total population growth of about 144,000 on Long Island, over 123,000 were immigrants emigrating directly to Long Island from their native countries. While the growth of Long -- of the Island's population has slowed significantly in this decade, the proportional significance of the immigrant population has only increased. The presence of undocumented immigrants in our community presents special challenges. The burden of enforcing national immigration laws falls most properly on Federal authorities, but so long as undocumented immigrants are within our midst, the burden of treating them in a tolerant manner falls on each local community and ultimately on each individual's conscience. The Suffolk County government has an obligation to the people of the County to deal with the issues presented by the presence of undocumented immigrants in a manner that does not endanger the County's reputation as a place of tolerance.

Short-term political success at the expense of undocumented immigrants can come at the long-term expense of Suffolk County's reputation. Suffolk County should be a place that deals with the issue of undocumented immigrants with a mature and respectful regard for the rights of all of the human beings affected, as well as the social and economic interest of all Suffolk County residents, now and in the future. Thank you.

Applause

P.O. LINDSAY:

Thank you, Claire. Michele Lynch followed by Dot Kerrigan.

MS. LYNCH:

Good morning, Presiding Officer Lindsay and the Legislative body.

I'm here as a resident and a taxpayer of Suffolk County. I'm here today because my grandparents and parent left their country and their families behind for a better life for them and their children, just as immigrants today come.

I am here speaking on behalf of 1199 SEIU, the largest health care union in the country. We represent 240,000 members just in New York State, 20,000 of them live on Long Island. We represent nursing home and hospital workers. 1199 is a very diverse union, our membership reflects the top ten countries that Long Island immigrants come from such as Haiti, Poland, Italy, India, Jamaica, China, Columbia, Dominican Republic, El Salvador and Germany. Nassau County has formed the Nassau Immigration Task Force which includes many County agencies, the Police Department, communities, labor unions. The task force works to better communication with various agencies and the communities to bring people together.

I'm also here today because of people that fought and died to give me the right to vote. Because of people that voted to end slavery and because child labor laws were made, the 40 hour work-week and overtime laws were passed. Suffolk County needs to work for all of its residents. As was mentioned, there is a need for protection of workers' rights through local enforcement of labor laws against employers that exploit workers. We need to come up with creative, positive solutions to work together for all the residents of Suffolk County.

Applause

P.O. LINDSAY:

Thank you, Michele. Dot Kerrigan followed by W. Mitchell.

MS. KERRIGAN:

Good morning, Honorable Legislators. My name is Dot Kerrigan, I live in Ronkonkoma. First, as a working mom and a nurse at the John J. Foley County Nursing Home, I'm happy to say today we have only 15 vacancies at the home. We have eight residents out to the hospital, all, God willing, will return.

Second, I speak as a taxpayer and a lifelong resident of Suffolk County. I am seriously concerned with the article I read yesterday regarding the 2009 County budget. It seems our current County Executive is once again secretive, behind closed doors, playing with dollars and cents, our dollars and our future. Will he once again blind-side the public? Is he -- he is a public official; shouldn't the public know what he represents and what he will present to us? What kind of essential services will he now take out of the budget?

Years ago when there was a Presidential Election the phrase, "It's the economy, Stupid" was coined. Now the phrase, "It's the stupid economy" seems more appropriate. I'm far from an economist, but I do run a household; I know my bills never go down and there are essential services I cannot eliminate. Health care is one of the top concerns for Americans today. It is one of the most important topics of debate during our current Presidential Election campaigns. The current County Exec told the paper -- and I believe he's down to talking to only one, I can be wrong about that -- he will not raise taxes, his budget will be smaller. Is it his budget and how is this possible? Will he take the County Nursing Home out of the budget along with other essential services? We will have less and -- will we have less and less Police protection in our communities and on our roads? Can we not have essential services in Suffolk County?

My husband and I drove home from Manhattan last weekend on the LIE and with no incidents until we came the Suffolk County. And I am -- it wasn't my imagination that we counted seven cars weave in and out of the HOV lane across double yellow lines with no consequences. Our current County Exec must be held responsible for his inappropriate decisions. He represents the County, he does not own it.

The community is a hundred percent behind the John J. Foley Skilled Nursing Facility and the essential services it provides. Our local officials are a hundred percent behind the County Nursing Home. This has been demonstrated very simply, simply enough for our current County Exec to understand. A law was passed by the Honorable Legislators before me, your previous unanimous vote and unanimous override. We have also demonstrate -- of his veto. We have also demonstrated to the current County Exec in a simple letter spearheaded by the Honorable Robert K. Sweeney and signed by the Long Island Delegation of the New York State Assembly urging the County Exec to keep the nursing home open and County-operated. It is my opinion that the current County Exec operates on his own, thinks he is some -- he somehow needs to do this. Perhaps he believes he is smarter and better informed than all of the previously mentioned. Perhaps he is as intelligent as the CEO of AIG, Lehman Brothers or Meryll Lynch.

Laughter From Audience

We shall find out shortly when he provides his own or our secret 2009 budget. Thank you.

Applause

P.O. LINDSAY:

Thank you, Dot. Okay, Mr. Mitchell followed by Melissa, looks like Sostrin?

MR. MITCHELL:

Good morning, Legislators.

P.O. LINDSAY:

Melissa Sostrin is on deck. Go ahead, Mr. Mitchell.

MR. MITCHELL:

Good morning. I'm here to speak about the illegal aliens amongst us.

So far I've heard everybody call them everything but. They are illegal aliens, they're not doing our service -- a service to our country, they're doing a disservice. Our jails are over crowded with these people. That means that they have already broken the law twice; entering our country and now, while they're here, expecting us to welcome them. They entered our jail system which is overcrowded, also our schools. Welcome to our schools. Us taxpayers are paying for that.

So what I'm saying is we have heard them call themselves immigrants; they're not immigrants, they're here illegally. I welcome all immigrants. Everybody I have heard speak about illegal aliens has never mentioned immigrants. So I want the Legislature to know, any laws that are passed should be for the citizens of this country, not for the illegal aliens. They're not here to help you. Just take a ride out to the jail and take a look at how many people that have broken the law. They're not here to help us, they're here to occupy, end of story. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Mitchell. Melissa followed by Monica Diaz.

MS. SOSTRIN:

Thank you very much. My name is Melissa Sostrin and I am the Assistant Director of the American Jewish Committee, Long Island Chapter. I speak for AGJ, I speak as a Suffolk resident and I speak for an American citizen; please don't say that you speak for me.

AJC supports comprehensive legislative reform on a Federal level, we know this is a Federal issue. Repeating again, our mission is to fight bigotry and discrimination, so we deplore the character, the climate that's created by fallacies and myths that are repeated and repeated here this morning surrounding immigrants. We deplore language like that on the Newsday forum. David {Sperling} who's an immigrant lawyer who tries to get his clients to do things the right way was helping a client, and what did it say in the Newsday topic forum by a Suffolk resident who couldn't sign their name? "Ah, the fresh stench of another Jewish lawyer trying to make a buck."

Since this is a Federal issue, everyone, Legislators included, everyone here today can write a letter to their Senators and Congressmen. It's out of your hands, put it in their hands, make them responsible, Democrats and Republicans alike. They failed, it's clear. I have a template for anybody who would like one, I'd be happy to provide it to you to write to your Legislators and Senators to encourage them to solve the issue so that -- and now I speak as a Suffolk resident and a taxpayer, we can move on to the important issues for our County. It's all been a distraction. We really need to get down to business.

We'll be following up with individual Legislators and I thank you for your time.

Applause

P.O. LINDSAY:

Monica Diaz.

MS. DIAZ:

Good morning, Legislators. Thank you for allowing me to speak to you. My name is Monica Diaz, I was -- I am an immigrant, not an alien. I'm a person, I am legal here in this country. I became here -- I'm sorry, I came here not by a choice but because my parents brought me here. They did not come here illegal. And I was a resident of Brentwood, also in Bay Shore, and I am happy to now -- not live here any longer because of the racism and hatred going on. I now have my family and own a property, a home in Nassau County. I would like you guys to take the example of the County where I live now and happily raise my family without my neighbors hating me to take the time and take an example of a County that is not full of hatred like now Suffolk County sadly is. Thank you.

Applause

P.O. LINDSAY:

I don't have any other cards. Is there anyone in the audience that would like to speak? Marion, please identify yourself, and then when you're done if you can see Renee or Tim to fill out a card. Thank you.

MR. MATTERA:

Okay. Thank you, Mr. Presiding Officer. Thank you, all Legislators, for letting me speak today. My name is Mario Mattera, I'm the Business Agent with Plumbers Local 200. There's approximately 1,200 members with my local, 80% of them live in Suffolk County and I am a Suffolk County resident.

I'm actually here to speak to say thank you very much to the Board of Legislators for the help with Bactolac, the pharmaceutical project. I know a lot of you guys get more negative than positive, but today is a positive with me, this subject actually. Bactolac with Renee Reynolds is the project manager, and I just want to thank Carolyn Fahey also with Suffolk County for all the help. You guys got us a chance to at least bid on the projects, and that was big because we weren't going to get a chance to really bid on that project. Yes, did I have to use my target fund to help out with the

medical benefits and everything like that? But still working with Bactolac, we got there and Plumbers Local 200 is on-site doing the plumbing and the pump and tank work which put the tanks on the site. And I just want to say thank you very much. DuWayne, I just want to say congratulations. Good luck with everything.

LEG. GREGORY:

Thank you.

MR. MATTERA:

I don't know condolences or good luck, because I know this kind of job, but congratulations.

You know, today I wasn't even going to get up and speak about this again, but I'm very upset that in other words we have not gone forward with the Beedenbender Bill. And I really, really need an answer from somebody to give me a phone call to find out what is going on with this and when are we going to continue with this? Because we did get to vote, but for some reason it seemed to fall -- you know, it's not going anywhere. Please, would somebody give me a call on that? I would appreciate that.

You know, we have a situation also, too, and I just want to thank Kate Browning. At eight o'clock last night she was on the phone with me last night about -- we have a situation with workers coming up from West Virginia that are going to be at the Bellport Country Club that they were awarded the job; that's our job, that's our money that we keep here at the County for infrastructure that's for the future. We need to keep the money here so we can keep going. You can see what the economy is like, everybody. The economy is getting worse. In other words, they saved a couple of dollars, they're going to have contractors come up from West Virginia to take our jobs away? I'm sorry, I'm going to do whatever I have to do to do this. And, I mean, if anybody -- I want to hear if anybody has a problem with that. In other words, we need to keep the money here. I'm sorry I'm -- you know, I'm sorry there, Jon, that you're yawning, but all I can say -- and I'm boring you. But all I've got to say is we need to keep the money in Suffolk County. Thank you very much.

P.O. LINDSAY:

Thank you, Mario. Anybody else want to speak; no? Seeing none, I'll entertain a motion to close the public portion.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

So moved.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Just a couple of -- one announcement. We're supposed to have a photo today and Legislator Montano is not going to be with us, so we're going to postpone the photo until next month.

D.P.O. VILORIA-FISHER:

Oh, and I spent so much time on my hair.

P.O. LINDSAY:

I know.

MR. LAUBE:

That was 17 on closing that, by the way (Absent: Legislator Montano).

P.O. LINDSAY:

Okay, if you go to page four, the [Consent Calendar](#). I'll entertain a motion to approve?

LEG. LOSQUADRO:

Motion, Mr. Chairman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Eddington to adopt the Consent calendar. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Okay. Turn to page five, [Resolutions Tabled to September 16th, 2008:](#)

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

LEG. KENNEDY:

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

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

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

LEG. HORSLEY:

Motion to table.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

I notice that the nominee for the -- the Commissioner of IT nominee is in the audience. Could I ask that maybe we pass out the CN, if we have it, if the Clerk has it, and maybe do that before lunch so he doesn't have to come back later?

P.O. LINDSAY:

I haven't seen the CN. Do you guys have it yet?

LEG. BEEDENBENDER:

Well, I don't know if it's been filed yet.

MR. CHAMBERLAIN:

We filed it.

P.O. LINDSAY:

Huh?

MR. CHAMBERLAIN:

We filed it already.

LEG. BEEDENBENDER:

Oh, I don't have it in front of me. I was just asking maybe if the Clerk could pass it out so maybe we could entertain that so the gentleman doesn't have to come back after lunch, since he's been here all morning.

P.O. LINDSAY:

All right. Let me just finish the Tabled Resolutions and hopefully by then we'll have a copy of -- we can't vote on it until I have it before me.

LEG. BEEDENBENDER:

Well, that's why -- yeah.

P.O. LINDSAY:

Okay, where were we? 1651-08 - Establishing --

LEG. ROMAINE:

1458.

MR. NOLAN:

You skipped one.

D.P.O. VILORIA-FISHER:

1458.

P.O. LINDSAY:

I don't have that on my --

D.P.O. VILORIA-FISHER:

Oh, it was withdrawn; sorry.

LEG. ROMAINE:

It was withdrawn? Okay.

LEG. ALDEN:

It's an add-on.

P.O. LINDSAY:

1651-08 - Establishing a Truth and Accuracy Policy to reflect the impact of the New York State Equalization on Suffolk County Real Property Tax Billing (County Executive). Are we -- we're getting a CN on that one, Ben?

MR. ZWIRN:

Yes, Mr. Presiding Officer. It's been worked out with the Receivers, I know that they spoke earlier.

P.O. LINDSAY:

Okay. So we'll have to pass over that to get the CN, okay?

1695-08 - Authorizing certain technical corrections to Adopted Resolution No. 1129-2007, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space - for the Boys & Girls 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). Do we have --

LEG. SCHNEIDERMAN:

I've met with Real Estate on this and there's still some information I'm waiting for, so I'd ask for a tabling.

P.O. LINDSAY:

Okay, Legislator Schneiderman makes a motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Do you want to comment on that, Mr. Zwirn?

MR. ZWIRN:

No.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

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).

D.P.O. VILORIA-FISHER:

Isn't that the same as the other one?

MR. NOLAN:

No, they're linked.

P.O. LINDSAY:

Okay, they're linked.

LEG. ALDEN:

This is the hammer.

MR. ZWIRN:

Yeah, this is the enforcement provision, if I may, Presiding Officer, with 1651. You may want to take them both together when we do the CN instead of doing this one first.

P.O. LINDSAY:

Okay. If it's all right, we'll skip over that and debate them later. That hasn't been changed, though, right?

MR. ZWIRN:

No.

P.O. LINDSAY:

There's not a CN on that. So we're just skipping that one, we have to come back to it.

D.P.O. VILORIA-FISHER:

Do we have the CN on the IT person, or not yet?

P.O. LINDSAY:

Do we -- the Clerk, do we have the CN on the IT?

MS. ORTIZ:

It's coming.

MR. LAUBE:

We have the CN, we just have to distribute it.

P.O. LINDSAY:

Okay.

MR. NOLAN:

(Inaudible).

P.O. LINDSAY:

Okay, if we go to page six, while we're waiting for some distribution.

Introductory Resolutions for September 16th, 2008:

Budget & Finance:

1656-08 - Adopting a Local Law No. 2008, a Charter Law to improve the Capital Budget process (Presiding Officer Lindsay). I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Any discussion? All in favor?

LEG. ALDEN:

Bill, could I --

P.O. LINDSAY:
Yes, Legislator Alden.

LEG. ALDEN:
Could you just put it on the -- because it's your resolution, what it actually changes.

P.O. LINDSAY:
I'm going to ask Counsel to go through the changes.

MR. NOLAN:
What this bill would do would reduce the time the County Executive has to return Capital Budget overrides from 15 to 10 days so that it fits the Legislative -- Legislature's meeting cycle so we don't have to have Special Meetings to override Capital Budget Vetoes. Ten days is also what we give for Operating Budget vetoes to come back to us.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1657-08 - Adopting Local Law No. 2008, a Local Law to require the licensing of sign hangers in Suffolk County (Presiding Officer Lindsay). I'll make a motion to approve.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Seconded by Legislator Eddington. On the questions, anybody? Okay, all in favor? Opposed? Abstentions?

LEG. ROMAINE:
Opposed.

MR. LAUBE:
Sixteen.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Romaine & Barraga - Absent: Legislator Montano).

P.O. LINDSAY:
Okay. Okay, I'm going to go back to a CN on the appointment of Mr. Quinn. Are you in the audience, Mr. Quinn? Please come forward, if you could. I'm going to make a motion to take 1871 which is a Certificate of Necessity, out of order --

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

P.O. LINDSAY:

-- so that Mr. Quinn can get on with his day. Seconded by Legislator Viloría-Fisher. All in favor?
Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Okay, it's before us, it's been taken out of order.

1871-08 - Confirming appointment of County Commissioner of Information Technology (Gary Quinn). I will make a motion to approve Mr. Quinn.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you, Mr. Quinn, for coming to speak with us. I had an opportunity to look at your resume and I see that you have many, many years with, I guess, the preeminent software firm here in Suffolk County, Computer Associates. And it looks like over the course of time you've handled ever-increasing tasks both in number of personnel and in marketing or distribution of different software products.

I recall when this position was created, a Commissioner for IT was portrayed to us as being an individual that had a wide range of experience about the various software products, packages, programs and goals that the County of Suffolk has. I'm just wondering how marketing and sales of software harmonizes with our desire to move from, you know, an 18th Century technology application to something that's current.

MR. QUINN:

I'll answer. Thank you very much for having me today and giving me an opportunity to address your body. Legislator Kennedy, my resume was written to the tune of the last few years that I spent at Computer Associates which was on the actual revenue generation side of the company. So from 2001 until 2006 when I left, I was responsible for selling our products, finding new customers, servicing existing customers. In the middle of my career in the company, which I did spend almost my entire professional care outside of leaving Hofstra University, from 1995 until 2001 I was the Chief Information Officer for the company and I was responsible for taking us from, I don't know if we were 18th century, but we were probably in archaic mainframe environment into the future of a client server and ultimately web services application company.

So my background from my resume may not have expressed enough of that, but I did originally get hired at the company as a research and developer. I have a Computer Science Degree from Hofstra. I wrote products for the company in a low level assemble language. I also did level two support which was to actually fix complex problems for the products that we sold to our customers. I then spent a little bit of time, from '93 to '95, as the head of the Marketing Organization. We had a theory at CA which was, you know, move people throughout the company, get exposed to as much of the business as possible and you would be valuable in the long run. And then in 1995 I was asked to go and reinvent the back office of the company from an IT perspective, from a facilities in real estate from a human resources and procurement aspect.

So I think that those five years in managing a budget in the IT arena alone of a little over a \$150 million with 700 IT professionals worldwide, I think I have the qualifications to serve the County in bringing us forward, hopefully at minimal expense, from as you mentioned 18th Century. I don't know if it is 18th Century, I have not had an opportunity to look at that into a 21st Century information technology government organization.

LEG. KENNEDY:

Part of my synopsis here comes from being a layman. I am not a computer person by trade, but along with my colleague, Legislator Romaine, we had the opportunity to take what was a paper-driven process and move it to a repository of now over 30 million land record images. And it -- to call the process interesting would have been an understatement. We went through various software developers, we started out with a proprietary product, we subsequently wound up

dismissing that vendee, we brought on new off-the-shelf software, worked extensively and ultimately got a product that worked well. It was a long, arduous, torturous process that ultimately came out to our benefit, and we were just one small of multiple entities throughout the County.

I know right now we have a paperless PCR project that has, to its credit, the Health Department has worked well with, but it's taken some three years to get from a resolution that the County Executive's Office joined me with on CN to the point where we may actually wind up being able to put a pilot out there on the street. One only can speculate how many emergencies may or may not have been compromised by an old paper system.

This position, I think, is -- first of all, I think it's a fairly well compensated position. And I'm going to ask BRO, what is the -- is it a Commissioner of IT; what is this position called?

LEG. D'AMARO:

Commissioner.

MS. VIZZINI:

Typically he's referred -- the position is referred to as the CIO, the Chief Information Officer. I'll check the payroll for you in terms of the precise title.

LEG. KENNEDY:

Is this just an ungraded position, is there just a salary line associated with it? I'm just curious.

P.O. LINDSAY:

Mr. Kennedy, Legislator Kennedy, the resolution says Commissioner of Information Technology.

LEG. KENNEDY:

Okay. All right, Mr. Chair. Well, then, can I just ask, what does a Commissioner of Information Technology for the County of Suffolk command salary wise?

MS. VIZZINI:

I can tell you what the former incumbent was paid, I don't know the specifics of Mr. Quinn's agreement with the County Executive.

MR. QUINN:

Mr. Kennedy, I was told by the County Executive's Office it would be approximately around a hundred and ten thousand dollars, six hundred dollars, something like that, \$110,600, something in that neighborhood.

LEG. KENNEDY:

Okay. I don't want to monopolize this, but I also at some point would like to find out how it is that our IT operations have functioned for I guess the better part of a year, since the resolution tells us this position went vacant in the beginning of 2008. But I'll yield, Mr. Chair.

P.O. LINDSAY:

Legislator Losquadro?

LEG. LOSQUADRO:

Thank you. I apologize, I'm tangled here; I think I need a little bit of IT for these cables, a little support.

Very quickly. I was looking over your resume, you seem eminently qualified. I just want to forewarn you that the resources will not be as forthcoming as in your employment in the private sector. And I only ask one thing, and that is that you maintain your independence and give this body an honest assessment of what you need, and I think based on your background you can

certainly do that. So let this body make policy decisions, let us decide if we can find the money, but please just give us an honest assessment of what you need to get the job done right for Suffolk County and the residents of this County, and that's all I ask.

MR. QUINN:

Thank you very much. I appreciate that offer. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Good morning. I have to ask you a question; I don't want to ask it, but I will ask it. You've been with Computer Associates from 1985 to 2006.

MR. QUINN:

Uh-huh.

LEG. BARRAGA:

Well, around 2005 and six that company had some serious issues and serious problems. You at one time were the Executive Vice-President Worldwide Partners which had to do with sales, Executive Vice-President of Sales from 2001 to 2004. I think if I recall correctly, a major problem they had, they were posting sales in a given quarter when the sales hadn't been completed.

MR. QUINN:

Uh-huh.

LEG. BARRAGA:

Were you involved -- I'm going to find out; were you involved in any way, shape or form with this; were you ever questioned by anybody on this?

MR. QUINN:

I was -- okay, that's two questions. One is was I ever involved in the back-dating of sales and, I guess, financial records and signed statements for the --

LEG. BARRAGA:

Because you were the Executive VP of Sales from 2001-04, you know, it would seem to me that --

MR. QUINN:

And that actually is after the time that was happening which was prior to the event that was investigated by the government.

And to answer your second question, was I questioned regarding those practices at the company and the answer to that question is yes, I was questioned by the U.S. Attorney's Office in the Brooklyn District. I spent some time with their people there going over primarily from the aspect of information technology officer of what were our practices, how did we hold records or our retention dates, how did we remove documents from the system, not remove documents from the system, not from a revenue-generation perspective. It wasn't until 2001 that I actually had a responsibility for actually doing revenue generation.

LEG. BARRAGA:

But there was no action ever taken against you by any level of government?

MR. QUINN:

No, there was not. Actually, during the earlier committee in Ways & Means, I was asked the same question by Legislator Alden, I believe, and there is no pending litigation, whether criminal or civil, against myself and I am not, was not involved in any of those activities at the company.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

My question isn't for you, but I just have a little bit of a statement about this resolution.

It seems that in financial -- financially troubled and distressed times we rush to appoint the people at the top of the chain and we kind of leave some of the other positions unfilled that really affect our constituents. For instance, over in the Department of Health where people have to go to get a permit to add on to their house or do other things that are going to economically stimulate our economy, those positions remain unfilled and those people still have to wait six months to over a year to get their permits to do their renovations of their house. While I support you and I think you're -- you seem like a good candidate for this position, I have to question why we're rushing to fill -- and this question isn't for you, but why we're rushing to fill a \$110,000 position and the budget is coming out in a matter of a week or so, that maybe that prerogative should be ours whether we want to shrink that or maybe take some of those positions back or not fill them. So I'm just a little bit surprised at the rush to fill big positions and the dragging of the feet to fill the positions where we actually can get the service to our constituents. So I'm just perplexed at that.

P.O. LINDSAY:

Okay. Anybody else? Thank you very much, Mr. Quinn, for availing yourself for the committee meeting and this morning hanging around, we appreciate the cooperation. All right? Thank you.

MR. QUINN:

Thank you very much for your time and I look forward to working with you shortly. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

In the negative.

LEG. KENNEDY:

Abstain.

MR. LAUBE:

Fourteen (Opposed: Legislator Barraga - Abstentions: Legislators Alden & Kennedy - Absent: Legislator Montano)..

P.O. LINDSAY:

Going back to page six, [Economic Development, Higher Education & Energy:](#)

1708-08 - Adopting Local Law No. 2008, a Local Law amending the Suffolk County Empire Zone Boundaries to include Nanz Custom Hardware, Inc. (SCTM No. 0100-067.000-01.00-024.091) (County Executive).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley, seconded by Legislator Stern. On the question?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Thank you, Mr. Chairman. Is anybody here from Economic Development? Good. So what incentives do they get by this inclusion?

MS. FAHEY:

As a regionally significant project, they receive all of the incentives that the Empire Zone brings; employment tax credit, investment tax credit, wage tax credits, all on their corporate income tax in the following year.

LEG. ALDEN:

Again, I'm just going to make a little statement that, you know, I feel it's almost discriminatory. And I was in business for many, many years with a number of different types of businesses, never got any tax credits, I never got any help, and yet at one time I employed over 1,500 people in the County of Suffolk. So I'm just a little bit surprised that we actually help one or two people but we forget about the rest of the small businesses that America is actually built on.

MS. FAHEY:

Mr. Presiding Officer, if I could.

P.O. LINDSAY:

Go right ahead.

MS. FAHEY:

There are many programs. There are many programs to assist all different types of companies. This specific program is for manufacturers, it's created by New York State, but retail, warehouse, you know, there are programs that run the gamut that this board doesn't have approval over, so there are programs for most companies.

LEG. ALDEN:

My companies just never qualified, so I'll leave it at that. And a lot of people who are struggling right now in small business, their companies don't qualify either.

MS. FAHEY:

Not for this particular program, but there are --

LEG. ALDEN:

Not for any program that they could find, and they are struggling because the tax burden is huge.

MS. FAHEY:

Well, I implore them to call because I'm sure there's something that we can do, whether it be a business plan, whether it be helping them with their technical issues, there's many programs.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator Barraga and then D'Amaro.

LEG. BARRAGA:

So by including this particular company, are we changing the boundaries of the Empire Zone?

MS. FAHEY:

There are two avenues of the zone. One is a General Purpose Zone which is 1,280 acres, and then each RSP adds additional acres to that. It doesn't change the General Purpose Zone, it changes the overall zone; I don't know if that's clear. When we were first designated we got 1,280 acres. Every zone in New York State gets 1,280 acres that they can designate. The regionally significant projects allows you to augment that with additional acreage.

LEG. BARRAGA:

Because these Empire Zones, frankly, over the last several years, and they've been initiated by the State of New York, they've had a real checkered history here. I mean, many of these companies, they promise to do things and never do them; they play, you know, a smoke and mirrors game as far as shifting employees. We've had companies in the State of New York actually shift employees to other states, and yet they will say, "Well, we did create 50 jobs or 75 jobs," and it hasn't really happened. This thing is sort of a -- you know, it's an iffy kind of history.

MS. FAHEY:

Those criticisms were based on the initial zone program, that changed about three and a half years ago which changed the law with regards to shortchanging and changing your name and shifting your employees. There's new safeguards in place, both by the Zone Program, by New York State Finance & Taxation, by New York State Department of Labor, that all guard against that sort of situation. The RSP Program, there is no credit received unless something is produced.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator D'Amaro and then Horsley.

LEG. D'AMARO:

Yes, thank you. Just to follow up on Legislator Barraga. I had the same concerns when this came to committee. And Carolyn, perhaps you could just speak to the fact that -- this came out during the committee process also, that this firm, in fact, had already received the Empire Zone designation in Brooklyn, I believe, and is now coming to Suffolk County and continuing on that designation. What's the job creation and how do we monitor that, how do we in Suffolk County monitor that to make sure if we're going to be given by awarding the Empire Zone, how do we know that the applicant is meeting the standards or the minimal job creation and criteria that's required?

MS. FAHEY:

First, you're correct. The company began their Empire Zone certification in '92 in Brooklyn -- I'm sorry, in 2002 in Brooklyn, they were certified in that zone. That certification gets transferred over to the new regionally significant project designation.

Each year companies that are certified in the zone have to submit a business annual report which dictates and lays out their job creation, what they started with and where they are and what they've created, as it's reflected on their taxes, on their corporate taxes. We review that to make sure that they're in compliance with the approval that we received from New York State and that is then -- that data is then submitted to New York State for comparison to the finance and taxation reports and their corporate income tax and the Department of Labor of New York State compares that to what's on roll for them.

LEG. D'AMARO:

So there is, in effect, some monitoring of the representations that were made at the time of

application.

MS. FAHEY:

Yes, there is.

LEG. D'AMARO:

And if you don't meet those minimum standards, is the Empire Zone designation rescinded?

MS. FAHEY:

It can be. There's an opportunity for the company to --

LEG. D'AMARO:

There's a procedure for that?

MS. FAHEY:

To appeal if there's a -- but yes, there is the opportunity to --

LEG. D'AMARO:

Well, I wouldn't expect it to be, you know, just summarily done, there would have to be a process to do that.

MS. FAHEY:

There is the opportunity for the Zone Board and for New York State to repeal the certification, correct.

LEG. D'AMARO:

And this is coming to Deer Park in the Town of Babylon, this business; is that correct?

MS. FAHEY:

Yes, correct.

LEG. D'AMARO:

What's the target job creation by moving from Brooklyn into Babylon?

MS. FAHEY:

There's 183 new jobs that are moving out, 56 are new to the zone.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Just briefly, and just to reiterate some of the comments that Legislator D'Amaro just mentioned. There was 183 jobs that are going to be created in Suffolk County; would you consider that a large business, a mid-sized business or a small business?

MS. FAHEY:

These days a mid-sized to, you know --

LEG. HORSLEY:

Mid-sized.

MS. FAHEY:

Mid-sized, yeah, plus.

LEG. HORSLEY:

It's a mid-sized corporation --

MS. FAHEY:

It's a good sized corporation.

LEG. HORSLEY:

-- that is a manufacturer in Suffolk County and certainly those very are the types of businesses that are the backbone of our economy. As I agree with Legislator Alden, often times we forget the small guys. Well, these are the small guys that we're helping manufacturing and bringing jobs to our County and I think this is -- that's terrific.

And in relation to Legislator Barraga's comments concerning the Empire Zone, there has been a lot of problems with the Empire Zones, however in Suffolk County, whether it be the towns and/or the County, we've had good successes with creating jobs.

MS. FAHEY:

Yes, we have.

LEG. HORSLEY:

And that our companies have not fallen into the same traps that have been Upstate.

MS. FAHEY:

Correct.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Legislator Alden, you might have missed just part of the theme of my comment. My comment was that's nice that these people are going to create new jobs here. How about the people that created those jobs 15, 20, some of them 50 years ago and they continue to pay no full tax, no benefits, no help from any government entity, yet they still remain in Suffolk County? And they've created those jobs, though, in the past.

LEG. HORSLEY:

Yeah.

LEG. ALDEN:

So they're not getting the breaks that somebody now is going to go and enjoy for a number of years. That was my point.

LEG. HORSLEY:

Okay, and thank you for your clarification. Just again, we have to grow our economy and that's what we're trying.

P.O. LINDSAY:

Anybody else? Seeing none, we have a motion and a second; am I right, Mr. Clerk?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstention: Legislator Alden - Absent: Legislator Montano).

P.O. LINDSAY:

Okay. Before I continue with the agenda, I had a message this morning from our Sheriff, he wanted to know if we would like him to come and answer --

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

-- a number of questions about the patrolling of the Long Island Expressway with Deputy Sheriffs and the answer was in the positive, I sent back to him yes, we would. I see Mr. Sharkey in the room; are you here to represent the Sheriff or is he coming later, do you know?

CHIEF SHARKEY:

I will -- I'll call him for you; if he's not, I would be glad to --

P.O. LINDSAY:

Okay, okay. So maybe we'll hear from you later. Okay, thank you.

LEG. BEEDENBENDER:

That's not an assignment I would take with excitement.

P.O. LINDSAY:

Environment, Planning & Agriculture:

Okay, **1711-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended, by Local Law No. 24-2007 - Medford Gardens Property, Town of Brookhaven (SCTM No. 0200-631.00-03.00-002.001) (Eddington).**

LEG. EDDINGTON:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Legislator Losquadro.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Is there somebody here that can answer a couple of, you know, basic questions on this proposed acquisition? All right, in order for us to vote intelligently on these type of resolutions, and I did put a

resolution in that would require the disclosure of information, but that seems to be bottled up. And I'm a little disappointed that some Legislators would not want to see more information, would want to stifle information and stifle the debate on whether we should buy these properties and what the true costs are and whether the County has a plan even to go and do anything proper with these properties. But the basic things, are the taxes paid, the owners of the property, what the plan is for this property, the stew -- what kind of a stewardship plan is there, do we have enough Police to take in these type of properties; do we have answers to those questions? And that's only the start of the questions.

DIRECTOR KENT:

Well, this is a planning steps resolution. These are some of the questions that would be asked and answered by the Planning Department as we undertake planning steps.

LEG. ALDEN:

Well, actually, I'm disappointed in that answer because we have a Master List of properties that we want and I -- and when you assume, you make an ass out of you and me, but I made the assumption that for something to be included on the Master List and for us to go after, we fully talked to County departments, towns and saw where it fit into our plan.

DIRECTOR KENT:

This is not a Master List item, that's why you're adopting a separate planning steps resolution because it's not on the Master List.

LEG. ALDEN:

And how did it fit into the Master List, or there's no discussion as to whether it does or doesn't.

DIRECTOR KENT:

It's not our resolution, so I can only answer that it's not on the Master List. You're -- the Legislature is considering whether to add it, really, to the Master List by adopting a planning steps resolution.

LEG. ALDEN:

Okay. Then maybe I'll just -- through the Chair, can I just address a couple of questions then to the sponsor?

LEG. EDDINGTON:

Me?

LEG. ALDEN:

How do you see this fitting into, you know, the plan?

LEG. EDDINGTON:

This is -- if they had extended the Pine Barrens, this would be part of it; it's just it's a little west of where the Pine Barrens begin, maybe a half a mile. It's been -- in the Town of Brookhaven, if you've looked at the development in the last 20 years, it's almost totally built out. This happens to be 55 acres; I know it because I lived a half a block away from it for 17 years and my kids, it was the only area they could go riding their bikes and walking in woods, and I moved from the city to get woods.

LEG. ALDEN:

So you want to see it included as open space.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Okay. And --

LEG. EDDINGTON:

And it is in a major -- I forgot all the terminology, but it's in an area that will help us.

LEG. ALDEN:

So Jack, you might not know the question -- the answers to the question, if you don't, that's fine, too, we can look them up, you know, at a later date if it gets passed. Do you know if the taxes are paid on this property?

LEG. EDDINGTON:

Yeah, my understanding is that regionally we had owned it, years ago, and somebody else purchased it and now we're just getting it back.

LEG. ALDEN:

So we owned it, sold it, and now we're going to repurchase it.

LEG. EDDINGTON:

Right.

LEG. ALDEN:

Do you know what the zoning is? And that leads to --

LEG. EDDINGTON:

No, I don't have the answer to that.

LEG. ALDEN:

Okay, because I was quite disappointed, either last meeting or the meeting before that, we brought property that was down-zoned into multi-family use and we're going to buy it for open space. So we paid a premium over -- really it's premium on top of a premium if we're going to use property as open space. Do you know how it fits in with our Park Police? There's a requirement, X number of acres, you have to have X number of Park Police; do you know if by purchasing this we'll be within that same ratio?

LEG. EDDINGTON:

No, I don't have the answers to that.

LEG. ALDEN:

Okay. All right, and -- all right, thank you.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Very quickly. Legislator Alden, listening to your questioning, I think I would be asking a lot of those same questions and I know that you have some legislation that's pending in one of the committees that would try and start to require that this information come to us so we can make informed decisions and I am always an advocate for having more information rather than less information and I support you in that. However, I question whether we should really delve into all of that at the planning steps stage or maybe wait for the authorizing to purchase resolution, only because to use all those resources and then reach out to an owner and find out that, in fact, the property -- the owner is not willing to sell, it might be a waste of resources.

LEG. ALDEN:

Can I just respond quickly?

P.O. LINDSAY:

Go ahead, Legislator Alden.

LEG. ALDEN:

I agree with you. The only problem I see, though, is that if we approve this, we're going to put in motion where time and energy and maybe even some money is expended on the part of Suffolk County to look and see if this actually fits in the plan and if we want to buy it, if there's willing sellers. So if the property is something that I wouldn't support purchasing, I would like to know that sooner rather than later before we spin our wheels and actually use very, very important resources to go out and find out that, you know, we don't really want it. So that's why I would like to see the questions asked and answered early in the process rather than later in the process because we're all jammed up. And I know that over in the County Attorney's Office, they're -- time is at a premium and they're going to expend some time on this, Real Estate is going to spend time. So that was my point.

P.O. LINDSAY:

Okay, anybody else? Seeing none, we have a motion and a second, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator Montano)..

P.O. LINDSAY:

1760-08 - Approving planning steps for the acquisition of farmland development rights - July 2008 (SCTM Nos. 0600-045.00-01.00-013.003 and 0600-136.00-01.00-002.000 p/o) (County Executive). Who wants to make the motion?

LEG. LOSQUADRO:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the question, somebody -- Mr. Schneiderman, you're the head of Environment, could you enlighten us on this acquisition?

LEG. SCHNEIDERMAN:

I think this was the -- this was an add-on, I think. They call this a Master List, it's really just two additional properties being added on to the farmland list.

P.O. LINDSAY:

It is the two separate parcels that were lumped together in one resolution?

D.P.O. VILORIA-FISHER:

Yes, right.

P.O. LINDSAY:

I think they were both in the Town of Riverhead?

LEG. SCHNEIDERMAN:

I think that's correct.

D.P.O. VILORIA-FISHER:

Yeah.

P.O. LINDSAY:

Okay, 90 acres in total. All right, any other questions on this issue? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Montano).

P.O. LINDSAY:

1780-08 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Terry Girls Realty, Inc., Property, Town of Riverhead (SCTM No. 0600-066.00-02.00-017.000) (County Executive). And Legislator Romaine makes the motion.

LEG. ROMAINE:

Not only would I like to make that motion, but on 1760, the one we just voted on, I would like the Clerk to list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Do we have a second to --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Okay, just briefly, and I guess Budget Review, my question would be directed to you. How much is this acquisition?

MR. REINHEIMER:

It's a total of 14.16 acres for a purchase price of \$1,231,920 which comes to \$87,000 per acre.

LEG. ALDEN:

Okay. And that's for the development rights, correct?

D.P.O. VILORIA-FISHER:

Uh-huh.

MR. REINHEIMER:

Right.

LEG. ALDEN:

Which would --

MR. REINHEIMER:

Correct.

LEG. ALDEN:

Okay. Is this currently being farmed as an active farm?

D.P.O. VILORIA-FISHER:

Here comes Chris.

LEG. ALDEN:

Or a horse farm, whatever?

P.O. LINDSAY:

I'm going to defer to Mr. Kent, if that's all right.

DIRECTOR KENT:

Yes, this is an active farm.

LEG. ALDEN:

Do they have any intentions of walking away from the business?

DIRECTOR KENT:

We don't really inquire as to whether they have intentions of walking away from the business. We're trying to purchase the development rights to preserve it as a farm, if that --

LEG. ALDEN:

Okay. But it's an add-on, so it wasn't on our Master List of farms that we wanted to preserve. This is an add-on?

DIRECTOR KENT:

Farms are done individually, we don't really have a Master List of farms. There's a farm belt that we are interested in, so. This is not an add-on, no, in that sense. This is not -- these aren't planning steps, this is authorizing the acquisition now.

LEG. ALDEN:

No, I know, we're going to spend money here, a lot of money, right, over a million dollars? Am I correct, it's over a million dollars?

DIRECTOR KENT:

Yes, it's a million two, roughly.

LEG. ALDEN:

Now, when we give them the money, is there a requirement that they keep farming or keep whatever they're doing?

DIRECTOR KENT:

Yes.

LEG. ALDEN:

And what happens if they don't?

DIRECTOR KENT:

If they don't; well, we under Chapter 8, I don't know the remedy that we have to keep them farming after we purchase their development rights. It has to be an active farm at the time we buy the development rights, but I don't think we can force them to continue to farm it in perpetuity if that's your question.

LEG. ALDEN:

Okay. So what's the purpose of a -- what's the purpose of our farmland acquisition program, or development right program?

DIRECTOR KENT:

The purpose is to maintain farming agriculture as an industry in Suffolk County.

LEG. ALDEN:

But they can go out of that business.

DIRECTOR KENT:

Well, they can't put the property to another use, if that's your question. They can either farm it or allow it to go fallow, but they can't do something else on the property.

LEG. ALDEN:

Have we ever looked at options on a property? And I mean almost like a perpetual option, that if they ever wanted to get out of the business instead of buying it like we do with the development rights, to just buy an option on their property, to be able to buy it, be the first purchaser? Because it seems to me that we want to maintain a certain, whatever you want to call it, aesthetics in Suffolk County, we liked the idea that we were, at one time, one of the leading agricultural counties in New York State.

DIRECTOR KENT:

We are still the number one --

P.O. LINDSAY:

We still are.

LEG. ALDEN:

Number one.

DIRECTOR KENT:

-- agricultural County in the State of New York, yes.

LEG. ALDEN:

But we have no mechanism to keep them, you know, like productive as far as farmland. So it could end up as open space.

DIRECTOR KENT:

That's a policy issue. I can't really -- I can't really decide how you intend to go forward with the program.

LEG. ALDEN:

Okay. Do we go back and review what happens with these farms, ever?

DIRECTOR KENT:

We keep track of the farms, yes.

LEG. ALDEN:

So how many have stopped farming, do we know?

DIRECTOR KENT:

I can't tell you off the top of my head. You want us to --

LEG. ALDEN:

Okay, but there are some?

DIRECTOR KENT:

You want us to put together some type of an estimate of how many acres that have been preserved for farmland that have now been -- are no longer maintaining agriculture as an industry, is that what you're saying?

LEG. ALDEN:

Yeah, something like that. And then do we, in turn -- for instance, if we buy this property or buy the development rights, a couple of years from now they stop farming, it's just laying there fallow, they can't develop it; do we ever go back and look at that as a purchase for open space?

DIRECTOR KENT:

No.

LEG. ALDEN:

I know you wouldn't have that off the top of your head, but --

DIRECTOR KENT:

No. There have been some negotiated deals where the towns buy the underlying agricultural value. All that remains on this agricultural value. They're going to have property that cannot be developed and can be farmed or lay fallow. If the family chooses to allow it to lay fallow, they're basically reducing the value of their asset, because the only other use it could be put to is agricultural production.

LEG. ALDEN:

And they still pay taxes on it as a farm, right?

DIRECTOR KENT:

They pay a very reduced tax based on that it's got only ag use available to it.

LEG. ALDEN:

So when we buy the development rights, we actually reduce their property taxes?

DIRECTOR KENT:

You can reduce it in a couple of ways. If you go into an ag district, whether or not you sell your development rights you have a reduced tax liability.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Montano).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

LEG. SCHNEIDERMAN:

Tim, list me as a cosponsor.

P.O. LINDSAY:

Forgive me, I'm a little bit late with this. We have like two or three minutes. Would you want to go into the vetoes so Mr. Young, who's been hanging around here, can get out of here?

LEG. ROMAINE:

Sure, absolutely.

P.O. LINDSAY:

Save his client some money, you know.

D.P.O. VILORIA-FISHER:

I agree.

P.O. LINDSAY:

Okay. So I'm going make a motion to take the veto of --

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Out of order.

D.P.O. VILORIA-FISHER:

1747.

P.O. LINDSAY:

Resolution No. 646. And second by Legislator Viloría-Fisher.

All in favor? Opposed? Abstention?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Okay, it's before us.

**Resolution No. 646-2008, Cancelling Auction Sale of property
(SCTM No. 0500-441.00-02.00-044.000).**

Do I have a motion?

LEG. BARRAGA:

I'll make a motion.

P.O. LINDSAY:

Make a motion to override?

LEG. BARRAGA:

To override.

P.O. LINDSAY:

Override. Do I have a second --

LEG. ALDEN:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Any discussion? Any discussion? Okay.

I know Mr. Kent passed out some papers; do you want to comment or do you want to quickly, maybe?

DIRECTOR KENT:

Sure.

P.O. LINDSAY:

I'm sure Mr. Kent has a lot to do this afternoon as well.

DIRECTOR KENT:

What I provided you, to the Legislature was a copy of the title report which lists the exceptions within the body of the report and then covered letters attached that the title company, Fidelity, which is the title company that was insuring title, was the proposed insurer for the purchaser, omitting the exceptions that are contained in the report. So the title company is ready to go forward to ensure title.

P.O. LINDSAY:

Okay. Any other --

DIRECTOR KENT:

I have a copy of the full report, if anybody is interested. I only gave you the pertinent pages.

P.O. LINDSAY:

Anybody have any comments; no? I think that probably we've met the standard of our auction process, I just don't know whether we're being totally fair in the process because I think the title is somewhat questionable. And I don't feel good about the gotcha type of deal, you know? I would rather have us deal straight up with people. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to, I guess, add my two cents to what you just indicated, Mr. Presiding Officer. I'm sure under the agreement the County has an obligation to provide insurable title, and Mr. Kent is representing that that has been met. But stepping away from the legal argument, on a policy level we should be delivering clear title, not a clouded title with an insurance company willing to take a risk for a fee, especially in times when we're not sure if that insurance company will even be there

tomorrow. I just don't think it's a good direction for us to go on a policy level, so I'm going to support the override.

P.O. LINDSAY:

Okay. Okay, nothing else? We have a motion to override and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BEEDENBENDER:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Beedenbender - Absent: Legislator Montano).

P.O. LINDSAY:

Thank you.

All right, with that, we've reached the bewitching hour. I'll make a motion to recess for lunch. We'll be back at 2:30. Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

LEG. LOSQUADRO:

No picture?

P.O. LINDSAY:

No picture, no picture; we only have 17.

(*The meeting was recessed at 12:32 P.M.*)

(*The meeting was reconvened at 2:36 P.M.*)

P.O. LINDSAY:

Could I have all Legislators to the horseshoe please. Mr. Clerk, please call the roll.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Absent).

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen. Fifteen, check that (Not Present: Legislators Romaine & Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

Okay, welcome to the Public Hearing portion of our meeting. First up is **Public Hearing on IR 1272-08 - A Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores (Schneiderman)**. I have a couple of cards here. Herbert McKay? Mr. McKay, are you here? Mr. McKay?

LEG. SCHNEIDERMAN:

He's not here.

P.O. LINDSAY:

No, I don't hear anything from Mr. McKay, I'll just put it on the side. And Elaine Kahl? They were both here this morning.

LEG. SCHNEIDERMAN:

I don't think they wanted to come comment on this.

P.O. LINDSAY:

Huh?

LEG. SCHNEIDERMAN:

They signed up for this Public Hearing?

P.O. LINDSAY:

1272. Okay, I'll skip over -- well, I don't have anybody else to skip over to.

LEG. BEEDENBENDER:

They're not here.

P.O. LINDSAY:

What do you want to do, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Close it.

P.O. LINDSAY:

You want to close. Okay, we have a motion to close. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy & Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

1272 stands closed.

Public Hearing on IR 1358-08 - A Local Law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles (Cooper). Let me just check. It doesn't appear that I have anybody for 1358.

Is there anyone in the audience that would like to speak on 1358? Seeing none, and the sponsor is isn't here.

LEG. D'AMARO:

Motion to recess at the request of the sponsor, Mr. Presiding Officer.

P.O. LINDSAY:

Okay, thank you very much, Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

And seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy & Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR 1499-08 - A Local Law to require that Probation Department Employees use County vehicles while conducting County business (Losquadro). I 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 Losquadro?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy & Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

Okay, **Public Hearing on IR 1673-08 - A Local Law to establish a minimum altitude for operations of helicopters (Romaine)**, and we have a few more cards.

LEG. ALDEN:

Oh, how did you guess?

P.O. LINDSAY:

First is Peter Borneman? Peter, are you here?

MR. BORNEMAN:

I'm here.

P.O. LINDSAY:

Thank you. Oh, it looks like I got two cards from you, Peter; did you fill out two cards?

MR. BORNEMAN, SR.:

No, one's my son.

P.O. LINDSAY:

Oh, okay.

MR. BORNEMAN, SR.:

Second generation.

P.O. LINDSAY:

Okay, very good.

MR. BORNEMAN SR.:

I would like to say thank you for exempting us from the initial legislation; appreciate that. We'd also like to go on record saying that this legislation should be put down and forgotten about because it's a waste of time for everybody. The exaggerants sic) are just exaggerating most of the stuff. They

do have some life issues, as we do too. Sunday at ten o'clock in the morning a helicopter came over, the large helicopter, the large white one, came over my house at about 500 feet leaving Islip McArthur Airport doing a departure and none of my windows rattled, none of my nicknacks nickknacked. You know, it's really not a quality of life issue like they're saying, it just seems to be exaggerants.

At the same time, the weekend before I had three National Guard Helicopters in formation go over, none of my windows rattled; my house is 80 years old. So these people probably need good contractors before they need that. And I think that if we start doing the legislation for this, what's going to be next? They're going to start getting you guys doing everything just on all this little petty stuff. You guys have enough to do without wasting your time doing this other stuff.

P.O. LINDSAY:

Mr. Borneman, I'm sure we'll find something that will be next.

MR. BORNEMAN, SR.:

You can always come and help me work. But I'd like to go on record saying that I think it should be done away with.

P.O. LINDSAY:

Thank you for your comments.

MR. BORNEMAN, SR.:

And as far as the turtles are concerned, nobody can go about their business with two people gawking at you.

P.O. LINDSAY:

Peter Borneman, Jr., I guess.

MR. BORNEMAN, JR.:

I also just wanted to say thank you for excluding us from the original legislation. And I also go on record saying that this is really -- I don't recommend this legislation. It's not going to do much for anybody because -- even though you don't have the jurisdiction, people are just going to start complaining about it and make more and more work for you and for us, so.

P.O. LINDSAY:

Just an observation, we've been just joined by Legislator Kennedy, he was out looking at the turtles.

LEG. KENNEDY:

Absolutely; eyeball to eyeball.

MR. BORNEMAN, JR.:

But if this is a problem for the turtles, we may put it towards the deer over in Calverton and maybe it will help us with the problem over there, too.

P.O. LINDSAY:

Okay.

MR. BORNEMAN, JR.:

Thank you.

P.O. LINDSAY:

Gene Polito. Mr. Polito?

MR. POLITO:

Thank you for letting me speak. First of all, I produced a 33 minute film on this, and I gave a copy

to Legislator Schneiderman and Legislator Romaine. And I have a few comments which are in direct opposition to my previous speakers.

How is it that anyone in aviation from afar can come into our area and impose their business ambitions upon thousands of people without having to get any permission, without having to follow any rules? It seems there's only one unwritten rule and that's not to bump into another aircraft.

When officials are asked about controlling noise, flight paths, altitudes, types of aircraft, hours of operation, the number of flights, their answer is, "We have no authority." Pilots operate with seemingly no oversight and total immunity. The seriousness of their impact on people's lives, on wildlife, on environmental pollution, as evidenced by years of continuously growing press releases and thousands and thousands of complaints. Helicopter noise complaints have more than doubled in the last year. An FAA study says that helicopter noise can't cause sleep deprivation; tell that to someone who's been awakened at 5 or 6 AM, I know, it's happened to me many times. The problem is not just with helicopters. In fact, fixed-wing aircraft are typically flying lower than helicopters, many at four to 700 feet while most helicopters are at approximately eight to 1,100 feet. And don't think for one moment those light aircraft are not loud.

The East Hampton Noise Complaint Line is now asking the caller to identify the type of aircraft they're calling about. This can't be accurate because one cannot always see the aircraft. If you're outside in a heavily-treed area, you can't always track the aircraft through the trees but expect to identify them by sound, and if you're inside it's total guesswork to the type of aircraft that you're hearing. You now have to become a sound notification expert. Could this be an effort to diminish helicopter complaint numbers?

Many suggest spreading the flight paths so the same people don't take the brunt of the problem. Isn't that just spreading the misery? It is not dislogic (sic) to suggest to fly over water, take the shortest route over land to East Hampton Airport, that would be the Georgia, Capon area. East Hampton Airport Manager, Jim Brundage told me he didn't get one complaint when that route was used. I recently heard that Senator Schumer is discouraging using that route and if this is true, I wonder why.

Many seem to think that flying at 2,500 feet will solve the noise problem; it won't. I repeat, it won't. Jim Brundage also told me a year ago that he was asking pilots to fly 3,000 feet, that's a year ago. From my experience monitoring these flights, I feel that it's the minimum to start to experience some relief. Some helicopter manufacturers suggest a minimum height of 3,000 feet over sensitive areas, from the manufacturers. Well, obviously these pilots are not listening.

In a recent letter to the East Hampton Star, Peter Wadsworth of the East Hampton Noise Abatement Committee wrote, "Since 2003, when Bill McGinty and Peter Hamero promised a noise abatement program at least as aggressive as Naples, Florida, helicopter traffic has increased over 84%. At current growth rates, helicopter traffic could quadruple in the next 20 years. Just imagine. Yet the Town Board has no plans to stop the growth and discussions about noise abatement at Town Board work sessions have been few and far between.

On September 3rd, the East Hampton Independent reported that the Town Supervisor took significant campaign contributions from both pro and anti-airport factions. The airport problem is very clear and should not be politicized. I'll bet dollars to donuts, if this issue were voted on, the result would be a resounding no airport.

Clearly, East Hampton is not properly addressing these issues and some of their recent suggestions actually seem to support airport expansion. Some pilots have responded by saying we ground-pounders are whiners, that they can do what they please and their licenses would not be in jeopardy. We're not whiners, we're objecting to blatant abuse. Why is this taking so long to address? When is the will of the people going to be put first? Is it about money? It probably services about one or less percent of our population. We don't need them for economic stability.

P.O. LINDSAY:

Mr. Polito --

MR. POLITO:

A true solution would be to ban state II aircraft which includes jets and helicopters and regulate flight patterns and altitudes of light aircraft. Do not expand the airport.

P.O. LINDSAY:

Mr. Polito, could you wrap up?

MR. POLITO:

Yeah, I have about six more sentences. No fly zones have been established elsewhere in sensitive areas. Why not here? The only recourse the thousands of us -- the rest of us have is to ask you to do something. This panel is so necessary and long overdue. I applaud Legislator Romaine's initiative and sincerely hope you don't adopt compromised, feel-good measures but instead put forth binding regulations that actually solve the problem. Thank you.

P.O. LINDSAY:

Okay. David Acker?

MR. ACKER:

Thank you for having me. As I said last time, I think that because the proposed law is preempted by Federal law, it would only wind up costing the taxpayers a lot of money and ultimately wouldn't solve the program -- problem. So I would urge the Legislature to take a step back and instead of rushing to a law that ultimately can't work, try to study the program -- problem and try to come up with a set of suggestions they could take to the FAA through our Senate and approach it a bit more slowly.

I also spoke on my own behalf last time as a hobbyist, as somebody that flies a very light helicopter, under twenty-five hundred pounds, it doesn't make noise that disturbs folks. That there are a set of guidelines for flying in a friendly, neighborly fashion that are adopted and can be adopted by others in this class of aircraft.

And I would urge to you exempt smaller, lighter ships that don't produce a noise problem. Thank you.

P.O. LINDSAY:

Thank you, Mr. Acker.

D.P.O. VILORIA-FISHER:

Could I just mention something?

P.O. LINDSAY:

Mr. Acker, if you would mind putting up with a question from Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

No, just very quickly, that we -- I just wanted the speakers to know that actually this legislation has led to a very good meeting that we had with representatives of both of our Senators and Congressman Bishop's Office and represented -- the Helicopter's Association was also represented, and I think that we made some movement forward.

So we're trying all of the ways that we can find to remediate the issue.

MR. ACKER:

I appreciate that, Representative.

P.O. LINDSAY:

Okay. Robert Grotell.

MR. GROTELL:

Yes, good afternoon. And thank you again for the opportunity to speak before the body.

On behalf of the Eastern Regional Helicopter Council, I just wanted to again state our opposition to the proposed bill. The bill will -- without any question, will not provide the relief to those affected people who do need some form of relief on this issue. It is unenforceable and, as I said before, it is preempted by Federal Law. Instead, we certainly ask that you work with the industry. As Legislator Vilorio-Fisher said before, we had a very good meeting last week. From the industry's side, we feel we had made some progress in urging the need to vary the routes to reduce the concentration of aircraft up on the north shore.

I just want to go over, if I can, a little bit of statistics that we've been able to compile since the last hearing. For the month of August the Helicopter Council's hotline, we have a toll-free hotline, we received 425 helicopter noise complaints during that month; again, August. Of the 425 calls, they were from 83 telephone numbers. And of the top ten of those 83, the top ten represented 66% of all the calls. So I just wanted to make mention of that.

Also, last time it was discussed about the issue that we could not see what the public radar data was all the way out to investigate the issues further east in Miller Place. The Helicopter Council has decided to purchase that data ourselves. I already have access to that and I was able to conduct an analysis of the Labor Day weekend with the new data. What I did find for the 28th and the 29th of August and the 1st and 2nd of September, over the weekend, I was able to observe 125 helicopter operations. And again, I'm not looking at all of them, I'm looking at every 15 -- four times an hour and I'm just checking to see on the screen how many helicopters I'm observing, their altitudes. Of the 125 operations I observed, 116 or 93% were in compliance with the voluntary noise complaint procedures. The average altitude from the Nassau Suffolk border are all the way out of Mattituck was twenty-seven hundred feet.

And then lastly, I just want to talk about the growth rates. This year is down, helicopter traffic is down this year from last year. East Hampton Airport has experienced 11% drop in helicopter operations. The Southampton Heliport down by the beach is down 50%, 50 percent, from two years ago. And Westhampton is up 10%, and my review is that that's due to the hours of operation change at Southampton that has resulted in that 50% drop. So I just wanted to thank you again for the opportunity to speak before the body. Thank you very much.

P.O. LINDSAY:

Mr. Grotell, Legislator Romaine would like to ask a question.

LEG. ROMAINE:

Just a quick question of my colleagues. With this data, you or anyone else, because my aide also did this -- in fact, he contacted you about one of the low-flying helicopters.

MR. GROTELL:

Yes.

LEG. ROMAINE:

But you can actually track the altitude of every helicopter and identify which helicopter is flying at which altitude; is that correct?

MR. GROTELL:

It's not every aircraft, it's only those aircraft that are transmitting Mode S Data. And of those that are transmitting it, I know what the end number is, and knowing the end number I can figure out who the owner of the aircraft is.

LEG. ROMAINE:

What percentage of helicopters flying -- let's take commuter helicopters, I'll make it easy -- have that ability?

MR. GROTELL:

I don't have that answer, I can guess, though. And I'm going to say that it's --

LEG. ROMAINE:

Okay, educated guess.

MR. GROTELL:

It's between 50 and 75% have the Mode S, from what I've seen on the data.

LEG. ROMAINE:

Okay. Right, because I know some people said that an altitude requirement is unenforceable and you've just proven that it's not because we can track the altitude of those with --

MR. GROTELL:

Well, the radar data of all objects, the altitude is transmitted back to the viewer.

LEG. ROMAINE:

Right.

MR. GROTELL:

What is not transmitted back on those non-Mode S aircraft is who it is. So I don't know, is it a fixed-wing, is it a helicopter, is it a seaplane; "I don't know, it just says GA"

LEG. ROMAINE:

Right, but they have transponders in them. And you -- even by checking the transponders, even if you didn't want to station someone out there to do an altitude check, and there are instruments that do that, if you just wanted to use the computer and look at the transponder you could make determinations also.

MR. GROTELL:

Well, the transponder is what is transmitting the altitude.

LEG. ROMAINE:

Right. Thank you.

P.O. LINDSAY:

Okay. Thank you very much.

MR. GROTELL:

Okay, thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone else in the audience who would like to address us on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

I'll make a motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Who was the second? I'm sorry.

LEG. LOSQUADRO:

I'll second.

D.P.O. VILORIA-FISHER:

Losquadro.

P.O. LINDSAY:

Oh, okay. Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Cooper - Absent: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1749-08 - A Charter Law to cap County fee increases

(Schneiderman). I have no cards on this. Is there anyone in the audience that would like to speak on this subject? Seeing none Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I need to recess it, I'm amending the bill a little bit.

Motion to recess.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second, Beedenbender; okay, Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR 1750-08 - A Local Law to increase and improve gasoline price

notification to consumers (Losquadro). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:

I'm going to make a motion to recess. I'm working with the Gasoline Retailers Association and the change we make may be substantive enough that it would require a new public hearing, so I'm going to recess it for the time being.

P.O. LINDSAY:

Okay, thank you. I have a motion to recess, I'll second that.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen

P.O. LINDSAY:

Public Hearing on IR 1769-08 - A Local Law to provide parking for "Clean Pass" Vehicles at County Facilities (The Green Spaces Program) (Horsley). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to recess, I have a little more tweaking to do.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Cooper - Absent: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR 1791-08 - A Local Law prohibiting the distribution of plastic carry-out bags by retail stores (Viloria-Fisher). I have a number of cards. First is Jane Fazullo; Fasullo? Jane, I hope I pronounced your name correctly.

MS. FASULLO:

Close enough. It was close enough. I'm here as an individual and as a representative of The Sierra Club, Long Island. It's a personal motivation that has me standing in front of you rather than my job with the club; and I am a volunteer, by the way, with the club.

I have lived near the waters of Long Island and on the land all my life; I won't tell you how many years that is because I won't give that secret away. But as I've grown up, I've seen the damage done by plastic bags and I really strongly feel they should be eliminated. Now, I can stand here and quote fact after fact for you, I have tons of information if you're willing to see it and hear it. But my major reason for being here I think is because I did something that most people would not have taken the time to do; I decided to find out if it was just me in my wacko state that felt so strongly about the plastic bags and the need to eliminate them. And so in my job as a Sierra Club outreach person, I go to various locations throughout Long Island and I decided to take a small survey along.

For the most part this stood on the table in front of me and people could or could not come over and sign it. My Sierra Club sign was not always at that table. I've done a summary of the results of the public that signed this petition, and I know all surveys are subject to where the information comes from. In answering that question, it comes from three locations and it would have been more except that I learned about this plastic ban bill and felt that possibly my efforts were being wasted. So I had a survey of 57 volunteer people who signed, the options on the survey included nothing to be done, a tax on plastic bags, the stores charging for the plastic bags since, in fact, it does cost them to purchase them, and a ban. It did not include a rebate system because we have that now and it has been very unsuccessful to my own surprise, I discovered that 63% of the people who responded on the survey wanted nothing but a ban. It is also true that 11% of the respondents did not want a ban, they wanted something else instead.

Representatives on the survey come from Islip, Sound Beach, Mt. Sinai, Manorville, Stony Brook, Port Jefferson, Selden, Sag Harbor, East Hampton, Southampton, Ridge, Deer Park, Medford, Bay Shore, Northhaven, Huntington Station, Riverhead and many more, I could go on. This is not a survey of some small group of people, it represents, I believe, a fairly common need amongst the people of Long Island to do away with the bags. Most people have learned already to carry a bag to BJ's and Costco and most of them understand that they can and will do that when they go grocery shopping. Thank you.

P.O. LINDSAY:

Thank you, Jane. Bill Paladino.

MR. PALADINO:

Good afternoon. I -- for the record, I support the bill which bans plastic bags in Suffolk County. I'd like to call your attention to how we're spoiling the environment by way of a short story that I heard on national public radio some time ago. There's also a one-page description of it which I can leave with you for later.

I'm sure you're all very busy and you probably missed the four minute long story that was on NPR about a plastic island in the Pacific Ocean. Briefly, there's an island in the Pacific Ocean twice the size of Texas and approximately 200 feet deep, it is made up of plastic refuse. It just so happens that the currents in the Pacific Ocean create this Island from all the plastic bottles and bags that we throw out and makes its way out to this Island. Ocean currents feed this and it's sitting there and it's regularly visited and checked out and it's growing. Now, I'm sure all the plastic bag manufacturers who are here and supporters of having plastic bags in grocery stores and retail shops will say, "Well, you know, that Island is not here, it's out in the Pacific Ocean someplace." Well, that's not good enough.

I take a plastic bag into Stop & Shop and Waldbaum's and the supermarkets and every time I go past the check-out lines there are racks of plastic bags and they've been there for about -- racks of reusable tote bags and they've been there for about three or four years now and people regularly pass them up and nobody buys them. It would be very easy to alter their purchasing habits simply by picking up a couple of plastic bags for a dollar. Some of them are very stylish, they don't look terrible, and that would be the best way to substitute plastic bags which have been found to kill wildlife and spoil the beaches. It's time that we ban plastic bags in Suffolk County. Thank you.

LEG. BARRAGA:

I have a question.

P.O. LINDSAY:

Mr. Paladino, Legislator Barraga has a question for you.

MR. PALADINO:

Yes.

LEG. BARRAGA:

Let me ask you a question. When I get on line at Stop & Shop or King Kullen, usually I'm in there to pick up four or five different items and, you know, am I going to remember to bring a bag with me so that I can take those groceries and put them in that bag?

UNKNOWN AUDIENCE MEMBER:

Yes.

LEG. BARRAGA:

Or as you pointed out, you know, I could probably buy a bag or -- you know, I also noticed the people in front of me, there used to be just cash-only registers, now they've sort of disappeared and people use their credit cards or debit cards to buy groceries; sometimes I get the feeling they do that because they don't have the ready cash, much less a couple of bucks for a bag. I mean, can understand from an environmental perspective it's just not practical. We had a bill in here a couple of months ago which I think passed into law which said that if you take a plastic bag, you bring it home, you bring it back, you can put it into a bin.

LEG. HORSLEY:

Yeah.

LEG. BARRAGA:

Mr. Horsley's bill, he just reminded me; which I didn't support either, but.

Laughter From Audience

It makes him feel better. This is even more cumbersome. I mean, I understand where you're coming from but the practicality. Most male --

MR. PALADINO:

Well, you know --

LEG. BARRAGA:

I'll give you a good -- most male husbands when they go in, you know, the wife says, "Stop by, pick up a couple of loaves of bread, milk, eggs," you know, we don't -- I don't care really too much about where my bag is in my car so I can bring it in to pick up -- I just want to go in, get the stuff, get a plastic bag or whatever it is, paper bag, and get out of there.

MR. PALADINO:

You can keep a plastic bag in the trunk, a non-plastic bag, a tote bag in your trunk. You'll get used to it after a while, you shop enough, your habits --

LEG. BARRAGA:

With all due respect, I just don't think the idea is practical.

MR. PALADINO:

It has nothing to do with age because I'm almost as old as you --

LEG. BARRAGA:

I think when you go in there and you buy something in a supermarket, you expect the supermarket to furnish you with some sort of a package to put the groceries in. I mean, I'm only aware of Costco, for example, when people -- when they shop there, though, they're buying --

MR. PALADINO:

They bring their own bags.

LEG. BARRAGA:

-- hundreds of dollars worth and they're putting it in boxes or something. But for the average supermarket where you're going in and you're picking up four, six or eight items or maybe a hundred dollars worth of groceries, it's difficult I think for people to have bags ready-made bags that they've paid for to stack those groceries in. It just doesn't make a lot of sense.

MR. PALADINO:

Have you seen pictures of wildlife and fowl who have died and come up on the beaches?

LEG. BARRAGA:

We all have.

MR. PALADINO:

Okay.

LEG. BARRAGA:

But I'm talking about, you know, a population of --

MR. PALADINO:

We have to stop it someplace.

LEG. BARRAGA:

-- twenty million people in New York State, roughly 1.5 million in Suffolk County, the practicality of think I just don't think it's there.

MR. PALADINO:

Okay. Thank you.

P.O. LINDSAY:

Wait, Mr. Paladino, you must have jogged somebody's memory because Legislator Eddington wants to talk..

LEG. EDDINGTON:

Well, I want to thank you for that suggestion. And I do carry a couple of bags in my car and other modes of transportation and I just wanted to let our, you know, economically-conscious Legislator that King Kullen gives you five cents off each bag you bring with you, so you can actually save money on your purchase if you will remember to bring a bag. And I'll ask Mr. Kullen to give the Legislator a bag so he can remember.

MR. PALADINO:

Thank you.

D.P.O. VILORIA-FISHER:

I'll give him a bag.

P.O. LINDSAY:

I just -- I have a bag in my trunk, too.

LEG. EDDINGTON:

There you go.

P.O. LINDSAY:

But I forget to bring it in the supermarket with me, you know.

LEG. LOSQUADRO:

It's a golf bag.

LEG. HORSLEY:

This true confession.

LEG. NOWICK:

Bill, you've got a golf bag in your trunk.

LEG. STERN:

He doesn't forget that.

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

Just one final comment.

MR. PALADINO:

I'll tell you --

P.O. LINDSAY:

Legislator Barraga.

MR. PALADINO:

You know, for those of you who are style conscious, Waldbaum's has the nicest looking ones. Okay?

P.O. LINDSAY:

Oooh.

LEG. BARRAGA:

I guess from an economic perspective, the point I'm trying to make is that every time you do something like this there's a cost associated with it. I remember, you know, a number of years ago when the bottle bill passed where supermarkets were required to set up these specific areas in their supermarkets for cans and bottles; that was a tremendous burden on many of these supermarkets, not only the cost but in many cases those areas were close to the bakery department or some other department, there was a question of vermin, there were lots of different problems. So every time you do something like this, understand that you may not necessarily meet an economic benefit, there may be a real cost associated with that.

P.O. LINDSAY:

Okay. Legislator Stern, do you have a question for the speaker?

LEG. STERN:

No, just very quickly I wanted to say that just about everything we do around this horseshoe has a cost analysis that goes along with it, but of course it's a cost benefit analysis.

P.O. LINDSAY:

Okay. The only thing I'm going to do is if we could just leave it to questions of the speakers and we're going to have a chance to debate the bill; and I am as guilty as everybody else because I had to talk about my bag in the trunk.

Okay, back -- I have to put my glasses on. Bonnie Betancourt.

MS. BETANCOURT:

Good afternoon. Before I begin, I wanted to ask do I have three minutes or five minutes? I wasn't sure.

P.O. LINDSAY:

Five.

D.P.O. VILORIA-FISHER:

Five minutes.

MS. BETANCOURT:

Five? Okay. All right. I'm here to speak on 1791, the proposed plastic bag ban. My name is Bonnie Betancourt, I'm here today on behalf of the American Chemistry Council and specifically the Progressive Bag Affiliates is an industry group of our plastics division. We represent some of the biggest plastic bag manufacturers in the country and we have an interest in plastic bag issues, as you might imagine. We understand that even though a plastic bag recycling law had been passed only a few months ago, that the resolution was introduced because there still may be lingering concerns about the environmental impacts of plastic bags and that debate continues.

So once again, we are back in Suffolk trying to correct some of the misinformation and misperceptions about plastics, unfortunately that seems to keep getting perpetuated in the public. We heard one speaker earlier say that she wasn't going to use a lot of facts and figures; unfortunately for us that's all we have to rely on because we have to approach this issue objectively and try and not approach it from an emotional standpoint.

Some of the biggest misconceptions about plastic bags to date have been that they are basically

made from oil, that they're wasting precious oil, that they don't biodegrade and that they're clogging up landfills. And going back to the oil conjecture, one of the biggest challenges that we have is constantly trying to correct statistics and figures that we're seeing repeated endlessly in newspaper articles and throughout other media outlets. I wanted to say that we don't know where the 12 million barrels of oil figure came from. We see that repeated throughout endless legislative bills, resolutions at the local level, even State Legislative bills across the country, it's been picked up and it's been shared. But as an industry, we have not been able to verify where that figure came from because it did not come from our industry. We don't know if it came from an environmental organization, an academic institution, a business organization that did research, we just -- we can't verify where that came from. So to our industry, it doesn't have a direct relevance to plastic bag manufacturing because none of our manufacturers have been able to verify that for us.

We also wanted to let you know that basically, contrary to popular belief, 80% of plastic bags are actually derived from domestic natural gas; they come from ethylene which is derived from ethane; very little of it actually comes from oil. And that figure we do have a citation for, that actually was drawn from the U.S. Department of Energy's National Renewable Energy Laboratory, they did a life-cycle analysis back in 2006 on this particular question.

Another point that we wanted to make is we keep hearing concern that plastic bags are clogging up landfills. Again, the U.S. EPA did a study back in 2006 and found that approximately only 1% of landfill contents are actually composed of plastic bags.

And I wanted to -- I'm going to touch on some other points as well, but I wanted to state that my intent here today is not to set up a fight between the paper industry and the plastics industry, but what I wanted to let you know is that if you are considering banning plastic bags, you're naturally going to have to then think about what other alternatives you're going to leave consumers with. And that basically means that if you take away plastic bags, they're probably going to move wholesale to either paper bags or, as we hope, reusable, but probably not on the level and the volume that we would like.

That being said, going back to bags clogging up the landfills, we wanted to bring to your attention that 2,000 bags, basically -- and this research has been done -- 2,000 bags weighs approximately 30 pounds; 2,000 paper bags weighs 280 pounds. So if you can visualize that, immediately off-the-top you can see the bulk issue of paper bags as composed -- opposed, excuse me, to plastic. If those 2,000 paper bags are sent to the landfill, they're going to take up a lot more space than plastic bags do.

And with the claim that plastic bags don't biodegrade in landfills, nothing biodegrades in landfills. Landfills are basically engineered to be anaerobic environments. They -- when trash is layered in landfills, it is compacted down. They are meant to contain and not biodegrade, so basically no sunlight, no water and no oxygen is penetrating those layers, so everything is going to basically essentially going to get mummified or just contained in that landfill, but it's not going to break down. So if we're worried about landfills filling up, the focus should not be solely on plastic bags. But we also need to consider that clothing, broken down furniture, all the appliances, metals, everything that we throw away doesn't biodegrade.

Other concerns basically about plastic bags, environmental impact, also goes back to we're more becoming aware as a society about greenhouse gas emissions, planetary warming. If that's the case, when you look at the manufacturing process of plastic bags compared to paper bags, the paper pulp processing industry is very, very water intensive and it actually generates a lot more carbon emissions and uses a lot more energy than plastic bags do. Is that my five minutes?

D.P.O. VILORIA-FISHER:

Yes, it is.

P.O. LINDSAY:

It is.

MS. BETANCOURT:

Okay.

D.P.O. VILORIA-FISHER:

You could finish your sentence.

P.O. LINDSAY:

But wait a minute, wait a minute. It is, Ms. Betancourt, but there's several questions for you which I'm sure that you'll be able to finish under the questioning period.

MS. BETANCOURT:

Okay.

P.O. LINDSAY:

Legis --

MS. BETANCOURT:

Well, we just wanted to make the point basically that we worked with the Legislature back when you were considering the plastic bag recycling law. We do know for a fact that the recycling -- the plastics recycling industry is very vibrant, it's robust, it's growing. Our industry group basically commissioned two studies in 2005 and 2006 and found in just one year's time that there was a 24% increase in the amount of plastic film. Now, that means not just plastic bags but newspaper bags, bread bags, plastic shrink wrap that retail stores receive when they get their shipments of goods, dry-cleaning bags; plastic film, the recycling of that is growing very strongly. We do feel that recycling is the much better option for pulling plastic bags back out of the environment where it doesn't belong. We also know that if plastic bans were banned wholesale basically across the country in every locality, the recycling industry would be destroyed, you would not be getting the recycled content and recycled products that we're getting today. So we do urge you to give the recycling law a chance, let it go in effect and let it produce results before you revisit the issue.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. And thank you, Ms. Betancourt, for coming down. With regard to your first statement. Notwithstanding the difference of opinion regarding the amount of oil that's used, the actual number and whether or not that's verified, you do concede that plastic bags are a fossil fuel product, whether it's natural gas or oil?

MS. BETANCOURT:

Yes, but natural gas is cleaner -- I'm sorry.

D.P.O. VILORIA-FISHER:

But it is a fossil fuel.

MS. BETANCOURT:

It's a cleaner burning fuel than oil is.

D.P.O. VILORIA-FISHER:

But it is a fossil fuel nevertheless.

MS. BETANCOURT:

Yes.

D.P.O. VILORIA-FISHER:

And I think that that's part of the very important point here, that the environmentalists are making. The second is that with the paper bags, when they're recycled correctly with paper products, they don't -- they do decompose.

MS. BETANCOURT:

Paper bags?

D.P.O. VILORIA-FISHER:

Paper bags. And they don't have to get to the landfill if they're recycled correctly and we have paper recycling programs here in Suffolk County for our paper bags.

MS. BETANCOURT:

Yes, they can be. If you banned plastic bags and there was a wholesale switch to paper bags, you would -- I don't know what the recycling rate would be to handle that increase, but you would probably want to --

D.P.O. VILORIA-FISHER:

And I'm not suggesting a wholesale switch in -- to paper bags, I would rather see people bring their own bags and not use plastic bags at all. But I just wanted to clarify that whether or not the number, you agree with the number, that it is a fossil fuel product, that we are using natural gas as well as oil in the production of plastic bags.

MS. BETANCOURT:

Yes.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

MS. BETANCOURT:

Uh-huh.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I wanted to go to some of the discussion that you had about the recycling and how the bags might or might not be utilized. Let's go back to the landfill again, which clearly we don't do anything here in Suffolk County anymore, we're banned from landfilling. Assuming that we don't recycle and the plastic bags wind up in a refuge stream that's heading either for the incinerator or is going off-Island, what's the byproduct when these bags become part of the incineration process? Is there any higher degree of resins or toxins or anything that are given off? How do we compare these with paper?

MS. BETANCOURT:

I'm sorry, I can't answer that question because that's actual technical data that a plastics engineer would have more information about. So if you're asking about the residue or the resins that are burned, I don't -- I don't have that information.

LEG. KENNEDY:

Okay. In the past when you've commissioned some of the studies, I guess, that you did for other prior laws, was that a factor that you looked at or tried to capture?

MS. BETANCOURT:

No, not incineration. To my knowledge, we were looking at actual collection and recycling.

LEG. KENNEDY:

Okay. Let's go to the beginning of the process, then. I thought I heard you say that there is a particular natural gas that's a basis for the creation of bags in the first instance; is that correct?

MS. BETANCOURT:

Well, it's domestic natural gas.

LEG. KENNEDY:

Domestic natural gas which is utilized for the creation of bags.

Any idea how much is being consumed for them? What that -- what portion of that makes up out of the whole natural gas stream?

MS. BETANCOURT:

No, we can't actually answer that because -- we can't speak for the entire plastics industry in terms of plastic bag manufacturers because we have some of the largest bag manufacturers in the country that are members of our group but not all of them, so we would not be able to give a figure for the entire country.

LEG. KENNEDY:

Okay. Let's go to the actual supply of plastic bags that we might encounter, wherever we go to, you know, retailers; is that -- again, this is something that I've never had the opportunity to consider. Are they domestically produced, is there a worldwide market? Are, you know, grocery stores purchasing plastic bags from China?

MS. BETANCOURT:

Some are and some aren't. There are bag manufacturers in the United States and they also are imported from other countries as well.

LEG. KENNEDY:

Do you have any idea as to what percentage? Let's just say of the bags that are in circulation here in Suffolk County, is it 50/50, 70/30?

MS. BETANCOURT:

We don't have that specific a number. And actually, I know that there are some representatives of some various grocery stores here, they might be able to tell you where they get them from, but I don't have that information, not that specifically.

LEG. KENNEDY:

Okay. All right, I'll yield.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. I'm sorry, you're with which organization?

MS. BETANCOURT:

American Chemistry Council on behalf of the Progressive Bag Affiliates.

LEG. STERN:

Okay. I guess just quickly. Compared to -- paper or plastic, really, so paper or paper; plastic grocery bags consume more or lessen energy to create?

MS. BETANCOURT:

I'm sorry, I missed your question.

LEG. STERN:

Plastic bags --

MS. BETANCOURT:

Yes.

LEG. STERN:

-- take more or less energy to create?

MS. BETANCOURT:

Than paper bags?

LEG. STERN:

Yes, so less. So when it comes to generating solid waste, more or less, plastic or --

MS. BETANCOURT:

Less.

LEG. STERN:

Less.

MS. BETANCOURT:

Less than paper.

LEG. STERN:

Producing atmospheric emissions, more --

MS. BETANCOURT:

Less than paper.

LEG. STERN:

Less than paper. And the release of water bound -- water-borne wastes?

MS. BETANCOURT:

Less, significantly less water.

LEG. STERN:

So paper to plastic, what would you say the percentage of plastic bags used in our grocery stores are to paper?

MS. BETANCOURT:

Oh, significantly more than paper.

LEG. STERN:

Significantly, what, is it 80/20, is it 90/10, is it 60/40, what is significant?

MS. BETANCOURT:

Again, that would be on a store-by-store basis, but this is a total guess on my part, I honestly don't know -- it would be a complete guess, but I know it's significantly more than paper.

LEG. STERN:

Significantly more; take a guess.

MS. BETANCOURT:

I'm going on the record here, that's my problem because I'm guessing here. I have no idea. Probably 80%, perhaps? I mean, it's a complete guess.

LEG. STERN:

Okay. And what has been your experience with other jurisdictions across the country with a ban? Do you have experience in working in other jurisdictions and see how that's going?

MS. BETANCOURT:

Yeah, actually since this issue has really hit, you know, the public consciousness, basically, over the last year we've seen probably well over 30 localities, and that's just the ones that we're aware of because they're coming on line every day that we're aware that another plastic bag ban bill has been introduced, either at a town, a city or a County level. Most of the localities, with the exception of five that I'm aware of to date, have actually decided against a ban and has decided instead to promote recycling, when they've taken the environmental considerations into account.

LEG. STERN:

And based on your experience with jurisdictions that have enacted the ban, have they moved then towards more paper in the grocery stores, is that what they're replacing the plastic bags with?

MS. BETANCOURT:

The ones that just passed the ban are literally so new, I mean, they just passed it like literally within the last week to the last two weeks, that we don't have that information yet. So we're -- that's one thing we're going to be watching is to see what effect there is.

I can comment that one city that's been held up as an example, again, throughout the median across the entire country, it's constantly repeated that San Francisco banned plastic bags. I wanted to clarify that they did not ban plastic bags, they banned recyclable plastic bags and they mandated that only compostable plastic bags could be handed out by retail stores that were subject to the ordinance. Anecdotally, we've been following that situation and we have found that the retail stores are not able to get compostable plastic bags in the same quantity that they were obtaining for their customers in traditional plastic bags because the industry just doesn't manufacture that amount yet. So these stores have actually switched almost wholesale again to paper bags.

LEG. STERN:

My fear, my concern here is that when we're talking about paper or plastic, and just running through the statistics that you had given us and I guess trying to make the case that some of the detrimental impacts to our environment and energy use comes more from the use of paper than with plastic. And if you're saying that approximately, perhaps, 80% is plastic and that 80% now becomes paper, of course, there are downsides to utilizing paper as well, I'm wondering if during the course of conversation with other jurisdictions and their move towards a ban or enactment of a ban, if they have any experience with some of their concerns on going to much more use of paper and some of the unforeseen consequences. You know, I go to some of the debate that we've had around this horseshoe with the use of bio diesel and seeing that perhaps many of our commodities which are being grown in our heartland of our nation which are going towards the use of fuels have perhaps an unforeseen consequence now in food prices, that's something that we read about anyway in the media. So I'm wondering if those are some of the issues that have been brought up and discussed within our other jurisdictions that you've been a part of.

MS. BETANCOURT:

About basically the effects that would accompany increased paper, yeah, we do, we present that. We try and present basically the pros and the cons of both sides and that's why I had said before, if you're looking at banning plastic bags, it can't be in a vacuum and not considering the impact of the other alternatives that consumers are going to be left with. So yes, we present that information.

LEG. STERN:

All right, thank you.

D.P.O. VILORIA-FISHER:

Did you want to ask a question?

LEG. HORSLEY:

Yeah, I just wanted to ask a quick question.

D.P.O. VILORIA-FISHER:

Wayne wanted to speak.

P.O. LINDSAY:

But I've got Legislator Schneiderman on the list, so I'll put you on the list.

LEG. HORSLEY:

Sure.

LEG. SCHNEIDERMAN:

Thank you. I'm not going to debate the environmental or the scientific claims that you're making, but I have kind of a separate one that is not in your letter that maybe gets back to that compostable bag issue.

I often see these plastic bags out in the environment. I live out in the east end, I represent the south fork, they're very light, they often end up in the wind, they end up in trees, they end up on the beaches, marine mammals sometimes swallow them thinking they're jelly fish, they cause problems like that. Yes, it's true in a landfill that paper wouldn't degrade nor a plastic bag, but paper out in the woods does degrade whereas the plastic doesn't seem to, it seems to just stay there forever until maybe it causes some damage. So I wanted to know, are there alternatives like compostable plastic bags that you can use that would have, you know, a similar strength. You know, I'd hate for them to get wet and fall apart right away, but if there was a product that could do it, it certainly seems like that would be a better way to do and would avoid some of the other environmental problems that plastic bags cause in terms of litter, in terms of, you know, animal hazards.

MS. BETANCOURT:

I do know that compostables and biodegradable plastic bags are available, that is an option to consider. And I do know that there's a cost to that involved and I also know that if you're talking about compostables, again, I'm not specifically aware of what you have here in Suffolk, I heard somebody say that you don't landfill anymore, so that probably wouldn't be an issue here. But I know that compostable plastic bags entering the plastics recycling stream would basically -- it's either recycling or compostables, you can't have both because of the chemical properties of the compostable bag, they're not able to be recycled. So that would have a direct impact and a negative impact on the ability of the recycling industry to get the material.

LEG. SCHNEIDERMAN:

All right, thank you. I would -- if you have information on the compostable bags, I would like to take a look at it. Have you done an economic analysis for the industry in terms of what the cost would be, is it significantly higher for the compostable bags than the non -- compostables?

MS. BETANCOURT:

Yeah, I do know -- off the top of my head, I mean, I don't have firm figures, I would have to go back to my industry group and ask them if they've specifically addressed that question.

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

MS. BETANCOURT:

I do know that I was speaking to a colleague of mine just yesterday about the issue of compostables. He's on the West Coast in California. He had told me that he had contacted a bag manufacturer that makes biodegradables, and he was quoted basically, and these are approximate figures, but he was quoted about a penny per bag to manufacture a traditional recyclable shopping bag, anywhere from roughly 8 to 10 cents per bag for paper bags and about 18 cents per bag for compostables, so it's significantly higher.

LEG. SCHNEIDERMAN:

So it's significantly higher. Do you know, in terms of the strength of the bag, is it comparable to the -- you know, the traditional recyclable plastic bag?

MS. BETANCOURT:

I'm going to say I would think so. But then again, I had mentioned before, I'm not a plastics engineer.

LEG. SCHNEIDERMAN:

Right.

MS. BETANCOURT:

If you actually wanted a firm technical answer, I would have to have somebody from a bag manufacturer answer that.

LEG. SCHNEIDERMAN:

You know, and the other question I would have is, is that price, that 18 cents price, is that related to the low volume, like if you were -- if it was mandated and everybody had to do it, and so now the company that's manufacturing them is getting enormous quantities, would the price get similar to what the current price is?

MS. BETANCOURT:

I don't know. I don't know. We haven't done -- I'm not aware that we've done a specific study on that particular issue, but I will certainly ask my group if they would take a look at that.

LEG. SCHNEIDERMAN:

All right. Thank you.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. VILORIA-FISHER:

Could I just make a comment to Legislator --

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman, there are some representatives from the industry here who can answer some of those questions.

P.O. LINDSAY:

Go ahead, Legislator Horsley.

LEG. HORSLEY:

Yeah. I don't want to belabor this, but just a couple of quick things.

LEG. LOSQUADRO:

Too late.

LEG. HORSLEY:

The bag -- we worked with you, as well as some of the people that are going to be speaking very shortly on the recycling program. Do you know how many other recycling programs have taken place -- have now been passed since this Legislature put that -- our law into place that will not take effect until January 1st?

MS. BETANCOURT:

Well, I don't know about the effective dates, but I know that Suffolk County actually was the genesis for basically the rest of the State of New York. That I can specifically speak to, because Suffolk passed its law. New York City followed, then we had Westchester, Albany County, Rockland County, Albany County. I know Dutchess County --

LEG. HORSLEY:

Dutchess County.

MS. BETANCOURT:

-- was considering a plastic bag recycling law that was modeled after Westchester, which is modeled after Suffolk. And, actually, the State of New York passed a plastic bag recycling bill for the entire State that was also modeled after the Suffolk law, so it's -- your bill was the model.

LEG. HORSLEY:

We're the genesis. And that bill will actually take effect only this January 1st, because we wanted to give it plenty of lead time. And just -- and what I wanted to bring forth is that Mr. Schneiderman is talking about the economies of scale, that once -- is it true that recycling will have a much bigger marketplace once that all -- particularly New York City and areas like that. Now the whole State of New York and other states are getting involved, won't that marketplace for recycling be greater and we'll be able to increase the amount of bags that will be recycled?

MS. BETANCOURT:

We do know it's growing, and, unfortunately -- we work with the Trex Company, because they are a recycling company. We had hoped that a representative from Trex could be here today. Unfortunately, they were not available to be here this afternoon. But I know that Trex makes very well-known home remodeling products, such as composite plastic decking, I'm sorry, picnic benches, tables, that type of thing that are used with recycled plastic bag content. And we have heard from Trex anecdotally that, you know, as much as the stuff as they can get a hold of in terms of plastic bags, the better. They're always looking for content.

LEG. HORSLEY:

And that market will grow now, now that -- because of this Body's efforts and spreading the word out and the rest of the State now joining us with the recycling effort.

MS. BETANCOURT:

Yeah. I do want to actually -- thank you for bringing that up, because you just jogged my memory, something I wanted to mention. Our industry, basically, does an update of the plastics industry every year. One of the things that we try and keep atop of is how many recycling business are out there. And in 2007, I remember seeing in our report that we had identified over thirteen hundred businesses across the country that actually either handle recycled plastics or make recycled plastics products, so the industry is growing.

LEG. HORSLEY:

And I know you're not a technical engineer, but when we deal with paper bags and we go to recycle paper bags, is it true that CO2 and greenhouse gases are greater in recycling the paper bags than they are the plastic bags?

MS. BETANCOURT:

Yes.

LEG. HORSLEY:

That's something that should be addressed. Is it true that when you -- when you're moving towards paper bags, we're dealing with the loss of forestry and, of course, trees; is that true?

MS. BETANCOURT:

Well, yeah. I didn't want to mention that, but, yes, that's an obvious.

LEG. HORSLEY:

Go ahead, mention it. And the fact is, overall, when we're talking about we are the pioneers in the recycling -- in the recycling of bags, not only in New York State, but across the country, we're picking -- where one state after another is now looking at the laws that were created right here that have not even taken effect as of January 1st, is that -- you would say that we are the founders?

MS. BETANCOURT:

Yes.

LEG. HORSLEY:

Thank you.

P.O. LINDSAY:

Okay. Thank you very much, Ms. Betancourt. Thank you for your testimony.

MS. BETANCOURT:

Thank you.

P.O. LINDSAY:

John Woods.

MR. WOODS:

Good afternoon, Presiding Officer Lindsay, Majority Leader Cooper, Minority Leader Losquadro and the rest of the Legislature. My name is John Woods. I am the Assistant Political Director for United Food and Commercial Workers Union, Local 1500. Local 1500 is New York's largest food workers' union, representing 22,000 workers who work in a variety of retail stores, such as Pathmark, King Kullen and Stop and Shop, among others. I'm here this afternoon to speak in opposition to Resolution 1791, the bill banning plastic bags in retail stores in Suffolk County. As Legislator Horsley is aware of, Local 1500 worked very closely with him and our employees in the retail supermarket industry on a recycling bill that this Legislature passed just a short time ago, and will go into effect on January 1st.

As in most legislation, a bill from conception to where it winds up involves multiple meetings and negotiation, and, quite frankly, if both sides don't concede somewhat, you never truly wind up with a good piece of legislation. I do believe that the bill that this Legislature passed is a great step. It promotes recycling and bringing the awareness to consumers that they need to get these bags out of the stream. Our employees embrace this measure, and, quite frankly, got behind it 100%. There are significant costs as well, from plastic recycling bins at each of their locations, stands that hold the reusable bags that are sold to consumers, not to mention the labor costs that result from emptying, storing and packing of these bags onto trucks that are sent back to the warehouses for recycling. There was training involved to store employees about offering reusables to consumers and not wasting plastic bags at checkout.

I must say that even though this legislation doesn't take effect until January, our employers are in full compliance already, and the public is participating. More and more consumers bring back their

bags to the stores. I would ask that before we look to make a 180 degree turn, we need to let the legislation that was worked on so hard take effect and have the time to show the good results I am confident the County will see. Thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you, John. I just have a question for you.

MR. WOODS:

Sure.

D.P.O. VILORIA-FISHER:

And thank you for being here, and thank you for taking the time to have met with me before this meeting. Now, you said a very key word and that was this is an important step. And when we refer to having -- to taking a step, it's a step towards something and that's less use of plastic bags.

MR. WOODS:

Right.

D.P.O. VILORIA-FISHER:

The industry has been very compliant with the recycling law that was passed here, although it hasn't taken effect yet. How successful has the program been whereby people are buying totes or bags that could be reused?

MR. WOODS:

I would say very successful, but I think the employers from the Supermarket Industry would have actual facts on how many --

D.P.O. VILORIA-FISHER:

Okay.

MR. WOODS:

-- how many that have sold and they are to speak, so --

D.P.O. VILORIA-FISHER:

So, we are the -- the public is becoming very well educated on bringing their own bags into the supermarkets and using their own bags.

LEG. BARRAGA:

Not all.

MR. WOODS:

I would say successful, but I --

D.P.O. VILORIA-FISHER:

No, not all.

MR. WOODS:

But I do agree with --

D.P.O. VILORIA-FISHER:

Not --

MR. WOODS:

Even though I don't agree with Tom on everything, I do agree with him on the point -- no offense -- on the point that --

LEG. BARRAGA:

You didn't have to make the exception.

D.P.O. VILORIA-FISHER:

But we are seeing that its a step.

MR. WOODS:

Vivian, if you just let me finish. What I was going to say, I do believe that consumers are going to want something from the stores, and until there's a -- something other than plastic available, they're going to have to go back to paper and that cost is significant. And why I -- like we spoke in the office, my concern is that any time costs are increased to the supermarket, there's less money that's available for workers for health care, for wages, for all the stuff that the employers pay now. It would -- so much is an unfunded mandate, if you will, now that there's -- costs on bags has gone up dramatically, there's going to be an effect, and the effect is going to be on the workers.

D.P.O. VILORIA-FISHER:

Okay. And that's understood, and I've listened to that particular point, John, and I'm sensitive to that. And what we might do eventually, and this is one step toward it, and the recycling bill, which I supported, I see as also a step. And I think, as we keep our finger on the pulse of that particular trend, I think, down the line, we will be coming to the point where we can see this particular bill as applicable. We're not ready yet, but it's out there and we're talking about it. And I appreciate your input.

MR. WOODS:

Thank you very much.

D.P.O. VILORIA-FISHER:

Is there someone else who had a question? Thank you, John.

MR. WOODS:

Thank you.

D.P.O. VILORIA-FISHER:

Maureen Dolan Murphy.

MS. MURPHY:

Good afternoon. My name's Maureen Dolan Murphy and I'm with Citizens Campaign for the Environment. CCE supports Resolution 1791, which prohibits the distribution of plastic carry-out bags in the County of Suffolk. Plastic bags are some of the most wasteful, pointless products we have -- able to conjure up in society. We use 20 to 40 million barrels of oil to produce them each year, or natural gas, so they can entangle themselves into our wildlife, pollute our beaches, and break down into smaller plastic pieces that pollute our oceans. Plastics do not biodegrade, rather, they photodegrade with the exposure to sun's UV light into small and smaller pieces. It is estimated that plastic bags take a thousand years to break down, if at all, all of that just for an average of 12 minutes of use.

So, what do we get for 12 minutes of wasteful bliss? One thousand years of plastic bags cluttering up our waste stream, landscape and polluting our oceans, killing our sea turtles and our marine birds, who so often mistake the bags for jellyfish and eat them, creating plastic plumes, such as the one in the Pacific Ocean that is the size of Texas, and is estimated contains about six pounds of plastic for every pound of naturally occurring plankton. And, yes, we get to take home our groceries. There is a better way.

Now, some might say we should not ban the plastic bag, we should increase recycling of it. We agree 100% with increased recycling. Just a few months ago, we supported Horsley's legislation, and we applauded the Legislature when you passed the Plastic Bag Recycling Law. But, as a County,

we believe that we can move to the next level and phase out plastic bags.

Plastic bags are not a necessity. And the question is not paper or plastic, it's moving towards reusable bags. Reusable bags are more durable, sturdier, hold twice as much products, and can even be fashionable. By banning plastic bags in Suffolk and moving to the sustainable practice of using reusable bags, we help our country move into a cleaner, more sustainable future. Banning plastic bags will also save on your grocery bills, as we've heard before. Most grocery stores have already begun implementing policies that use -- that reward the use of reusable bags. For instance, Waldbaum's and Pathmark refund you two cents per bag you bring in, Stop and Shop, five cents, and Whole Foods will give you ten cents. COSTCO has never had any bags available to the customers and it clearly has not hindered their growth.

And to Legislator Barraga, who is my Legislator, I live in West Islip, I just wanted to say to you that when I go to the gym, I do remember to bring my gym membership, and when I go to the grocery store, I'm able to remember to bring my reusable bags as well. It's not that hard. So making this switch is a win for our industries, our marine life, our beaches, and, yes, we can still transport our groceries home. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Maureen. A couple of Legislators have questions for you.

MS. MURPHY:

Sure.

D.P.O. VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:

Hi, Maureen. Thank you for that. You know, Maureen, I do agree about the environment being so important, and, certainly, when you talk about the sea life mistaking the bags for jellyfish. But one of my concerns here, and I want to see how you feel about it, because you are a true environmentalist, those bags -- because I am kind of feeling guilty listening, because I do -- I shop, fill up yellow bags. However, the bags that you get in the supermarkets, the quality of those bags, would you agree that it's a very poor quality plastic bag?

MS. MURPHY:

The reusable ones?

LEG. NOWICK:

The ones that you get in the supermarket. And I might be wrong. I'm asking you, you're an environmentalist. When you go to Waldbaum's and you get those yellow bags, they're very thin, right?

MS. MURPHY:

Are you talking about plastic bags or the reusable bags that you use over and over?

LEG. NOWICK:

The plastic bags that you get right now, not reusable.

MS. MURPHY:

Yeah. Yes, they are very thin.

LEG. NOWICK:

The ones that are disposable. One of my fears is, and you may or may not agree, and I sit and I listen, I come home with 20 yellow bags, or whatever color it is, and I take the 20 yellow bags and I

hang them up and I save them, and then I continue to use those yellow bags for, if you will, cat litter, anything dirty, anything smelly, anything messy; gets reused. My fear is --

LEG. STERN:

Diapers.

LEG. NOWICK:

Diapers. My fear is that, now, no more yellow bags, so I have to go out and buy a box of storage bags. Do you think that those may be -- I'm thinking that the quality of those storage bags might cost more to make than the yellow bags, because I am -- I would have to -- somebody said diapers. I don't know.

MS. MURPHY:

I think there --

LEG. NOWICK:

I'm wondering if maybe that's going to be more money, and maybe I'm wrong, but you tell me what you think.

MS. MURPHY:

I believe there are alternatives for those type of things. For instance, I know some people use plastic bags when they're walking their dog. Those people, too, that get the newspaper delivered, they can use their newspaper sleeve for the same thing, if you were going to use diapers for that. So there are different alternatives for what you may use, reuse plastic bags for now.

Plastic bags have totally gotten out of control. I don't know if anyone recently has been to a beach cleanup, but when you go to a beach cleanup, you're mostly picking up plastic bags that are littered on our beaches.

LEG. NOWICK:

And I agree and that is awful. And I wanted to get your opinion and some ideas, because if we outlaw yellow bags, let me tell you something, this one bag is not going to do it for four cats.

D.P.O. VILORIA-FISHER:

But you get one every day.

MS. MURPHY:

Newsday every day.

MR. BRAND:

Here-here.

D.P.O. VILORIA-FISHER:

Okay. Legislator Nowick, was that the end of your questioning?

LEG. NOWICK:

Yes.

D.P.O. VILORIA-FISHER:

Okay. Thank you. Legislator Alden.

LEG. ALDEN:

I missed it. What's the name of your organization?

MS. MURPHY:

Citizens Campaign for the Environment.

LEG. ALDEN:

Okay. And where on your list of important things to do would personal responsibility be, as far as those bags and a lot of things that you said are negatives for the environment? They seem to be a choice that somebody's making, maybe a bad choice, and taking that plastic bag to the beach and letting it go, or throwing it out at the side of the road. So, is it low on your list, is it middle of your list, or is it high on your list?

MS. MURPHY:

I don't think people bring plastic bags to the beach and say, "I'm going to leave this here to pollute my environment." I think people have good intentions, and what happens is, because the plastic bags are so light, they end up blowing away, ending up in trees and on the beaches.

LEG. ALDEN:

All right. Then you didn't answer my question, though. Personal responsibility, because whether you brought it to the beach to throw it there, or whether you brought it to the beach to have it accidentally blown away from you and you don't bother going after it, or throw it out at the side of the road, that's a personal choice that somebody's making, or personal action. That's a personal responsibility that we kind of all have. Now, where on your list is the education of people as far as what their personal responsibilities are, is it high, low or medium, or is it nonexistent?

MS. MURPHY:

We do a lot of public education to consumers and to help people make environmental choices that are the right ones.

LEG. ALDEN:

So you still didn't answer the question. Is it high on your list or --

MS. MURPHY:

Well, I'm not understanding your question.

LEG. ALDEN:

Okay. What you're talking about is personal action of people and it's --

MS. MURPHY:

Right.

LEG. ALDEN:

It's reacting or it's interacting with our environment, and according to you, it's causing some negative outcomes. Do you try to educate people as far as their actions?

MS. MURPHY:

We educate people every day on the different options that they can take, and we provide information to consumers, and to residents and members of the public to help them make the right choices.

LEG. ALDEN:

And so those efforts are not successful, because, obviously, this is becoming a bigger problem?

MS. MURPHY:

No. We're very successful in what we do.

LEG. ALDEN:

Oh, okay. I was just wondering. Thank you.

D.P.O. VILORIA-FISHER:

Okay. Legislator Stern, would you mind if Legislator Barraga jumps in? He's dying to jump in here.

LEG. BARRAGA:

No, no. I was just going to say, I'm very happy you're my constituent. And I want you to know, I'm looking forward to seeing you at King Kullen. I'll be the guy with no bags and you'll be the one with the bags. We'll have a further discussion.

MS. MURPHY:

Well, I'll remind you to go get yours out of the trunk.

LEG. BARRAGA:

I have a feeling they won't be in the trunk.

D.P.O. VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

Yes, thank you. Of course, your organization is very influential and does an outstanding job in educating consumers and the public about important environmental issues. I guess my question for you, and I'll ask the Industry the same thing, what, if anything, have you and your organization been able to do or been asked to do in a cooperative effort with Industry to educate consumers about this issue and what they should be doing about recycling?

MS. MURPHY:

Well, we've done a lot of work on educating members of the public on different recycling initiatives. We supported the recycling legislation that this Legislature passed. We also worked very hard in Westport and they just banned the use of plastic bags there in Westport in Connecticut just two weeks ago now.

D.P.O. VILORIA-FISHER:

Right. September 2nd, they did.

MS. MURPHY:

Yep.

LEG. ALDEN:

They're a lot more richer in Westport.

D.P.O. VILORIA-FISHER:

Maureen, actually, the question of education came up, and we go back to, I think, the very good job that the supermarkets have done, because they have been promoting the totes for quite awhile.

MS. MURPHY:

Right, especially with getting money back.

D.P.O. VILORIA-FISHER:

And giving the money back, and that's been done voluntarily. You know, I get a nickel for every bag that I use. And I didn't even realize and one day, I said, "I didn't return any bottles, why did I get all those nickels off?" They said, "For the bags that you were using."

But, with regards to education and finding the plastic bags on the beach, there is another law that this Legislature passed regarding actually sleeves of unsolicited advertising that's thrown at the ends of people's driveways, which, if there's a storm, if there's a snowstorm, those can be washed and caught up in our storm water and wind up on the beach, and the newspapers inside them or the

advertising -- they're not newspapers, they're advertising -- crumble up. We call it oatmeal --

MS. MURPHY:

Right.

D.P.O. VILORIA-FISHER:

-- in a bag. And so, although we're trying to educate the public, we do have circumstances where these things get away from us.

MS. MURPHY:

Right. And I would just like to add, too, that just as my organization works very hard to educate members of the public, this Legislature, too, works very hard to educate members of the public. And the policy of banning plastic bags would, in essence, be educating members of the public and helping them to make the right choices and bring their reusable bags to the supermarket. So, thank you very much.

D.P.O. VILORIA-FISHER:

Thank you. No other questions? Our next speaker is Patricia Brodhagen.

MS. BRODHAGEN:

Good afternoon. I feel like I'm a transitional speaker today. You've had a lot of technical presentations, and I'll be followed by some of our members, so I'll keep my comments short and to the point, I hope. I'm Pat Brodhagen. I need my glasses.

D.P.O. VILORIA-FISHER:

Sorry, I mispronounced that, Pat. Sorry.

MS. BRODHAGEN:

Oh, close enough. It's got a lot of iterations. Vice President of Public Affairs for the Food Industry Alliance of New York State, which is a statewide trade association, representing the wholesale and retail grocery industry. Here, in Suffolk County, our members include King Kullen, Waldbaum's, Pathmark, Stop & Shop, ShopRite, IGA, and lots of independent grocers as well.

I'm here to speak in opposition to Intro. 1791, to ban plastic carry-out bags. And now I'll repeat a little bit of the discussion earlier, but I want to remind everybody, yet again, that less than a year ago this Fall, on November 20th, 2007, this body passed, by a vote of 17 to 1, legislation put forward by Legislator Horsley, and 11 cosponsors, a bill that had two goals. One was to get plastic bags out of circulation through establishing in-store plastic bag recycling programs, and, at the same time, to encourage the use of reusable bags by consumers as an alternative to any kind of carry-out bag provided by stores.

In an environment where there was a great deal of conversation and activity around the issue of bags, we -- clearly, we've heard today that there still is, the Legislature adopted an intelligent and a sensible program. In supporting the bill, which we did, the Food Industry Alliance and its member retailers joined in partnership with government, with labor, and with environmental groups, and we were all here at the public hearing and again at the signing ceremony in December. Suffolk County was the first New York State jurisdiction to adopt a local plastic bag recycling law. It was soon followed by New York City, Westchester and Nassau Counties, several Upstate Counties, and then this past June by the State Legislature. A similar bill, very similar to your Local Law, was passed by both the House -- by the Assembly and the Senate. Although each bill varied slightly, the Suffolk County law was the template for all of them. And when the Governor signs the State bag recycling bill, the whole State will, in effect, be implementing Suffolk County's model.

Although the Suffolk County Law, or, if signed, the State law, does not take effect until January 1st, as you already know, food retailers have already implemented its provisions and we are really beginning to see positive change. I, for one, am delighted, and, to be honest, a little bit surprised.

I've been around long enough, and I think I told you this a year ago when I testified that, you know, we've been down this road in my career a couple of times. And I think earlier, the will just wasn't there on the part of consumers to make these fairly dramatic changes and that has changed. We seem to have reached the tipping point when it comes to engagement of the public with recycling and other green alternatives, and I think everyone deserves credit for that.

You will hear shortly from King Kullen and A & P regarding some of their specific data. And even as I was sitting here, my Blackberry was -- I was getting some messages from other companies about some of their data and I wasn't able to really absorb it. But the numbers so far, as we've collected them in this preliminary -- before-the-law-is implemented stage, are looking good. And one message just told me that Stop & Shop, in terms of its sales of reusables this year, which is one number we're looking at, has increased by 211%, so that's pretty significant. So we're seeing millions of pounds of plastic bags and other kinds of film plastic, because we take back -- if it's film plastic, we'll take it back. We don't care, we're happy to have it, so we're taking back those dry-cleaning bags and those newspaper sleeves. And we do recycle all of inhouse film plastic, including the shrink wrap that goes over the palates. Millions of pounds of that stuff we're collecting. And now we're beginning to look at how many reusables we're selling, but also, because the companies have implemented these money-back programs, we can start counting how many times a customer comes in with their own bag, and we'll begin to get some of those numbers. So we'll have a track record if we let -- if we let this bill take effect fully and we pay attention.

Let me just give you one number. In Westchester County, the County itself is having -- is inviting its residents to bring back plastic bags to their household collections days. Since April, they've collected over a half a million bags. So, overall, it would be a shame to stop this progress before it has been fully implemented.

My second level of concern is the negative consequences of going to a ban, and they're economic and they're environmental. And you've heard some of that, and, as I said, if the County moves in this direction, it will shut down this widely supported, just-taking-off recycling program before it really does get off the ground. And retailers, wholesalers, vendors and manufacturers, they've already invested in the recycling programs in bins, in signage, in marketing, in training, and trucks, and collection infrastructure, and bailers and contracts with end users. And the demand, as Ms. Betancourt told you, is increasing. I had hoped that a gentleman who represents -- works for one of the suppliers of bags and other packaging to supermarkets, would be here today, but in irony of ironies, he is spending his day today training people in bagging. So that's another way that we're trying to address this issue. We're trying to do a better job of the bagging that we do, because that's a piece of it as well, so he wasn't available to come. The cost of paper are two to three times higher, more space. The only point in all of that is we have to think long and hard about making any kind of a change.

So, in summary, on behalf of the retailers, I'm asking you to table this proposal, and, please, continue to support the recycling effort that you've adopted. Let's see how it goes. I'm confident it's going to go very, very well. Thank you.

D.P.O. VILORIA-FISHER:

Okay. Pat, I just have a couple of questions. And thank you again for being here, always informative. And I agree with you, just from anecdotal observation. I see the number of people walking into the Stop & Shop where I shop with their reusable bags, and I think that's part of how we're doing such a good job of educating the public. But, in terms of cost, and, as I said to John Woods, the recycling legislation that we passed here and that I look forward to seeing how -- when it is implemented January 1st, when it really will take effect, I would like to see the impact on the public. But I think just the fact that it's out there has impacted the public, and I think a lot of that is, in great measure, due to your efforts as an industry, but I see my bill as the next step. If we were to see a ban on plastic bags, and not replace them with paper bags, not replacing them, what would the economic impact to your industry be if you did not provide plastic bags?

MS. BRODHAGEN:

But for now, there is no --

D.P.O. VILORIA-FISHER:

Not now, in the future.

MS. BRODHAGEN:

But there is no other replacement and that's --

D.P.O. VILORIA-FISHER:

Well, people bringing their own bags, people bringing their own totes.

MS. BRODHAGEN:

You'd have to include in anything that you did no bags. That's what you would -- I guess I'm saying

--

D.P.O. VILORIA-FISHER:

So it would be a cost savings to you if you had no bags, if you had to provide no bags.

MS. BRODHAGEN:

If retailers had -- could not provide bags, well, sure, it would be a cost savings, because bags are expensive.

D.P.O. VILORIA-FISHER:

Because you're saying, if we just ban plastic, then you would be forced to revert to paper bags.

MS. BRODHAGEN:

Which is hugely more expensive.

D.P.O. VILORIA-FISHER:

And, understandably, although we have paper bags which decompose more naturally, can decompose, truly decompose, whereas plastic can't, we do have the added cost of the diesel fuel that's used to transport them, because they are heavier. So I recognize the difference in the environmental impacts.

MS. BRODHAGEN:

Absolutely, truck trips, all kinds of issues.

D.P.O. VILORIA-FISHER:

There are different environmental impacts. I prefer -- I still prefer paper to plastic, because plastic is basically made of fossil fuels, and that has to be a very important consideration. But I do want to underscore that if the stores were not providing any bags, it would be a cost savings. So we don't have to see this as necessarily a cost positive to the industry.

MS. BRODHAGEN:

In today's world, we do. If we got -- if we got to no bags, you know, then I guess we could talk about that.

D.P.O. VILORIA-FISHER:

Well, there are many countries around the world that have gotten there, so there's no reason why we, as the great country that we are, can't get there also. Any other questions?

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

Thank you. John Caruana.

MR. CARUANA:

Good afternoon, and thank you for having me. My name is John Caruana. I'm an Operations Specialist for the A & P banner; was formerly a Store Manager with Pathmark. I want to make a statement that the A & P Family of supermarkets, which includes A & P, The Food Emporium, Food Basics, Pathmark, Super Fresh and Waldbaum's, is committed to actively promoting and encouraging grocery bag reuse and recycling in partnership with the communities we serve. Our efforts are aimed at preserving the environment, reducing litter, and lessening the flow of plastics into the waste stream. Specifically, our program initiatives for our Suffolk County stores include offering our customers reusable, environmental-friendly designer quality shopping totes at a low cost of 99 cents each. In addition to helping reduce plastics, a portion of bag sales are donated to the Elizabeth Haub Foundation, an international nonprofit organization that supports the establishment of legislation addressing environmental concerns.

Since their introduction in 2006, proceeds from the sale of Elizabeth Haub bags have resulted in the donation of more than \$500,000 dollars to the Foundation. We are currently -- we currently sell as many as 3,200 recyclable bags per week in our Suffolk County stores. That's 168,000 per year. Providing incentives to customers who use their own bags, such as a two cents off the -- takes two cents off the shopping order for the use of the Elizabeth Haub tote or reused bag is one cents, or a plastic bag is two cents. Our records indicate that in Suffolk County alone, our customers have reused more than 300 bags to date.

In addition, we have recycling bins in all stores to allow anyone to return plastic, grocery or dry-cleaning bags and shrink wrap. We also encourage customers to accept "Paid" stickers for bulky items such as laundry detergent or bagged potatoes in lieu of bagging them, and also to improve bag-packing methods to increase the load from three items per bag to five items per bag. We're looking with our front-end associates to help implement and produce these results. As part of this program, you can only provide a cashier with the number of bags necessary each day to help keep bag usage to a minimum.

In conclusion, at the A & P Family, we really are trying to educate the people that actually package the groceries. Many years -- for many years, we've been averaging about two to three items. We're averaging -- we're approaching the four to five level right now, which is very important. And when you look at the expense, and I guess we're -- you know, we're looking at it from an expense point of view to reduce the amount of bags that we're using in the stores. But, most importantly, I think we've gone in the right direction to educate people that if they return the bags, that they'll get rewarded back, even if it's a small amount, whatever the value is, but there is a value attached by bringing something back, and it's really to improve work habits. We're responsible to try to reduce expenses at the same time, and also give a good bag to the customer.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. KENNEDY:

Vivian.

D.P.O. VILORIA-FISHER:

There's a question. Legislator Stern first.

LEG. STERN:

Yes, thank you. Following up on your last comment, I guess I would ask you specifically, how has your company and the industry really as a whole done in terms of that type of outreach, speaking about consumers? And I can ask the question because I do the shopping for our family.

MR. CARUANA:

So do I.

LEG. STERN:

And I'll go later at night, and I see challenges. And knowing about this issue and wanting to participate, and I'll bring my plastic bags, but I don't see the big signs saying, "Deposit them here." I see many times when there are places for deposit, they're next to the bottle deposit, and later at night, that's an area that's locked off, it's closed off to the public, so they can't even access it. I mean, where are the checkout clerks with the big buttons that say, "Ask me about recycling," and, you know -- and the public awareness? And so what specifically has the company and the industry done to help raise awareness with consumers?

And I guess my second question is what, if anything, has your company or the industry in reaching out and working with organizations like The Citizens Campaign to help develop that message that continues to raise awareness and help really drive it home to the consuming public?

MR. CARUANA:

Well, I can speak in behalf of Pathmark and Waldbaum's or A & P. Waldbaum's is predominantly a Long Island main piece, not -- but we basically have the Elizabeth Haub bags right at every register. It's a bright orange color, and I use them myself personally, and I'm a guy and I don't have a problem coming to a store myself, and I shop late at night, too. And we also have the bag bins in front of the registers, not in the bottle area, and it's to make them very accessible to where we have -- where we have self-checkout registers or the regular conventional registers where customers can, you know, check out their orders and so forth.

I think, for the most part, we're trying to do it. We add incentives to the cashiers to encourage customers. I mean, that's part of the dialogue that a cashier should do. "Do you have any recyclable bags?" It's sort of like you can't force them to, and you can't force customers, if they so desire, to double bag, which is a very added expense for something like for one or two items. We're trying to get the most out of a paper bag as we possibly can, and we explain -- cashiers do explain that to many of our customers. Some are resistant to it. Some people want to use bags. We offer bags, paper bags in stores. But, for the most part, we try to like utilize the bag usage better, and we try to set up this goal of five items per bag. And we also keep a limited amount of bags at the registers, too, because, if you have too many exposed, people that are not working for us will use them for whatever reason they want to use them for and they can take a whole, what they call a hand of bags, which is about 100 bags, and just like, you know, take it as part of -- they could use it for any reason they may want to use it for at home or for a school project, or anything like that. But I think we make -- we're taking the initiative to do that, not with fanfare signs and so forth, but at least the attitude of, you know, training the people that work for us, and are very satisfied with the results, because we have made significant progress of -- even one item more per bag than six months ago I think is a definite improvement. Yes.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. Earlier, I had the opportunity to speak with one of the representatives from the Chemical Society, and I was trying to just understand a little bit about the volume or the magnitude, I guess, of the product as it enters our stream. You come from a fairly large retail grocery organization. Tell me a little bit about bags. How much do you buy? Where do you buy them from? What are we talking about when we look at it from a larger level, as far as what's entering our stream?

MR. CARUANA:

I don't have the exact locations where we do get the bags from. I'm more in the position of like making it operationally effective, so that we can save the expense and also reduce the amount of usage for the bags. Yes, we do.

LEG. KENNEDY:

How many do you make operationally expensive, 100,000, a half million?

MR. CARUANA:

Bags per year?

LEG. KENNEDY:

Yeah.

MR. CARUANA:

I don't know that exactly. I'm only working for one portion of the company. I really wouldn't be able to guess how many we actually go through, but we actually -- probably on a ration of about 90% is plastic, about maybe 10% is bags of a comparison, but I don't have the specifics for each.

LEG. KENNEDY:

Say that again. I'm not sure I understand.

MR. CARUANA:

About 90% of the customers use plastic, perhaps 10% use just paper.

LEG. KENNEDY:

You still offer the opportunity to provide a paper bag when you go into the store, in other words, if a customer asks for?

MR. CARUANA:

Yes, sir, we have it available.

LEG. KENNEDY:

I'm shopping in the wrong place.

MR. CARUANA:

Well, this is -- we offer -- I worked in Pathmark as a store manager for many years and we offered both.

LEG. KENNEDY:

Okay.

MR. CARUANA:

There are people that take the initiative to use both. They'll use the paper and then put plastic on top of it, if they so desire to do it that way, too.

LEG. KENNEDY:

How does it affect your bottom line, though, by making that paper available? We've heard earlier that there's a significantly greater cost associated with acquiring paper in the first instance.

MR. CARUANA:

Well, you know, paper has been around way before plastic was, and a lot of our customers are very loyal to just using paper bags, and it's upon request. We automatically have plastic ready for them, as you may know, any time you check out at a Pathmark or a Waldbaum's, but, if you request paper, paper would be used. You can use paper, but not many people choose to do that.

LEG. KENNEDY:

So, you're making a business decision in order to go ahead and meet the needs of a particular customer, notwithstanding the cost.

MR. CARUANA:

That is correct, yes.

LEG. KENNEDY:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much.

MR. CARUANA:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Our next speaker is Jennifer Hartnagel.

MS. HARTNAGEL:

Good afternoon. My name is Jennifer Hartnagel, speaking on behalf of the Group for the East End. For those of you not familiar with the Group, we are an environmental advocacy and education organization, serving the five towns on Eastern Long Island. Much of what I'm going to say is a reiteration, but I think that saying goes, you need to hear something three times until it sinks in.

We're here today to support the plastic bag ban. Half of you have sat here today and it's undeniable that these things are a hazard to the environment and they are a hazard to our health. We need to get a hold of it and we need to do something about it. Billion upon billions of these bags exist and they will continue to cause problems.

I just want to point out a few facts. There was a time that we lived without plastic bags. I have faith that we can come up with innovative solutions to take out the kitty litter, or to line our garbage pails. We didn't always have plastic bags. We cannot continue to sacrifice the environment over convenience.

In terms of the grocery stores, there are few grocery store chains, Whole Foods, who have taken it upon themselves to ban plastic bags, so their model works, they've been doing it for awhile. So maybe we should look into that a bit and see how they're doing.

I don't want to get into the debate, paper versus plastic. We need to move towards the reusable bags. Education only goes so far, and I know that some of us believe that it's our personal responsibility. You tell people to put on sunscreen so they don't get skin cancer. You tell people to wear their seatbelt, they still die in car accidents. This Legislature needs to step up and be a model for the rest of the Island, for the rest of the State.

Let me just name a few countries that haven't been, or places, localities, that haven't been mentioned today. Rwanda, Tanzania, Paris, San Francisco, Maui, over 30 villages in Alaska, China, they've all banned the plastic bags, and they've been doing this for awhile. They've seen drastic decreases in the amount of plastics entering the environment.

So, you know, we can do this. There may be a few issues we have to iron out, but this does not make this bill unviable. We need to work together with the industry, with the environmental groups, and pass a law that bans the plastic. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Jennifer. Our next speaker is Tom Cullen. Tom, you're also our last speaker, so we will -- we are all so happy to see you. And I own a few of those bags that you have in your hand.

MR. CULLEN:

Good, good, good. Well, I have a copy of my testimony, if you would like it. I brought 18 copies, if someone wants to pass it out.

D.P.O. VILORIA-FISHER:

Thank you, Tom.

MR. CULLEN:

And Legislator Barraga, I'd like to give you this bag.

LEG. BARRAGA:

Well, Tom, I've been waiting all day for this, Tom.

(Applause)

LEG. KENNEDY:

Use it well.

MR. CULLEN:

Put it in the back seat of your car. Well, good afternoon, Presiding Officer Lindsay, Ladies and Gentlemen of the Suffolk County Legislature. My name is Thomas Cullen. I am Vice President of King Kullen Grocery Company, Bethpage, New York, America's first supermarket on Long Island 78 years ago. My grandfather created supermarketing in America, and that's a great tribute to my family, because we're very, very proud of it. King Kullen operates 53 stores in Suffolk County, Nassau and Staten Island, New York currently. Currently, we employ about 6,026 people, I am told as of today when I inquired.

Today I am here to present information to you concerning Intro. Resolution 1791, to prohibit any retailer in the County from providing customers with plastic carry-out bags. Now, I would give you some facts that have been asked, and I've been waiting for this. As you've been asking the questions, I have some of the information.

King Kullen's weekly average usage of plastic front-end bags is two million. And the testimony is there and I can provide all this. We use two million bags per week for the chain. The cost to King Kullen per plastic bag is 1.8 cents per bag. I just have to find -- my eyes are bad. Our average weekly usage for paper front-end bags is 142,000 bags per week for the chain. The cost per paper bag is 4.5 cents per bag. As you can see, plastic is used more and costs 2.7 cents more -- less than paper bags.

Our distributor, Bozzuto's of Connecticut, states that the ratio of our paper versus plastic bags per truckload is seven truckloads of paper to one truckload of plastic. They further state that a truckload of paper bag equals 330,000 bags, versus a truckload of plastic bags, equaling 2,160,000 bags per truckload.

I remember being here back in the '80's, and I don't know exactly the date. I had asked Pat Brodhagen in reference to when the plastic ban, for not only plastic bags, but for a lot of other plastic items, was supposedly going to try to go into effect in Suffolk County. Since that time -- 1987. Since that time, we can tell you, and I testified, and, as a family member, I made a promise to this Legislature body at that time, and still do it today, we have been recycling plastic bags since that day I stood here and made that promise. Every one of King Kullen stores, when you come in the front door or you go in the exit, there is a plastic recycling unit which people put their plastic bags in. I made that commitment. We have been recycling since 1987.

Now, I'll give you little facts about recycling as it's been for the last few years. And I could only give the facts that I have, but the point is, as a voluntary recycling bag is concerned, King Kullen is currently recycling plastic bags brought back to us. And there's not been a lot of information. At the bottom of our plastic bags, it says, "Please bring back to the stores and recycle in the bins

provided." The paper bags at the bottom of the bag, it says, "Please recycle this bag where appropriate." A lot of municipalities are collecting those. People put newspapers inside of them, as I do in my home. The thing is there is a lot of usage for these particular -- not only plastic, but for paper. But back to the point.

From May 17, 2008 to September 6, 2008, King Kullen recycled 3,000 bags. Now, a bag, the way we do it, is there's a 55 gallon drum in the front of the store, which is provided to us by Helix, who is the manufacturer of the plastic bags that we purchase. That 55 drum is now stuffed with plastic bags that people bring in the store when they come in or when they exit. That weighs about ten -- that weighs about ten pounds. We have recycled this year 3,000 of those bags. That's what I am told, and I can only repeat what I'm told.

In the past year, as the bag that I just gave to Legislator Barraga, last year, we started about -- we're a little late compared to our competitors, and I admit. Stop & Shop and I think Waldbaum's and A & P did a wonderful job in promoting the reusable bag. But I can tell you, in a year's time since we have been selling that bag for 99 cents, we have sold over 120,000 bags at this point. It is becoming an alternative to plastic. It is becoming an alternative to paper, and it is a point that people that want to, like my wife, like myself, we use reusable bags, because that is a choice we have made as environmentalists.

Plastic bags are much more economical, it's been told us, I just told you the facts, what it costs per bag, requires less energy to manufacture and are easy to recycle. Customers overall prefer plastic bags to paper. If you go into King Kullen, as the gentleman from A & P testified, people prefer plastics because it's there. Paper, of course, is always a choice for our consumer, because, if that's something they want, that's something they require, or it's just their requirement, they want paper, it's always available.

I now ask you today for the consideration of letting the current plastic bag recycling law take effect and measure its effectiveness in reducing litter in the future. The point is that in 1987, when the plastic ban was being proposed by Legislator Englebright, a lot of things have changed. People are more concerned with the environment. It is my point, and I believe, plastics is something which is good for everything that we do. Let's not ban a substance which is used for very good things, from medical -- and is helping our costs. It's helping to reduce transportation costs by having the bags less. Let's try recycling. Recycling is an issue. We've been doing it since 1987. I join, and I ask all the other retailers to also start recycling plastics and make a dent in the litter that it creates. It is not a bad substance, it's just people litter that particular product and it ends up in our environment.

It is true, the thing is paper will biodegrade, if given the right opportunity, and we advocate that also. But recycling is a great opportunity, and I ask you to consider that and let that bill take effect. It does take effect, it's been said, in 2009. I think it's a very good bill. And Legislator Horsley, I commend you for doing it, because I think it was overdue, and I think a lot more recycling things have to be done. I think more besides just the grocery store should be part of this measure. And we're being represented today by a lot of people who, because we take our cost -- and this would be a very big cost increase for King Kullen. When you take 1.8 cents to 4.5 cents for a bag if we were to convert, this is a very large cost and someone's going to have to pay that. The consumer would have to bear the cost. If we were to ban plastic bags today, the consumer would have to bear it. We do have to pass our cost on, whatever it may be, for utilities, for school taxes, whatever it is, and we're trying to keep our cost down at every possible opportunity.

Let's try the recycling bill. Give it a year, see what it does. Let's get the numbers at another year, when we can get a lot of other people besides grocery stores recycling. And I believe it, because it drives me crazy when I go into places, no one's recycling stuff, and we're doing it and no one else is doing it. And, also, at the same time, I have to tell you, there's a lot more to be recycled, and I commend you for what you've done today. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Tom.

P.O. LINDSAY:

Okay. That concludes the cards on 1791. Is there anyone else in the audience who would like to address us on 1791? Thank God. I've heard more about bags than I really need to know.

D.P.O. VILORIA-FISHER:

I'm going to make a motion to recess, Mr. Chair.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to recess by Legislator Viloría-Fisher, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? 1791 stands recessed.

MR. LAUBE:

Sixteen. (Not Present: Leg. D'Amaro/Absent: Leg. Montano)

P.O. LINDSAY:

I.R. 1806 - A Charter Law to restrict holdover period for certain appointed Department Heads. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper, what's your pleasure?

LEG. COOPER:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Absent: Leg. Montano)

P.O. LINDSAY:

Okay. We stand closed on that. That concludes our Public Hearings for today. I'd like to set the date for the following Public Hearings for October 8th, 2008, at 10 a.m., in the Rose Caracappa Auditorium in Hauppauge: The 2009 Operating Budget, and the Southwest Sewer District Assessment Roll.

Also, setting the date for the following public hearings of October 14th, 2008, at 2:30 P.M., in the Rose Caracappa Auditorium, Hauppauge, New York: The 2009 Operating Budget, the Southwest Sewer District Assessment Roll.

I.R. 1810 - A Local Law to amend Probation Department fees.

I.R. 1815 - A Local Law to add visibility requirements to the Affordable Housing Program.

I.R. 1816 - A Local Law to tighten anti-dumping prohibitions.

I.R. 1866 - A Local Law to establish uniform procedures for issuance of film permits.

I.R. 1867 - A Local Law amending the Suffolk County Empire Zone boundaries to include NBTY, Inc.

I.R. 1868 - A Local Law clarifying the use of forfeitures upon conviction of the misdemeanor crime of reckless driving.

I.R. 1869 - A Local Law expanding tax exemptions granted to spouses and unmarried surviving spouses of veterans.

And that's it. So I need a motion to set that hearing. Motion by Legislator Romaine, I'll second it.

LEG. ROMAINE:

Also, a question. I also have a question.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

A quick question. Aren't we required also to have a Budget Hearing on the East End?

MR. NOLAN:

No.

LEG. ROMAINE:

No, we're not? Okay. That was my question.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Absent: Leg. Montano)

[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN-COURT STENOGRAPHER AND TRANSCRIBED BY KIMBERLY CASTIGLIONE-LEGISLATIVE SECRETARY]

P.O. LINDSAY:

Those dates are set. Okay. Let's -- twenty after -- five after four. Let's see if we can get through the rest of this agenda. Okay. We're back on Page 6. We did 1780, didn't we?

MR. NOLAN:

We did 1780.

P.O. LINDSAY:

Okay. ***1792 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-207 - Hubbard Property - Town of Riverhead.***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Schneiderman. On the question, anybody? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Fifteen. (Absent: Leg. Montano)

P.O. LINDSAY:

I.R. 1800 - To appoint member of County Planning Commission, Vincent Taldone. I'll make the motion.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

Second.

P. O. LINDSAY:
Second by Legislator Cooper.

LEG. SCHNEIDERMAN:
On the motion.

LEG. ALDEN:
Did he show up?

P. O. LINDSAY:
Yeah, he showed up.

LEG. SCHNEIDERMAN:
On the motion.

P. O. LINDSAY:
On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I got an E-mail from a Councilman in Riverhead asking for some time for Riverhead to take a look at this, that they haven't discussed it. Now, I know that really is no longer part of our procedure that it has to go through the Town Boards. The candidate came before the committee. He was highly qualified for the position, but I wanted to bring to the Legislature's attention that we do have a public official who's asking for that consideration. So I'd be willing to table it for one cycle, but I think we have to decide whether we want to set that precedent. So I will make a motion to table.

LEG. ROMAINE:
I'll second the motion.

P. O. LINDSAY:
Motion to table and a second. Anybody else want to speak on the motion? Okay. The tabling motion goes first. We have a motion to table and a second. All in favor? Opposed? Abstentions? I'm opposed to tabling it.

LEG. D'AMARO:
Opposed.

LEG. COOPER:
I'm opposed.

LEG. GREGORY:
Opposed.

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Roll call.

P. O. LINDSAY:
Roll call on the tabling.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:
Yes to table.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes to table.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Absent)

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. GREGORY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D. P. O. VILORIA-FISHER:
Can I pass until I get back there and read what it is?

LEG. BEEDENBENDER:
Yes, you can.

P. O. LINDSAY:
No.

D.P.O. VILORIA-FISHER:
Thank you, Brian. No, I'll vote to table that.

P.O. LINDSAY:
You vote to table?

D.P.O. VILORIA-FISHER:
Oh, is it a tabling motion?

P.O. LINDSAY:
Yes, so a "yes" means you're for tabling.

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

LEG. ALDEN:
Change my vote to a tabling.

D.P.O. VILORIA-FISHER:
Wait a minute. Can I just look at this? I'm sorry, I was outside.

LEG. ALDEN:
Good thing that new rule didn't pass.

D.P.O. VILORIA-FISHER:
I know. I'm sorry about that. No to table.

MR. LAUBE:
Nine. (Absent: Leg. Montano)

P.O. LINDSAY:
Okay.

MR. LAUBE:
That was nine in the affirmative.

P.O. LINDSAY:
Okay. So the tabling fails. Motion to approve is before us. I guess we might as well do a roll call on that, too.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Absent)

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Pass.

LEG. NOWICK:
Pass.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

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

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

MR. LAUBE:
Seventeen. (Absent: Leg. Montano)

P.O. LINDSAY:
Okay. *J.R. 1801 - To appoint a member to the County Planning Commission, Joshua Horton.* Do I have a motion?

LEG. SCHNEIDERMAN:
I'll make a motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Leg. Montano)

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:
Health and Human Services. **1793 - Appropriating funds in connection with the purpose of equipment for Health Centers.**

MR. ZWIRN:
Mr. Presiding Officer, could we table this one cycle? Bless you.

P.O. LINDSAY:
I was just about to get to that before I sneezed.

MR. ZWIRN:
I gave you a blessing before you even got the answer.

P.O. LINDSAY:
Thank you. Okay. I'll make a motion to table.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Leg. Montano)

P.O. LINDSAY:
1757 - Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for breast cancer walk.

LEG. BROWNING:
Motion.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
17. (Absent: Leg. Montano)

LEG. KENNEDY:
Cosponsor.

P.O. LINDSAY:
1781 - Appropriating funds in connection with improvements and lighting to County parks.

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?

[OPPOSED: LEGS. ALDEN, BARRAGA AND D'AMARO]

MR. LAUBE:
Fourteen. (Absent: Leg. Montano)

P.O. LINDSAY:
Same motion, same second on 1781A, the bond resolution.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:
Yes.

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

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Absent)

LEG. ALDEN:
No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P. O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Absent: Leg. Montano)

P. O. LINDSAY:

Okay. *1787- Appropriating funds in connection with the removal of toxic and hazardous materials in County parks.*

D. P. O. VILORIA-FISHER:

Motion.

P. O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. LOSQUADRO:

Second.

LEG. SCHNEIDERMAN:

Second.

P. O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. I'm missing Legislator Stern.

P. O. LINDSAY:

Where is Stern?

MR. LAUBE:

It's got to be fifteen. (Not Present: Leg. Stern/Absent: Leg. Montano)

P. O. LINDSAY:

I'm trying to be accurate. Same motion, same second on the accompanying bond, Resolution 1787A. Roll call.

(Roll Called by Mr. Laube, Clerk)

D. P. O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Absent)

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Absent: Leg. Montano)

P.O. LINDSAY:

There was two negative votes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Right.

MR. LAUBE:

That's what I said.

P.O. LINDSAY:

I'm just asking. There was two negative votes?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. ~~1788 - Authorizing license agreement with the Babylon Town Historical Society for Van Bourgondien property, West Babylon.~~

LEG. HORSLEY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

~~1799 --~~

MR. LAUBE:

Fifteen. (Not Present: Legs. Browning and Stern/Absent: Leg. Montano)

P.O. LINDSAY:

-- *Appropriating funds in connection with Energy Savings and Parks Compliance Plan.*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

That's a bond, right?

MR. LAUBE:

Fifteen. (Not Present: Legs. Browning and Stern/Absent: Leg. Montano)

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

All right. Same motion, same second, on the accompanying bond, Resolution 1799A. Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:
(Absent).

LEG. ALDEN:
He's not here. No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Absent: Leg. Montano)

PUBLIC WORKS & TRANSPORTATION

P.O. LINDSAY:
Okay. Public Works and Transportation. ***I.R. 1582 - Establishing a Pharmaceutical Disposal Program in Suffolk County.***

LEG. STERN:
Motion to approve.

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

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. EDDINGTON:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Eddington.

LEG. EDDINGTON:
I'd like to know what Suffolk County Water Authority says about this. Is there anybody that could respond to that? Do they feel we need this at this time?

P.O. LINDSAY:
Are you on? Is your mike on?

LEG. EDDINGTON:
Hello.

P.O. LINDSAY:
Yeah.

LEG. EDDINGTON:
I'm wondering, is there anybody from Suffolk County Water Authority that could give us some feedback on whether this is needed? Is there a problem right now with this?

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Through the Chair, I don't know what the position of Suffolk County Water Authority is or would be. This is legislation that we've worked on for several months and has the support of the County Executive, our Commissioner of the Environment, and our Health Department, as well. We worked very closely with the Administration. We have gone through the revisions and this is something that our Administration is behind fully.

P.O. LINDSAY:
Could I just follow-up? Maybe, Legislator Stern, you could explain the practical application of this. How does this work?

LEG. STERN:
I think everybody at this point is familiar with this issue, and that is pharmaceuticals and controlled substances are basically flushed down the toilet. That's the method of disposal, not just here locally, but our entire country, and there have been several news reports nationally talking about this growing problem. And so the effort here is to come up with a sensible way to dispose of pharmaceuticals, used, unused, those that are past their expiration dates. To get them out of the medicine cabinets away from children, I think is an important byproduct of this effort. Most importantly, it's an environmental effort to do what we can to ensure that pharmaceuticals and controlled substances aren't flushed down the toilet and made part of our drinking water, to keep out of our waste water management. This is a way where we can invite voluntarily County residents to dispose of safely these substances to keep the residue out of our water.

P.O. LINDSAY:
We don't have a specific method of disposing of it yet, this is to study the issue?

LEG. STERN:
This is to work with our law enforcement agencies to establish the best method. In doing our research and developing this legislation it became clear that federal law requires that this type of disposal be done under the supervision of our law enforcement. So I will be working with Suffolk County Police, with our Sheriff's Department, with Corrections, to set up various locations where this can be done safely and in accordance with federal law.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:

Yeah, I wanted to continue. I had a couple of questions, because I see that the responsibility of establishing this program goes to our Sheriff's Department, which I think they're going to be pretty busy. And so I'm concerned about -- I know at this very spot we've had people questioning asking law enforcement to implement programs and here we are giving this to the law enforcement. And I would like to know what they have to say. Obviously I don't see the Sheriff's Office here, but I'd like to know if they think they can do this.

LEG. STERN:

Through the Chair. Law enforcement was a part of the meetings that we had with the Administration and we discussed issues that they raised, and law enforcement is on board.

LEG. EDDINGTON:

Then I'd have a question for BRO. What would this -- what is this going to cost us if we're going to have law enforcement involved in this?

MS. VIZZINI:

I think you'd have to categorize this as an opportunity cost, that this will be an additional responsibility they'll assume with existing resources.

LEG. EDDINGTON:

But we can't put an estimate on that, obviously.

MS. VIZZINI:

Not at this time, no.

LEG. EDDINGTON:

What I'm wondering is then what responsibility does the industry and the stores that are selling this have? Is there any responsibility on their side? I was wondering, Legislator Stern, did you have a response to that?

LEG. STERN:

(Snook head no.)

LEG. EDDINGTON:

Okay, I am aware that there is an Assembly bill, A840, pending in the Senate, and in the State actually requiring pharmaceutical companies to create a disposal program in conjunction with the pharmacies. And to my mind that seems like the right way to go, not putting it on our overworked Suffolk County Department of Public Works or the Sheriff's Department. So I'm like thinking that we should have the industry more involved in this. And it sounds like once again the Assembly has a bill that will probably take care of this. And I know we don't have sense resolutions or anything but it sounds like they're looking at a way of resolving this where it's not going to cost our County money. And I'm concerned of using our resources when we can have the pharmaceutical companies incur the expense. And it seems like that would be the appropriate place to return stuff, if that's where we buy it, and that's where we could advertise it, which was another question. How are we going to advertise this and who's going to --

LEG. STERN:

Yeah, Mr. Chairman. That would seem like the best way to proceed and the way to reach the largest amount of people, and that was our very first idea, Legislator Eddington. It would seem that the best place to establish these various locations would be within the pharmacies themselves. But in discussions that we had with DEA representatives in Washington and after reviewing federal law, that apparently is not a legal way to proceed. I'd be interested to see if they've done that similar research up in the Assembly and what their findings were. But after several hours of research and speaking with our representatives in Washington and the DEA, that if you want to establish this type of a program with this type of a lockbox that is suitable for receiving these kinds of substances, particularly controlled substances, then it has to be done through Law Enforcement and not out at the pharmacies themselves.

LEG. EDDINGTON:

I'm good.

P.O. LINDSAY:

Okay. Legislator Nowick.

LEG. NOWICK:

Yeah, Legislator Eddington, I understand where you're coming from. I just wanted to say that I have been working on a program similar to this for about a year-and-a-half, two years, and what Legislator Stern is coming up against is very real. The problem is, with a controlled substance -- non-controlled substances you can get away with a lot more. With a controlled substance you have to have a law enforcement person available at all times. But my question is, because I'm working now with two hospitals, through hospitals, because if you go to a drug store to collect controlled and uncontrolled substances, they have to be separated, number one. A druggist has to be available, number two. And number three, if it's controlled, there has to be a law enforcement agent there.

I just wondered, because I have been working for so long at this, how are you disposing of this once we collect it? Who are we working with? Because I found it so difficult to find someone to take the medication. Once it is deposited at the law enforcement agency, what happens to it and where does it go and how does it get recycled?

LEG. STERN:

Through the Chair. The resolution calls for the analysis to be done and an RFP and working with a company that has a particular expertise in disposing these types of controlled substances.

LEG. NOWICK:

So right now you already have a company available. Are they going to --

LEG. STERN:

This would authorize us to begin the process of identifying that.

LEG. NOWICK:

All right. There's not a company right now. This is what I've been up against. I've finally found somebody through hospitals to do it, and I wondered where you were going with this. It's a very laudable program. It takes controlled substances and non-controlled substances out of the medicine cabinet, gives people the opportunity to dispose of it without it going into the groundwater. And if we can pull it off, it's -- I would cosponsor it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Through the Chair to the sponsor. This just calls for somebody, the Sheriff's Office, to develop criteria and then come back to us for approval?

LEG. STERN:

This calls on law enforcement agencies to establish the appropriate locations where they can set up these lockboxes, these receptacles. So that whether it's area residents, or hopefully it could be expanded to hospitals, to nursing homes, to other health care agencies, all of which are disposing their unused and used controlled substances down the drain, appropriate places to bring them back. So this would establish the program and allow our Law Enforcement professionals, working with our

Health Department and our Commissioner of our Environmental Department, to come up with an effective plan.

LEG. ALDEN:

No further approval on our part required, or is this -- this is the final action we take? We approve this, they develop a plan. It doesn't come back to us for approval?

LEG. STERN:

An RFP would have to be issued.

LEG. ALDEN:

I'm sorry?

LEG. STERN:

An RFP would be issued to seek proposals for a particular company with this expertise to be given the opportunity to provide the service.

LEG. ALDEN:

Is there a penalty clause? I didn't read it completely.

LEG. STERN:

It's a voluntary program and we want to give area residents the opportunity to dispose of their unused pharmaceuticals in a safe manner.

MR. NOLAN:

The legislation also provides that if the departments determine that additional appropriations will be necessary to implement it, that they will come back to the Legislature to ask for that. That's when it would come back.

LEG. EDDINGTON:

This is sounding more like a feasibility study to find out how it could be done rather than a program that's going to be implemented. My concern was were we going to get a chance to say, "Yes, we think it's a good idea to do it, and use our resources or not." This is sounding more like -- I mean, my knowledge of developing programs, this sounds more like a feasibility study. Can we do it, who's going to do it, and how it will be done, not a program that's going to then happen. I mean, George, is that --

MR. NOLAN:

No, I really wouldn't characterize it as a feasibility program because it does lay out certain parameters for the program, certain goals we want the departments to achieve. It does direct the department to issue the RFP to find somebody to take the disposed items, but does state that you know, the Departments will develop a plan and that if they need money to implement the program, additional funds, they'll come back to us. So I wouldn't characterize it as a feasibility study really. It's a little more specific than that.

P. O. LINDSAY:

Legislator Viloria-Fisher.

D. P. O. VILORIA-FISHER:

Thank you, Mr. Chair. I have a couple of questions for the sponsor. Your bill refers to effective cooperation with the towns. Can you explain that portion of it, please?

LEG. STERN:

This would be implemented at various locations throughout Suffolk County through our Law Enforcement, but there are towns here in Suffolk County where we don't necessarily control their law enforcement, don't have a jurisdiction over their law enforcement locations, so --

D. P. O. VILORIA-FISHER:

But aren't the Sheriffs in all ten towns?

LEG. STERN:

Yes, but we're looking beyond that. It doesn't have to be just the Sheriff's Office, it has to be law enforcement, so it could be the Police Departments of the other towns.

D. P. O. VILORIA-FISHER:

Okay. What about the placement of the receptacles, would we be working with the towns on that aspect?

LEG. STERN:

That's something that we would ask our Health Department and our law enforcement to work with the various towns on where they can all come together and develop a best practice. We can say that this is what is going to be -- what we're doing here in Suffolk County, this is what we think is going to work best, and we'd like to coordinate that with our towns.

D. P. O. VILORIA-FISHER:

Now, would these receptacles be similar to what we see, let's say, when you go to have your blood tested, you know, right outside the door you see one of these little metal boxes that has a --

LEG. STERN:

You know, I don't know the answer to that. I'm sure there is an industry standard and I'm sure a company that we work with, who is ultimately going to be responsible for coming in, providing the service and taking it away, is going to be able to have input on what those actual lockboxes should look like.

D. P. O. VILORIA-FISHER:

And that would be part of the RFP?

LEG. STERN:

I believe so.

D. P. O. VILORIA-FISHER:

Okay. I had a question for Legislator Eddington. Can you go back to the State? Is it -- has it been approved in the Assembly or in the Senate? Is there a companion bill in the Senate? I think you were referring to an Assembly bill.

LEG. EDDINGTON:

I didn't do research on all that, I just looked to see what's happening in other localities. I know that New York State Assembly has a bill pending.

D. P. O. VILORIA-FISHER:

To do something similar to this, to collect pharmaceuticals?

LEG. EDDINGTON:

No, to require the pharmaceutical companies to take responsibility for the collection. You know, right now, whatever cost, it sounds to me like DPW -- right now we're going to have opportunity costs. Our personnel is now going to spend their valuable time developing this. I think the Assembly is putting it on the pharmaceutical companies to come up with an appropriate disposal plan.

D. P. O. VILORIA-FISHER:

So, if the State legislation were to pass --

LEG. EDDINGTON:

It would supersede.

D.P.O. VILORIA-FISHER:

Would it preempt us? I don't know, it doesn't seem similar enough. George?

MR. NOLAN:

I think it's impossible to say if there would be a preemption issue, not having seen the Assembly bill or being familiar with it. This bill might end up supplementing what the State does. There may not be an inconsistency. They may not do something so extensive that it would preempt the entire area, so really the bottom line is it's impossible to say at this point if there's a preemption issue.

D.P.O. VILORIA-FISHER:

Okay. Thank you, George.

LEG. NOWICK:

Just one question.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Just for my own edification, because I've been working on this. The Health Commissioner, Dr. Chaudhry, he weighed in?

LEG. STERN:

Yes. All at meetings ongoing for quite some time, actually, and we've got it to a point where everybody's on board.

LEG. NOWICK:

Everybody's happy.

P.O. LINDSAY:

Anybody else? So if there's any additional cost, it has to come back to us, right?

D.P.O. VILORIA-FISHER:

It didn't say that.

P.O. LINDSAY:

That's what Counsel --

LEG. STERN:

Yes, that's what Counsel had said, that an RFP would be issued, and if there's a cost element to going forward with program, it would have to be an appropriation that we would have to make.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Opposed.

MR. LAUBE:

One opposed? Sixteen. (Absent: Leg. Montano)

P.O. LINDSAY:

1627 --

LEG. NOWICK:

Cosponsor.

P.O. LINDSAY:

Approving a construction agreement between Suffolk County Sewer District No. 13 - Windwatch and Motor Parkway Associates for the expansion of the sewage treatment plant by 350 gallons per day.

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by -- who made the second? Legislator Horsley. On the question, Legislator Alden.

LEG. ALDEN:

What are the terms of this? Is this -- this is an expansion of the existing capacity? This is 350,000 gallons per day additional?

LEG. BEEDENBENDER:

Yes.

LEG. ALDEN:

Is that governed by that, you know, the hook-up fee or any of the fee?

P.O. LINDSAY:

This is the situation where a private developer is expanding an existing sewer plant on County property; is that right, Mr. Anderson?

MR. ANDERSON:

That's correct. There will be -- it will be facilitating a number of facilities by the expansion, not only the hotel, but two apartment complexes and another subdivision nearby.

LEG. ALDEN:

This is a discharge into the ground, right?

MR. ANDERSON:

Yes.

LEG. ALDEN:

Is this the one that your office sent me the information? Because there was an increase of like 750,000 gallons per day discharged into the ground and there is -- you know, because there's a flooding problem south of there.

MR. ANDERSON:

Correct. This is -- but, again, it's taking some of the areas that are already covered, like I said, the two apartment complexes and a nearby subdivision that's been approved. So that would be going into the area just as well just from a different spot, because the divide is actually to the north of where it would align.

LEG. ALDEN:
So all this flows south?

MR. ANDERSON:
Yes.

LEG. ALDEN:
The water pumped into the ground. Now, Commissioner, they're building this on County property?

MR. ANDERSON:
Correct.

LEG. ALDEN:
And what is our arrangement?

MR. ANDERSON:
As far as?

LEG. ALDEN:
They're getting a benefit. I'm making that --

MR. ANDERSON:
Correct. We get an updated plant. It's expanded at no cost to the County.

LEG. ALDEN:
They build it and then they dedicate it to us?

MR. ANDERSON:
They dedicate to us after we approve it, correct.

LEG. ALDEN:
And then we collect the fees on it?

MR. ANDERSON:
Yes.

LEG. ALDEN:
Okay. And you've looked at all the financials as far as whatever we're going to need for repair, maintenance, expansion in the future?

MR. ANDERSON:
I haven't personally looked at the details but --

LEG. ALDEN:
No, I --

MR. ANDERSON:
-- Public Works has, correct.

LEG. ALDEN:
This is a good deal for the County?

MR. ANDERSON:
Yes, it is.

LEG. ALDEN:
Okay. Except for the gallonage going into the ground.

MR. ANDERSON:
Unfortunately. I mean, it's going to go in somewhere, whether it's right at this spot or spread out over the area. But it is in the immediate area and it would be going in anyway.

P. O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Abstain.

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fifteen. (Absent: Leg. Montano)

P. O. LINDSAY:
1782 - Appropriating funds in connection with the bridge replacement on CR 67, Motor Parkway at LIE Exit 55, Town of Islip.

LEG. KENNEDY:
I make a motion to approve, Mr. Chairman.

P. O. LINDSAY:
Motion by Legislator Kennedy.

LEG. NOWICK:
Second.

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

MR. LAUBE:
Seventeen.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Absent: Leg. Montano)

P. O. LINDSAY:
Accompanying bond, Resolution 1782A. Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Absent)

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Absent: Leg. Montano)

P.O. LINDSAY:

Okay. 1784 - *Appropriating funds in connection with dredging of County waters.* Do I have a motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amato.

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

LEG. D'AMARO:

Yes. Commissioner Anderson, I just had a quick question on this resolution. This is to appropriate, I think it's 1.2 million for dredging projects throughout the County. What's the effect -- first of all, do we have enough time to dredge? I know that's done only at certain times of the year; is that accurate? And also, what's the effect of not dredging?

COMMISSIONER ANDERSON:

Well, let me answer the second one.

LEG. D'AMARO:

Other than shallow water.

COMMISSIONER ANDERSON:

Right. Well, that's really what it would turn out to be, is it becomes an issue of a safety hazard for boaters. If these waters aren't dredged on a regular basis they silt up. I mean, pretty much everybody's district is impacted by, you know, the situation one way or the other. What was the first part of the question?

LEG. D'AMARO:

Is there sufficient time to do the dredging, let's say this year?

COMMISSIONER ANDERSON:

Well, right now, yeah, we feel that there is enough time to get a contractor in. These are all located generally pretty close to each other, you know, within the Great South Bay that, you know, if we get all the permits on time, we can get them all done. If not, at least we'll have the money authorized and we can use it next year to continue the dredging.

LEG. D'AMARO:

As long as the funds are authorized, you can go into next year?

COMMISSIONER ANDERSON:

Right, because it's out of the -- I believe it's out of the -- you know, out of our program, we'll have it in place and we can just, you know --

LEG. D'AMARO:

So it's appropriated.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

And do we -- there are several areas that are targeted for this dredging. Do we dredge the same areas every year? In other words, do we incur a \$1.2 million expense every year in the same areas?

COMMISSIONER ANDERSON:

No. No, we don't. These are generally every few years, we try to go for ten year permits and then we'll go back as needed. We don't do these dredgings, these are actually contracted out currently right now.

LEG. D'AMARO:

Is there an environmental purpose to the dredging or is it really just about shallow water and navigable water?

COMMISSIONER ANDERSON:

It's really about shallow -- yes, making safe, navigable waters.

LEG. D'AMARO:

In waterways that are the responsibility or owned by Suffolk County.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So we're not going beyond our own jurisdictional waters.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. And did we dredge last year, do you know off-hand?

COMMISSIONER ANDERSON:

We did some dredging, not in this area. We dredged -- I don't believe we did this last year. The year before we did some areas on the south shore. Last year we did some of the Nissequogue, areas out on the east end.

LEG. D'AMARO:

Thank you. I appreciate your answers. Thank you.

P. O. LINDSAY:

Legislator Viloría-Fisher.

D. P. O. VILORIA-FISHER:

Hi, Gil.

COMMISSIONER ANDERSON:

Hi.

D. P. O. VILORIA-FISHER:

I know that Fish & Wildlife has become more restrictive with the window -- the windows for dredging. Can you give us those dates again when we are permitted to dredge?

COMMISSIONER ANDERSON:

It really is dependent on the area. Along the Peconic it's generally October 1st to I believe January 1st, January 15th, really depending on the water body. On the north shore, the Nissequogue was later, actually we were able to extend it into March. So it really depends on where you are.

D. P. O. VILORIA-FISHER:

From October to March?

COMMISSIONER ANDERSON:

No, actually it was later. I believe it was November at some point into March, so it -- the window varies depending on the water body.

D. P. O. VILORIA-FISHER:

Thank you, Gil.

P. O. LINDSAY:

And just -- I'm just going to jump in. Some of the questions Legislator D'Amaro mentioned, I know in my district we've been trying to dredge one canal there for probably 15 years and it's -- you know, I think we're beyond the County hurdles. It's DEC problems. I mean, the hoops that you have to jump through in order to dredge a water body is almost insurmountable. And in this case, it does have an environmental issue as well because the water is so stagnated it's affecting the wetlands and it certainly, you know, effects the mosquito issue.

COMMISSIONER ANDERSON:

Right. There is --

P. O. LINDSAY:

Because water doesn't flow.

COMMISSIONER ANDERSON:

Correct. There is a big argument to be made for the flushing effect that a dredging does give certain water bodies.

P. O. LINDSAY:

Okay. Thank you, Mr. Anderson. Legislator Barraga.

LEG. BARRAGA:

Just one quick question.

COMMISSIONER ANDERSON:

Sure.

LEG. BARRAGA:

Does this absolutely have to be done this year? Can you postpone this and do it next year?

COMMISSIONER ANDERSON:

The water bodies that we have need to be done. They are -- you know, they are in some cases, and I don't want to say dire but, yeah, they need to be done this year.

LEG. BARRAGA:

Because this is a bonding with \$133,000 worth of interest over a five year period.

COMMISSIONER ANDERSON:

Correct.

LEG. BARRAGA:

And I'm looking at projects where based on economic circumstances for the County and the nation, I mean, wherever we can maybe postpone something for a little bit until we get a little more visibility

as to where the economy is going. I mean, is this something that has to be done in your judgment, this particular project absolutely has to be done?

COMMISSIONER ANDERSON:
Yes.

P. O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Thank you, Mr. Presiding Officer. Thank you, Commissioner. I know one of the -- you know, you were kind enough to give me a list of all the dredging permits that have been requested from the various towns. I know one of them that's particularly important in my area is Three Mile Harbor and I see that it's not on the list here. I know people out there are very -- you know, are hoping that it's going to be one of the inlets that are dredged this season. If it's not funded, I take it that there's not going to -- there's no possibility that it's going to be dredged this season; is that right or wrong?

COMMISSIONER ANDERSON:
Depending on whether we do that with our own dredge or -- this is really -- these are contracted dredges, these aren't the ones that we do with our dredge. The Three Mile Harbor, we're still completing the permits, we anticipate to have them in to the regulatory agencies shortly and we're hoping that we can put a little pressure on it, that's one of the ones that we're hoping we can get the permission for.

LEG. SCHNEIDERMAN:
Because I've been looking at the list and trying to figure out how things are prioritized, whether it's chronological or whether to what degree it's navigable; I really can't tell from the chart that you gave me.

COMMISSIONER ANDERSON:
Right.

LEG. SCHNEIDERMAN:
I did notice, and there's probably a good explanation for this, that although that the east end there's probably more requests from the east end than anywhere else, none of the inlets in this particular funding resolution are on the east end, these are all Islip, Brookhaven, Babylon area.

COMMISSIONER ANDERSON:
Correct. I mean at this point, this, again, is -- the way the Department of Public Works dredges, on the Great South Bay we currently use contractors. On the east end we have our dredge, which is primarily used there. Last year we did do some dredging on the south -- Great South Bay with our dredge. The north side of the Island is all used with -- you know, we use contractors because it's generally a larger project than we can handle. So the ones --

LEG. SCHNEIDERMAN:
All right, so if we're using our own dredge, there is no funding resolution for it.

COMMISSIONER ANDERSON:
Right, that comes out of our operating.

LEG. SCHNEIDERMAN:
Thank you.

P. O. LINDSAY:
Okay. Any other questions? Yes, Legislator D'Amaro.

LEG. D'AMARO:
Thank you, once again. How accurate are cost estimates on the dredging projects? You know, what's the history been there, or are we going to come back here and say to complete the dredging that we have listed for this appropriation it's going to be another, you know, X amount?

COMMISSIONER ANDERSON:
No, we're very confident in our numbers. We actually do a survey before we go in. We do a survey before we submit an actual application, then we go in before they serve -- before they dredge the specific water body, we survey it, we then control it as they go through it to make sure we maintain not only the work that has to be done but also, you know, the quantities that are done and then eventually the cost as well.

LEG. D'AMARO:
My other question was in order to dredge in these areas, or most areas, there's other permits. As the Presiding Officer had mentioned, there's a permit process at the DEC level that --

COMMISSIONER ANDERSON:
There's -- yeah, both -- we have to get permits both from the New York State Department of Environmental Conservation as well as the U.S. Army Corps of Engineer.

LEG. D'AMARO:
And are those permits all in place for the proposed dredging now or is it something that's ongoing and you're waiting for the approval process?

COMMISSIONER ANDERSON:
Correct, we're waiting --

LEG. D'AMARO:
You're waiting for approvals?

COMMISSIONER ANDERSON:
Not on all of them.

LEG. D'AMARO:
Some of them.

COMMISSIONER ANDERSON:
We're waiting for some of them, yes.

LEG. D'AMARO:
All right. And on the projects where you have approvals --

COMMISSIONER ANDERSON:
Right.

LEG. D'AMARO:
To follow up on what Legislator Barraga was getting to about the cost and, you know, we have to be mindful about the added interest expense that we keep piling on more debt, and if you look in the private sector you see what happens when you pile on debt.

COMMISSIONER ANDERSON:
Absolutely.

LEG. D'AMARO:
Do the permits that you have in place now expire; and if so, when?

COMMISSIONER ANDERSON:

Generally, I believe we've been going for ten year permits; I couldn't specifically say whether each of these are that. We try to get a large period where if we have to go back in we can go back in without having to go through all the permits and everything.

LEG. D'AMARO:

And the contractors that are targeted to do the dredging we've used in the past?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

All right, thank you again, Mr. Presiding Officer.

P. O. LINDSAY:

You're welcome. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Fifteen.

P. O. LINDSAY:

No, it can't be 15. Tim, Legislator Kennedy isn't here.

MR. LAUBE:

That's 14 then. There he is.

P. O. LINDSAY:

Do you want to be recorded, John, on the dredging vote?

LEG. KENNEDY:

In favor of it? Yes.

P. O. LINDSAY:

Okay.

LEG. KENNEDY:

Thank you.

MR. LAUBE:

Fifteen stands (Opposed: Legislators Barraga & D'Amaro - Absent: Legislator Montano)

P. O. LINDSAY:

Okay, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

(Absent).

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D. P. O. VILORIA-FISHER:

Yes.

P. O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & D'Amaro - Absent: Legislator Montano).

P. O. LINDSAY:

1785-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with improvements to CR 80, Montauk Highway between NYS 112 and CR 101, Patchogue-Yaphank road/Sillis Road, Town of Brookhaven (CP 5534) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P. O. LINDSAY:

Motion by Legislator Eddington. Second by Legislator Losquadro.

LEG. LOSQUADRO:

Sure.

P. O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Fifteen (Opposed; Legislators Barraga & Alden - Absent; Legislator Montano).

P. O. LINDSAY:

Same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. MONTANO:

(Absent).

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D. P. O. VILORIA-FISHER:

Yes.

P. O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

I'm going to abstain on this one.

MR. LAUBE:

Fourteen (Opposed; Legislators Barraga & Alden - Abstention; Legislator Schneiderman - Absent; Legislator Montano).

P. O. LINDSAY:

Okay. **LR 1786-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with the rehabilitation of various bridges and embankments (CP 5850) (County Executive).** Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P. O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. BROWNING:

Second.

P. O. LINDSAY:

Second by Legislator Browning.

LEG. D'AMARO:

On the motion.

P. O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Commissioner Anderson, a quick question. Just the stated purpose for this particular appropriation?

COMMISSIONER ANDERSON:

This is to provide funding for an engineering study to analyze the bridge over Browns Creek; it's a 71 year old structure and we are concerned with its condition. This will give us the engineering so that we can make a determination whether it should be rehabilitated or replaced.

LEG. D'AMARO:

All right, thank you.

P.O. LINDSAY:

Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Gil, we have Civil Engineers on staff; are they capable of doing this kind of assessment?

COMMISSIONER ANDERSON:

Yes.

D.P.O. VILORIA-FISHER:

Why aren't we using our in-house engineers?

COMMISSIONER ANDERSON:

Because of current workload right now, we felt it would be best to -- especially considering the age of this bridge, it would be better to put this one out so that we can get, you know, essentially a quicker response.

D.P.O. VILORIA-FISHER:

How many unfilled civil engineering positions do we have right now?

COMMISSIONER ANDERSON:

That I don't know.

D.P.O. VILORIA-FISHER:

A round number?

COMMISSIONER ANDERSON:

I couldn't even give you that; I'm sorry.

D.P.O. VILORIA-FISHER:

Okay. Would you be able to provide that for me, please, Gil?

COMMISSIONER ANDERSON:

Yes, I would.

D.P.O. VILORIA-FISHER:

Because I think we're not really saving money if we're hiring so many consulting engineers. Thank you.

COMMISSIONER ANDERSON:

Okay.

P.O. LINDSAY:

How many do we have filled? How many Civil Engineers do you have?

COMMISSIONER ANDERSON:

Well, in that division? Honestly, I can get that information for you, I don't know. I can tell you who my engineers are, but I don't know what level -- where they sit as far as whether they're civil, professional engineers, things like that.

P.O. LINDSAY:

Okay, thank you.

LEG. D'AMARO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

I apologize for going again, I was looking at the wrong resolution before. But I'm just questioning, you know, similar to what Legislator Viloria-Fisher is bringing up, you know, why this is not being done in-house due to staffing. And it just seems to me, again, that here we are going into debt to hire an outside consultant to tell us whether or not a bridge should be rehabilitated or torn down and that's an expense that's going to be spread out over five to ten years. And it's just -- it seems to me it's not a very cost effective way of doing business, especially when we should be belt tightening rather than spending freely. So I'd like to offer a motion to table this resolution.

D.P.O. VILORIA-FISHER:

I'll second that.

P.O. LINDSAY:

Okay, we have a motion to table this and a second, and I guess I should really weigh in because it's in my district. Is there any threat of this bridge collapsing or --

COMMISSIONER ANDERSON:

No, not at all. It's just that the age, because of the age of the bridge that we wanted to initiate the study.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

On the motion to table?

P.O. LINDSAY:

On the motion to table, Legislator Alden.

LEG. ALDEN:

I think the two great suggestions before, and maybe Budget Review, maybe they have the answer now or maybe they could have it in a short period of time, an analysis of hiring a couple of people to fill positions that were in the budget would save us money on the short-term and on the long-term as opposed to doing this, bonding out?

MS. VIZZINI:

We could certainly take a look at that for you. Are you talking about specifically bridge design?

LEG. ALDEN:

No, I'm talking about a broad view. Because we do bond a whole bunch of other projects where some of them are done in-house, some of them aren't done in-house, so that would be an interesting look. And I don't know if you'd do it on a County-wide basis, but even in some of the other departments where we're spending money on overtime and not getting a job done even, if we have an analysis of whether filling some of the positions would be cheaper than doing it the way we're doing it right now. And that's important going into this next budget cycle.

MS. VIZZINI:

Yeah, we'll do that as part of our Operating Budget review.

LEG. ALDEN:

Thank you.

D.P.O. VILORIA-FISHER:

Mr. Chair? I'm sorry.

P.O. LINDSAY:

Go ahead, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Gail, I did request this of the Commissioner, but I think that it runs tandem to Legislator Alden's request, just vis-a-vis Civil Engineers. Because those consulting contracts are the ones that really seem to spike up pretty high. And if we could -- you know, we're looking at -- I believe we have a couple of sewer projects before us, we're going to be looking at more because sewerage has become more and more of an imminent concern and so I believe that in those sewer studies, we should see if I could narrow the focus so that you could give us how many vacancies in this -- in that type of Civil Engineering positions we have. Because we've just tabled this resolution --

LEG. ALDEN:

No, we didn't vote on it yet.

D.P.O. VILORIA-FISHER:

Well -- okay, I've just seconded a motion to table this resolution. So if I could have some information before the next meeting so that I would know whether to vote yea or nay on it.

MS. VIZZINI:

Sure. We can put together the number of Civil Engineering positions filled and vacant, if that would help.

D.P.O. VILORIA-FISHER:

That would help greatly. Thank you.

P.O. LINDSAY:

Okay. We have a motion to table and a motion to approve, tabling goes first. All in favor of tabling? Opposed? Abstentions?

LEG. LOSQUADRO:

Opposed.

LEG. ROMAINE:

Of tabling?

P.O. LINDSAY:

To table.

LEG. ROMAINE:

Oh, I'm in favor.

P.O. LINDSAY:

Okay, we've got one in opposition to table; everybody else in favor of tabling this resolution.

MR. LAUBE:

Sixteen (Opposed: Legislator Losquadro - Absent Legislator Montano).

P.O. LINDSAY:

We might not see that study for a long time. I hope the bridge don't collapse.

Okay. **JR 1798-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with safety improvements of various intersections for a traffic study on CR 97 at the intersections of Hammond Road and Hawkins Avenue (CP 3301)**
(Beedenbender).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Barraga - Absent Legislator Montano).

P.O. LINDSAY:

The accompanying Bond Resolution, 1798A, same motion, same second; roll call.

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

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

(Absent).

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator Montano).

P.O. LINDSAY:

IR 1802-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with preparing a Sewering Feasibility Study for the Rocky Point Business District (CP 8187) (County Executive).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. BROWNING:

On the motion.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Browning and then Alden.

LEG. BROWNING:

Okay. Gil is still here? I have a couple of questions, because we're doing a sewer study in the Shirley-Mastics area and it's being done in-house.

COMMISSIONER ANDERSON:

Correct.

LEG. BROWNING:

It should be completed by the end of the year.

COMMISSIONER ANDERSON:

Yes.

LEG. BROWNING:

I'm curious why -- is there already a sewage treatment plant?

LEG. LOSQUADRO:

I can --

LEG. BROWNING:

There isn't one in Rocky Point, I don't believe.

LEG. LOSQUADRO:

Well, I can address. I think part of the concern -- if I may, through the Chair -- and I know Mr. Anderson can probably speak to his staffing concerns. But the reason for the timeliness of this is a private developer is going to be constructing a new housing complex very soon. They have their approvals, and part of that approval is a waste water treatment facility. And as that construction takes place, having this study done in a timely fashion to be able to allow for scalability of that plant, where pump stations might need to be located, that plant would be able to cover a portion of the business area but not the entirety. And this study would also look at the feasibility of tying in on a more regional scale as well, so how that plant that's going to be constructed very shortly would fit in with all of this. It's rather time sensitive. And I know I did inquire because I know we did one in-house, but unfortunately, I just don't think we have the staffing to be able to accommodate these on a regular basis. I'll let the Commissioner discuss that.

LEG. BROWNING:

Well, to add to that, you know, I can share exactly where to send. I have the same type of development coming up with the plans for a sewage treatment plant. I know that the study in my district will be -- should be completed at the end of the year.

COMMISSIONER ANDERSON:

Yes.

LEG. BROWNING:

You know, you're talking now \$300,000 RFP. The RFP is going out or are you just going to be hiring somebody or are we waiving -- tell me what you're doing with this.

COMMISSIONER ANDERSON:

With this one? This again, as Legislator Losquadro said, this is something that we would prepare the RFP, get it out. It would certainly take a little time to get, you know, the engineer on board. But with our current workload, you know, right now, as was said, earlier, you know, we do have the Mastic/Shirley report that we're doing and --

LEG. BROWNING:

But by the time you get your RFP, the Mastic/Shirley one is going to be completed, it's going to be finished; correct?

COMMISSIONER ANDERSON:

Correct, but there is an impetus of getting this done -- to get this done as quickly as possible, because you do have the treatment plant in line to be developed.

LEG. BROWNING:

Okay. And as far as the development is concerned, I know I have plans for -- there's plans for development in my district at the Links Golf Course, you know, I know they're in application stage. Where is yours?

LEG. LOSQUADRO:

This one is well beyond application. They have -- they're finalizing site plan approvals at the time moment, so this -- they're going to break ground very shortly. This is well beyond the planning stage. And I know in discussions with the Department and the Executive's Office that, you know, there are obviously other projects that the Department of Public Works has to work on next year other than just the one that we would like to see completed here. So unfortunately, this apparently did not fit into their ability to be able to accommodate it in-house this year. So with the County Executive's approval, we went forward, he wound up filing the bill with myself as a cosponsor to move forward on doing this through an outside contractor.

P. O. LINDSAY:

Legislator Alden, did you want to say something?

LEG. ALDEN:

Well, maybe the sponsor of the bill or maybe Gil would know. Our Suffolk County Health Department reviews any of these wastewater treatment plants, actually any requirements for wastewater, whether it be a cesspool or whether it be a treatment plant. Have we coordinated with them?

COMMISSIONER ANDERSON:

They would make the initial recommendation as to whether you would do the treatment -- you know, you would use a treatment plant for the subdivision. I mean, it's well beyond that at this point.

LEG. ALDEN:

They've actually given it approval for a proposed treatment plant?

COMMISSIONER ANDERSON:

I believe so. Yeah, we're into the -- we're actually into the final design -- well, not we are but the developers.

LEG. ALDEN:

And where is the Town Board; this is in Brookhaven, right?

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

Does the Town Board require a treatment plant?

COMMISSIONER ANDERSON:

They require the Health Department approval, they require our approval as part of the process of the development.

LEG. ALDEN:

But actually there should be, you know, like a little bit of a larger plan. If we're going to look at some kind of growth that makes sense in Suffolk County, some people have to start coordinating with each other.

LEG. LOSQUADRO:

Well, Legislator Alden, if I may. This developer, in coordination -- I give a lot of credit to the Rocky Point Civic Association, they actually got quite a bit out of this developer, an additional \$3 million to add to the capacity of the plant. But that's the most they could get out of them and that would only accommodate a portion of sewerage in the downtown area. This study will look at the feasibility of scalability for that facility or tying in another regional facility because we do have other large properties in the area that are in the planning phase for development right now. So if those developers could kick money into a pool, if we knew a potential cost involved and we had a plan for sewerage the rest of this area --

COMMISSIONER ANDERSON:

Which we're working on now.

LEG. LOSQUADRO:

Which is what we're looking at.

COMMISSIONER ANDERSON:

Right.

LEG. ALDEN:

Right, that's all very well and good. But you know what? We're passing the cost on to the Suffolk County Taxpayers. This is a local problem, this is a problem of a town that actually is ignoring part of their responsibility. So why aren't they coordinating with us --

LEG. LOSQUADRO:

I don't see it that way at all.

LEG. ALDEN:

Why aren't they coordinating with us, then, as far as their total needs for sewers? And if they're ready to break ground, then this legislation is way too late.

LEG. LOSQUADRO:

No, they're waiting to break ground on one particular development, but that doesn't address the rest of the area and it goes to commerce and revitalizing our downtowns and improving the overall economic health of Suffolk County. So I think this has -- like the other downtowns throughout Suffolk County that we put money into and we want to see succeed, this goes towards improving the economic condition of all of Suffolk County.

LEG. ALDEN:

Well, I'm just making a little guess here, but I would imagine that this is not a not-for-profit that's doing this. This sounds like a for-profit entity that's doing the development here. They're going to

make them money -- they're going to make money and they're going to make more money if they can pass off some of their responsibility to Suffolk County or to the town in designing --

LEG. LOSQUADRO:
No, this has nothing --

LEG. ALDEN:
-- and sewerage.

LEG. LOSQUADRO:
No, this has nothing to do with the current facility that's going to be built. They have to build that facility and they've agreed to add additional capacity as part of their negotiations with the town.

LEG. ALDEN:
I'm questioning why Suffolk County --

LEG. LOSQUADRO:
So that has nothing to do with this.

LEG. ALDEN:
But I'm questioning why Suffolk County, including the Department of Health, would take this on a piecemeal basis. You know, we have a plan for intelligent expansion or we don't have a plan and we just do it piecemeal and we end up with things like this at the last minute.

COMMISSIONER ANDERSON:
Right, now the opportunity exists to take advantage of construction that's eminent. The study of -- the global study that we're doing where we're going to look at areas similar to this is -- we're right now developing the RFP, so we're looking at a fair amount of time before we get to that point. This is an opportunity to take a look, see what you know, the community can use, if it would fit the plant that's being built, the contractor will -- or the developer will expand the plan and it's a ready, available, you know, facility.

LEG. ALDEN:
So my point is we're doing it piecemeal. There is no Suffolk County plan for expansion or economic development.

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
We're just doing this piecemeal. And unfortunately this is going to end up over \$300,000 that the taxpayers pick up for a private entity to come in and make money. So I find it --

COMMISSIONER ANDERSON:
No, no, the private entity won't make money.

LEG. LOSQUADRO:
No.

LEG. ALDEN:
They're not?

COMMISSIONER ANDERSON:
One way or the other, you would have to get someone -- if you're talking about doing a global study, you're going to have to bring in a consultant to do something like that. I mean, that's just huge. And to say that he's going -- he's not going to -- they're not going to spend the same amount of money during the global study as well as right now? I mean, this takes a certain burden off the global study; it's something that we plan on -- we're considering and considering recommending.

LEG. ALDEN:
Are we going to do a global study?

COMMISSIONER ANDERSON:
Yes, we are. It's the RFP study for the County-wide sewer.

LEG. ALDEN:
We passed that? How long ago did we pass that?

COMMISSIONER ANDERSON:
It has to be -- I believe we have to have the RFP completed by the end of the year.

LEG. HORSLEY:
By the end of the year.

COMMISSIONER ANDERSON:
Yeah.

LEG. D'AMARO:
Right, a couple of months.

LEG. HORSLEY:
The money is budgeted for it and everything.

LEG. ALDEN:
And this --

LEG. HORSLEY:
One point two five million; you voted for it, probably, Cameron.

LEG. ALDEN:
No, I probably didn't vote for it.

LEG. HORSLEY:
Well, maybe you didn't. I wouldn't bet on it.

COMMISSIONER ANDERSON:
But again -- I mean, we're looking at, you know, the level of detail that's going to be involved between the RFP -- you know, they're going to give a general, again, depending on how the eventual RFP is finalized, they're going to give us a certain level of recommendation. This one provides for this specific community and whether it should be sewerage, whether we can take advantage of this developer at this time because he's at a point where he's going to start construction, relatively soon, not next year but --

LEG. ALDEN:
Okay. Then define relatively; a month, a week, two weeks?

COMMISSIONER ANDERSON:
I mean, if within six months, it's still sooner than we're going to be able to deal with it through the overall and the overarching study that we want to do.

LEG. ALDEN:

All right. I --

LEG. LOSQUADRO:

Mr. Anderson, if I could just -- sorry, Legislator Alden, just to interject, I just want to point out, this study is not for the developer per se, it's for the overall community. The developer isn't benefitting from this in some way.

LEG. ALDEN:

Then maybe I'm just reading this wrong. But Rocky Point Business District implies people that are in business, those are private entities, that's not all government services. So somebody in here is making money. Granted, we do have a global responsibility to protect the drinking water, but who's going to pay for that? Should that be everybody in Suffolk County? Maybe, but I'd rather have the -- I'd rather have the global discussion rather than a piecemeal discussion on what we're going to do. Because as was pointed out, now we've got a little project going over -- and it's not a little project, I don't mean to belittle it.

LEG. BROWNING:

A big project.

LEG. ALDEN:

A big project going over in the Mastic/Shirley area, now we're going to have another one here, we'll have another one there, we'll have another one there. Now where do they all fit in? And this -- and do they fit in? That's my point. And you can defend it, you can not defend it, but if you don't have a global picture of what you want to accomplish, where are you going to allocate the very scarce resources? Because the money we're doing here is scarce. This is scarce dollars and now we're going to throw them over here.

LEG. LOSQUADRO:

you're right, and that's why we want to promote our business districts so they can revitalize and they can do things like put apartments over businesses, giving people an affordable place to live and they can't do that without sewerage.

P. O. LINDSAY:

Okay, I still have like three people who want to talk.
Legislator Horsley.

LEG. HORSLEY:

Yes, Gail, thank you for your comments today. I just wanted to make sure that we are including the Rocky Point study in our task force issues, because Brookhaven didn't do come up with that as one of their top priorities. I'm certainly going to vote for this because it's an expansion of sewers in Suffolk County, but I want to make sure that we do include it in to the overall RFP --

COMMISSIONER ANDERSON:

Absolutely.

LEG. HORSLEY:

-- and that it becomes part of the GIS system.

COMMISSIONER ANDERSON:

Right. And the current thinking, again --

LEG. HORSLEY:

One more global thinking, and I'm sure that's what you're thinking.

COMMISSIONER ANDERSON:

Right. Areas like this are --

LEG. HORSLEY:

This one caught me by surprise, too.

COMMISSIONER ANDERSON:

Right, right. I mean, it's -- you know, we would be looking towards districts similar to this, areas similar this where you could expand on the business, add affordable housing.

LEG. HORSLEY:

Business, you know, private/public partnerships, stuff like that.

COMMISSIONER ANDERSON:

Right, for the benefits of bringing in sewers.

LEG. HORSLEY:

Yeah, we should definitely make sure that we know about this beforehand. I'm surprised that we didn't discuss this, as we've had public meetings and stuff like that with all sorts of, you know, towns and whatever.

COMMISSIONER ANDERSON:

Yeah, nobody brought forward.

LEG. HORSLEY:

That we should include that in it so there's no more future surprises..

COMMISSIONER ANDERSON:

Okay.

LEG. ALDEN:

Thank you.

P. O. LINDSAY:

Okay.

LEG. ALDEN:

It's just like his district has been waiting for sewerage forever.

P. O. LINDSAY:

Legislator D'Amato.

LEG. D'AMARO:

I just need to take one minute to understand what's happening here. The -- or maybe Legislator Losquadro can help me out, if you don't mind. There's an approved development, business development that's ready to break ground.

LEG. LOSQUADRO:

No, residential.

LEG. D'AMARO:

Residential.

LEG. LOSQUADRO:

A residential development --

LEG. D'AMARO:

Okay.

LEG. LOSQUADRO:
-- a PRC, for sale; planned retirement community.

LEG. D'AMARO:
Right.

LEG. LOSQUADRO:
So with the additional density, they were required to put in a waste water treatment facility.

LEG. D'AMARO:
Okay.

LEG. LOSQUADRO:
In the negotiations with the town, the town and the community members got the developer to put up an additional \$3 million to expand the capacity of that plant, but that expansion would only cover a portion of the downtown area. So we thought the opportunity existed to do a study to see what the costs of feasibility would be to do the entire district. And being that we do have other developments in the area that could be taking place in the relatively near future, they are in the planning stage, that when those developments were to gain approval that they could put money into a pool and either expand that current facility because there is room on site to expand it or perhaps add a separate facility and just have pumping stations but have them all tied together to be able to link the entire business community and the developments that are taking place now. We're trying to take a little more global view instead of just that shotgun approach.

LEG. D'AMARO:
So I guess the flip-side is if the development went forward today as planned, the treatment plant would be constructed with a certain capacity that would not accommodate the entire business downtown or whatever area you're talking about.

LEG. LOSQUADRO:
Correct.

LEG. D'AMARO:
Now -- all right. So you're trying to, in effect, plan ahead and in order to do that you need this study.

LEG. LOSQUADRO:
Correct.

LEG. D'AMARO:
Now, but that's where Commissioner, I want to ask you, Can I save you 300,000 and just tell you sitting here now, "Yeah, we need the sewers"? I mean, why do we need to have a study?

Laughter From Audience

COMMISSIONER ANDERSON:
I mean, there are various things you want to look at in a study. You want to look at, you know, the potential --

LEG. LOSQUADRO:
It's the how, not the why.

COMMISSIONER ANDERSON:
Right. Yeah, I mean, a lot of it's going to be dependent on how you're going to -- as the Legislator, said, you know, how you're going to get the sewage to the plant, where are you going to lay it out?

LEG. D'AMARO:
Don't you put pipes along the road to do that?

COMMISSIONER ANDERSON:
Yeah, but it depends, if you have a very hilly area you may have to put in more pump stations, you may use a vacuum system rather than a --

LEG. D'AMARO:
Is it possible you could spend 300,000 on the study for a downtown or business district area and conclude it's not feasible?

COMMISSIONER ANDERSON:
Sure, yeah, that would -- I don't honestly know how but, yeah, I could imagine it could happen. You know, it's -- the level of potential is --

LEG. D'AMARO:
I mean, this is not a planning study, this is not the actual engineering or drawings or the civil engineering of the whole thing. It's not --

COMMISSIONER ANDERSON:
This is the preliminary step. This is the feasibility to see --

LEG. D'AMARO:
It's just basically like if you want to get sewage from point A to point B, can we get a pipe.

COMMISSIONER ANDERSON:
Also, how big you want to -- you know, there may be a point where it's not logical. There may be geographic boundaries that just are too great or too inefficient cost-wise, you know, too overcome. You may want to -- you know, it establishes the district, where you're going to go to.

LEG. D'AMARO:
Because I always thought the issue was not whether it's feasible but how do you pay for it.

COMMISSIONER ANDERSON:
That's the big overarching issue everywhere, yeah.

LEG. D'AMARO:
Well, that's my question. If we do a study and the study concludes after bonding out \$300,000 that, yeah, it's feasible, you know, it's always a good thing for development and what have you.

LEG. LOSQUADRO:
If I may, Legislator D'Amaro. If you look at --

LEG. D'AMARO:
Well, let me just finish my thought.

LEG. LOSQUADRO:
If you look at the resolution --

LEG. D'AMARO:
Let me just finish -- go ahead.

LEG. LOSQUADRO:
The cost is -- a portion -- I know the title may be a little misleading --

LEG. D'AMARO:

Right.

LEG. LOSQUADRO:

-- but in there is developing a cost associated with it.

LEG. D'AMARO:

Okay.

LEG. LOSQUADRO:

So that is part of the resolution.

LEG. D'AMARO:

But then my point is that I think I can feel comfortable pretty much saying, "Yeah, we probably need the sewers." My point is that the whole issue of sewers on Long Island is how do you -- once you know it's feasible, how do you pay for this? So even if we do the study, even if we do the study and the study is necessary and we conclude, yeah, it's feasible. Now you have a developer ready who wants to break ground; do we have the money to put them?

COMMISSIONER ANDERSON:

No, but there may be other ways to get, you know, the district expanded. Similar to like Patchogue where they know that they have the size of the plant in place as a development comes in. You have buildings, you know, a certain area that wants to develop, you bring a developer in, he runs the pump station that runs to it. There's ways to expand it, not all at one time but maybe piecemeal, and that's something that would be looked at. Certainly there isn't -- there aren't -- you know, the money isn't there right now and everybody knows that. It's the biggest issue we face globally. But you want to look at what areas you're going to put sewers in, what makes the most sense fiscally and then how can you do it; can you do it piecemeal or do you have to do it all at once?

LEG. D'AMARO:

Those are all valid, you know, conclusions that you need to reach.

But my point is that sewer treatment plants can be constructed and then expanded, we've done it in Southwest.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And again, even if we conclude this is the priority, the number one sewer district in Suffolk County, it's not happening because we don't have the money to do it.

LEG. LOSQUADRO:

It may intersect again. I know we're doing a lot of back and forth here, but as I pointed out earlier the point of this is we have two large-scale developments that are in the planning phase as well, one retail, another residential with perhaps a mixed use, a planned development district. But those two moving forward, instead of them doing the same thing, building individual treatment plants or the commercial one, doing an on-site injecting directly into the ground, perhaps in the planning stage, if those developers could just put money into a pool, we have the potential moving forward, if we have a fixed cost associated that we know what it's going to take to sewer this area, then potentially, as we negotiate with those developers moving forward, we can get money out of those future developers and do this without public financing. So that's the point of having this as we go forward for this area.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Not to go back and forth, but I just find it hard to believe that a developer would just put up the type of funding available for, perhaps we're going to be putting and expanding a sewer district. I understand that's an argument and this may be the time that you have the leverage to do it, but it wouldn't make a dent in the cost of putting in the sewers.

P.O. LINDSAY:

Are you done, Legislator D'Amaro?

LEG. D'AMARO:

Yes, thank you.

P.O. LINDSAY:

Okay. Legislator Fisher.

D.P.O. VILORIA-FISHER:

Actually, this line of questioning is a segway to precisely what I was going to ask which was shared costs, and Legislator Losquadro, I'm -- Legislator Losquadro?

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

My assumption and the comments that you had prior to the comments you had just made was that we are looking at shared costs and that the benefit to the developer is that when you have a sewer area your density can be greater; is that correct, Gil?

COMMISSIONER ANDERSON:

Yes, it is. And that's the attraction.

D.P.O. VILORIA-FISHER:

So their investment is the ability to have greater density. And if I heard you correctly, as you were describing the program a little bit earlier, a couple of comments ago, is that we hope to attract a future, more robust downtown area with participants who would be willing to make the investment in expansion of this sewer -- of the sewer here.

LEG. LOSQUADRO:

Absolutely; in fact, I've had quite a lot of complaints. And you know, not to anyone's fault in the Department of Public Works or the Health Department, but there have been applications made by downtown businesses to expand their buildings, to put apartments above them, only to find out that they would have to do an individual chromoglass system and then with the size of the lots and the proximity of other buildings, they don't have the lot line setbacks so they wind up abandoning the plans completely.

D.P.O. VILORIA-FISHER:

Okay. And you just spoke to what my next question was, that you would be able to have, if you had the sewer there you would be able to have the apartments above the retail establishments.

COMMISSIONER ANDERSON:

Correct.

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

So you do wind up giving them incentives to -- for the density for affordable housing.

LEG. LOSQUADRO:

And investment, correct.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

Thanks. And this is to Budget Review; is this a general operating expense when we go and bond?

MR. REINHEIMER:

Yeah, it's a Capital Program, it's bonded money.

LEG. ALDEN:

So now it's going to come out of our Operating Budget eventually.

MR. REINHEIMER:

No, no, it's coming out of the Capital Program to be bonded, \$300,000.

LEG. ALDEN:

Right, but how do you pay for the --

MR. REINHEIMER:

The debt service would be paid through the Operating Budget.

LEG. ALDEN:

Operating Budget, right. Okay.

MR. REINHEIMER:

The debt service, correct.

LEG. ALDEN:

Okay. Is this -- so that means the principle and interest get paid back through the Operating Budget.

MR. REINHEIMER:

Correct.

LEG. ALDEN:

Right. Is this eligible for 477 money or to be taken out of the Capital Sewer -- whatever it's labeled?

D.P.O. VILORIA-FISHER:

Oh, that Quarter Percent.

LEG. ALDEN:

That's a dedicated stream of money.

D.P.O. VILORIA-FISHER:

Yeah.

LEG. ALDEN:

Both of those are dedicated streams of money.

MR. REINHEIMER:

Yeah, it's questionable for the assessment -- Sewer Assessment Stabilization because there's no sewer district here; we've had that problem before in the past. So it would be difficult to use those funds.

LEG. ALDEN:

But if Suffolk County has to approve, the Health Department has to approve that area for sewer disposal, that's approving a district which would actually make them eligible or should make them eligible to assess that money. I'm just -- you know what? This is --

D.P.O. VILORIA-FISHER:

That's a good question.

LEG. ALDEN:

Maybe this project's good, maybe it's not. But actually to pay for it, why don't we look for the most reasonable way to pay for it rather than loading up on more debt out of Operating Budget? Because our Operating Budget is well past the strain point at this point, I think. Unless we don't have -- if we don't have a financial problem going forward, then we just load it up.

MR. LIPP:

Just one caveat is if the district that -- if a district actually occurs and conceptually, according to the resolution, that the district itself would wind up paying the General Fund back.

LEG. ALDEN:

Okay. That money, the source of that money is the same place, the Quarter Cent, so some of it goes to the Sewer Stabilization, correct?

MR. LIPP:

This is General Fund.

LEG. ALDEN:

No, no, no. The question I asked before was whether 477 or the sewer --

MR. LIPP:

Assessment Stabilization Reserve Fund, yes.

LEG. ALDEN:

Both of those come out of the Quarter Cent, that's a dedicated stream of funds that we can't do anything else with.

MR. LIPP:

Correct.

LEG. ALDEN:

Wouldn't this be eligible for Water Protection? We're looking at protecting water in a very large area.

COMMISSIONER ANDERSON:

If I might. The Water Quality Protection funds, the 477 funds are generally for pollution of water bodies, not really groundwater, you know, that type of thing.

LEG. ALDEN:

Well, generally, but we changed the concept when we changed the Quarter Cent. It got approved by the folks in Suffolk County, last year I think it was, and we did change the concept. Before that it

was more restrictive, now it's less restrictive; we're using it for salaries all over the place. So is it eligible, would it be eligible?

MR. LIPP:

The answer is it's a legal and policy question; policy you, legal Counsel.

LEG. ALDEN:

Counsel left. All right, thanks.

P. O. LINDSAY:

He had to go through to the bathroom to add to the groundwater.

LEG. ALDEN:

When you talk about groundwater enough --

P. O. LINDSAY:

Okay, here we go.

LEG. ALDEN:

That's my point, though.

P. O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You know, as we talk about sewers, it reminds me of the experience, I guess, that we've worked on in Smithtown for the better part of three years, three and a half years, since I came on. Both Legislator Nowick and I have made it a point to try to help to restore, revitalize Main Street, Smithtown and also Main Street, Kings Park, two other communities or hamlets that desperately need to go ahead and have sewerage in order to support the kind of growth that we're talking about.

And the process began with a \$200,000 study resolution, which this body very graciously supported us on, and a progress to a \$2 million inclusion in the Capital Budget by the County Executive. And it now appears to be manifesting itself with the possible inclusion in the '09 Federal Operating Budget by Congressman Bishop for some \$4.3 million.

I agree with my colleagues, anything associated with any particular sewer district is probably beyond the means of us as a government, and speaking from some of my other five sewer districts, often is well beyond the means of the residents. But nevertheless, in order to go ahead and move anyplace, it appears the only way that we can do this is to start with some willingness or decision on our part to lay some of the framework. And the study originally looked at the feasibility of expanding an existing County sewer plant while modeling projected flows from those business areas with those two downtowns which served as a platform from which to build the actual detail work about expanding the capacity of the plant.

Far more than I ever thought I might know about sewer plants, but it seems that's the way it goes here in Suffolk at this point. And so it seems that Legislator Losquadro is going through the same process that unfortunately any one of us is relegated to to try to advance everything that we all collectively know we need to do in our districts. So that's why we hope this sewerage study, this County-wide sewerage study, comes forward soon so that we can get the technical concurrence we need and we can get beyond the gerrymandering of cost with 23 discreet districts which you know well, Commissioner, that we work with. Is that it in a nutshell?

COMMISSIONER ANDERSON:

Absolutely.

LEG. HORSLEY:

Yeah.

P. O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, going back to the development, I know -- I'm trying to look at the projects going on in my district. The developer is only going to build a sewage treatment plant for his specific project, but he's going to dedicate land that Suffolk County wants to expand. Is -- you know.

LEG. LOSQUADRO:

Kate, this is your district?

LEG. BROWNING:

Yeah. So my question is is that, you know, the developer who's building, you're saying they don't know how big of a sewage treatment plant to build.

LEG. LOSQUADRO:

No, they do.

LEG. BROWNING:

Okay. So then why are we doing a sewer study if they know exactly what they need?

LEG. LOSQUADRO:

No, they know what they need to do for their facility.

LEG. BROWNING:

For their facility.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

But to tie in the business district --

LEG. LOSQUADRO:

they -- listen, the developer, I can't speak for the developer or for the town, but in the negotiations they wound up getting I think an additional 15,000 gallons capacity -- I don't remember the exact numbers -- which amounted to about an additional \$3 million contribution on the part of the developer to expand their facility and still have scalability to it, but that's the maximum they could get out of this developer. That does not cover near all the business district.

LEG. BROWNING:

No.

LEG. LOSQUADRO:

So that -- when looking at that and having the possibility of only having part of the business district covered is what really prompted the move to go forward and see what it would take to do the entire district because we have two other large-scale developments that could be coming in in the very soon foreseeable future and instead of having them put 20, \$30 million into yet another sewage treatment plant, could we have them put that money into a pool and either expand this plant or do a more centralized regional plant with pumping stations or what have you? I don't know, I'm not the engineer, but that's the idea moving forward of what we want to accomplish with this study.

LEG. BROWNING:

And going back to -- I know that they're going to be finished with my -- you know, the sewer study in my district by the end of the year. You're telling me by the time the RFP is done and they get the engineer to start it, it's quite a ways down the road. So obviously, I don't think this needs to be rushed. And, you know, Cameron says whether this is a good project or a bad project, it's absolutely a good project. I don't disagree but, you know, he's suggesting looking at 477 money. I think that -- I would like to see us table that, table this just for the one cycle to see if we could do 477 money.

LEG. ALDEN:

George is looking at that right now.

LEG. BROWNING:

Good. Because by the time we're done with my project, you may be ready to do this one.

P. O. LINDSAY:

While George is looking at that, I have been silent on this but I've got a lot to say. The last time that we did a major sewer expansion in Suffolk County was the late 70's when we built the Southwest Sewer District, that cost tens of millions of dollars. Today that same construction, you're probably talking a billion.

LEG. BARRAGA:

It was a billion then.

P. O. LINDSAY:

It was a billion then, so it's probably tens of billions now, you know? I don't see that money falling in our lap and I don't think we can afford to wait until somebody drops that money in our lap and until, you know, we have the massive -- the County-wide sewer study that the RFP is going out to tell us what we actually need so that we can, you know, lobby our Federal and State people to add to that. I think this is a very appropriate way to go, whether we're talking about Mastic or Wind Watch was today or Smithtown or Patchogue or Rocky Point. I'm in favor of these -- this concept of doing it regionally, or trying to piggy-back and partner with villages, with towns, with private entities to expand our sewer capacity wherever we can, at really quite a savings to us.

And the other question, what seems to get lost here, if we're successful, whether it be in Rocky Point or in Mastic and we create a sewer district, ultimately the users of that sewer district is going to pay sewer district taxes to maintain and to continue building it. I mean, I've had this same discussion with the Mayor of Patchogue that Jack has alluded to a number of times, that they're about to expand their sewer district, their sewer plant. We don't have a siting problem, they already have a site, they have a basic infrastructure. He would be willing to expand the size of the municipal sewer plant to accommodate people outside the village. And I know my district borders to the west, I can name you three restaurants in the Bayport/Sayville area that cannot expand because of sewer problems and they all want to expand. You know, I just think it's a smart way for us to go to piggy-back with somebody else's money and to do it where we can. It might look like patch work, but at least we're doing something instead of waiting for a ton of money to fall in our lap. So, that's my opinion.

LEG. BROWNING:

But can you know, would BRO have a number for us, what it would cost to do an in-house study versus RFP?

P. O. LINDSAY:

For this project?

LEG. BROWNING:

No, in-house, in-house.

P. O. LINDSAY:

For this project?

LEG. BROWNING:

Yeah.

P. O. LINDSAY:

I don't -- I mean, Legislator Losquadro, the nature of what we're talking about here isn't so much a feasibility study as it is the engineering on where to bury the pipes and where to put the pumping stations and --

LEG. LOSQUADRO:

And what the cost would be associated with that.

P. O. LINDSAY:

Right.

LEG. LOSQUADRO:

But I think it's difficult for the department or anyone else to quantify a cost because it's a number of man hours and then those man hours are not available to be spent on other projects. And I think that's what the Commissioner was talking about earlier with, you know, how he's going to allocate his human resources.

P. O. LINDSAY:

I mean, the Commissioner isn't going to admit it, but he doesn't have enough people. Come on, stop.

LEG. BROWNING:

Okay. So how much is it going to cost us to hire some engineers instead of continually doing RFP's?

P. O. LINDSAY:

You're going to have to argue with the other -- the other part of our government to sign the SCIN forms to hire the engineers; we don't have the power to do that.

LEG. BROWNING:

Keep up adding those three hundred thousands.

P. O. LINDSAY:

I mean, we can add the positions to the budget --

LEG. BROWNING:

Keep adding them.

P. O. LINDSAY:

-- but I can't make them be filled.

LEG. ALDEN:

Is anybody else on the list?

P. O. LINDSAY:

No, no, we're still -- I'm just killing time while George is looking this up.

LEG. ALDEN:

We just need an answer.

MR. NOLAN:

Great job.

P. O. LINDSAY:

Good. Legislator Romaine wants to jump in and help me kill time.

LEG. ROMAINE:

No, no, if George is ready, I'm not going to help you out.

P. O. LINDSAY:

Oh, okay.

MR. NOLAN:

I looked at the section that has to do with the 477 program and I don't see where something like this would fit and be eligible for funding from that source.

LEG. ALDEN:

How about the sewer -- what's the name of it?

P. O. LINDSAY:

Stabilization money.

LEG. ALDEN:

Sewer stabilization.

P. O. LINDSAY:

Yeah, but you'd have to form a sewer district first.

MR. NOLAN:

And the section of the Charter --

P. O. LINDSAY:

And that's where we're going: if you're forming a sewer district you can get some stabilization money, but you also can start taxing the people in that district.

LEG. ALDEN:

Right, but here's another point, though. That \$300,000 in your Operating Budget is never going to be recouped. That's an expense that is going to go on and on, it doesn't get paid off once they --

P. O. LINDSAY:

I don't think so. I don't think so.

LEG. ALDEN:

When they --

P. O. LINDSAY:

I could be wrong, Gail, if we were to -- if this was successful and the sewer district was formed in the Mastic area, wouldn't that money that the Operating Budget laid out --

LEG. BEEDENBENDER:

Rocky Point.

LEG. BROWNING:

Rocky Point.

P. O. LINDSAY:

Rocky Point, be recoverable through the sewer district and the Sewer Stabilization Fund?

LEG. ALDEN:

To General Fund, to operating fund.

MS. VIZZINI:

According to the legislation, the intent is for the district, once it's formed, to repay the monies.

LEG. ALDEN:

This \$300,000.

LEG. LOSQUADRO:

And interest.

MS. VIZZINI:

With interest.

MR. NOLAN:

If it's formed.

LEG. ALDEN:

What?

P. O. LINDSAY:

If it's formed.

LEG. D'AMARO:

How could you form a -- okay.

P. O. LINDSAY:

Okay.

MS. VIZZINI:

It's in the legislation.

P. O. LINDSAY:

Okay. Could we vote on this?

D. P. O. VILORIA-FISHER:

Oh, good idea.

P. O. LINDSAY:

Do we have a motion and a second?

MR. LAUBE:

Yes, you do.

P. O. LINDSAY:

Okay. All in favor --

D. P. O. VILORIA-FISHER:

What is it?

P. O. LINDSAY:

It's a motion to approve. We don't have any tabling motion, just a motion to approve.

MR. LAUBE:

Just a motion to approve.

P. O. LINDSAY:

Okay. All right, who's -- a motion for? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. D'AMARO:

Opposed.

P. O. LINDSAY:

Abstentions?

MR. LAUBE:

Fourteen.

P. O. LINDSAY:

You got it right, you're sure? How many were opposed? Hold up your hands again, I think there's four opposed. One, two, three -- oh, three opposed.

LEG. STERN:

I'm for.

P. O. LINDSAY:

You're four; you're opposed, Legislator Stern.

LEG. STERN:

For.

P. O. LINDSAY:

You're for it.

LEG. STERN:

Yes, yes; I'm sorry.

P. O. LINDSAY:

Oh, okay. I thought you were the fourth opposed, I'm sorry.

LEG. STERN:

I'm sorry.

P. O. LINDSAY:

Okay. So three no, 14; you're right.

MR. LAUBE:

Fourteen (Opposed: Legislators Alden, Barraga & D'Amaro - Absent: Legislator Montano).

P. O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution 1802A; roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes for sewers.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Absent.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D. P. O. VILORIA-FISHER:

Yes.

P. O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen (Opposed: Legislators Alden, Barraga & D'Amaro - Absent: Legislator Montano).

P. O. LINDSAY:
Okay. **1804-08 - Authorizing transfer of eight (8) surplus County computer with monitors to the Antiquity Masonic Historical Society (Montano).** Do I have a motion?

LEG. KENNEDY:
Motion.

LEG. ALDEN:
Second.

LEG. BARRAGA:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:
Okay. I'm going to ask everybody's indulgence and delve into one of the CN's. We're going to make a motion to take it out of order, let me just find --

MR. NOLAN:
1880.

P. O. LINDSAY:
Which one is it?

MR. NOLAN:
1880.

P. O. LINDSAY:
1880. It's in your red packet. And the reason why I want to take it out of order is the Colonel from the Air National Guard is here to address us on this subject matter and I would very much like to accommodate her so she can be on her way. Okay? So I'm making a motion to take it out of order, 1880.

LEG. BEEDENBENDER:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:
Seventeen.

Okay. **Resolution 1880** is before us, **authorizing the County Executive to enter into a revised intermunicipal agreement with the Federal Aviation Administration and to execute a revised Airport Joint Use Agreement with the New York Air National Guard (County Executive).** Ms. Fahey, who would you like to speak to us about this?

MS. FAHEY:
Good evening. Thank you, and we appreciate you taking this CN out of order.

You might recall back in 2004/2005, the Federal Government did their BRAC Review Process, it's the Base Allocation and -- Base Relocation And Closure Review which takes a look at all of the bases throughout the country to determine which ones are financially feasible and which ones have military worth to keep active. You might also recall back in '05 we were very grateful that Gabreski's, the 106 Rescue Wing, was not on the list for relocation and/or closure. But during that process, an issue came to the surface that we've been working on since then.

The 106th Air National Guard is only one of two or three guard bureaus in the country who shoulder the burden of paying for air traffic control tower services at the airport that they occupy. We made a commitment to the Air National Guard during the last few years to try and find a way to shift that burden off of their books onto the FAA's books, not on to the County's books but over to the FAA. Airport Manager Tony Ceglie has been working with the FAA on what's called the Air Traffic Control Tower Program, and what that is, the FAA will pay for the air traffic control services at Gabreski; the County ends up being a conduit for that funding.

Currently, the Air National Guard contracts with an agency to provide air traffic control services. What this program will do is it will replace that agency with an FAA contracted agency and the FAA will pay for the services, taking that line item out of the Air National Guard's budget so that the next time the BRAC process comes around we're in a little better light than we were last time. The annual cost right now to the Air National Guard is about \$680,000; that amount will be shifted from the Air National Guard over to the FAA.

Most of you know Colonel Mike Canders who is the Commander of the 106th. Right now he is down in Houston on search and rescue missions for Hurricane Ike, he had planned on being here and he gives his apologies that he was unable to. He has sent Colonel Mary Ann Klein to answer any questions and Major Stanger who has been working with Tony Ceglie on this. So that's our program.

D. P. O. VILORIA-FISHER:
Any questions? I don't see that there is -- yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Yeah, hi, Carolyn. Just a question. You know, at the airport we've put in place a Voluntary Noise Abatement Program and a lot of that is through the tower in terms of telling people how to come in and how to leave the airport. Will the new contractor abide by our Noise Abatement Program?

MS. FAHEY:
I'm sure they will. Tony's got a great relationship with the tower. And typically what happens, because there are so few air traffic controllers in the region, what ends up happening is it's almost seamless, the same people end up being the air traffic control tower personnel from one contract agency to another. So I'm sure that there'll be a willingness to accommodate our voluntary program.

LEG. SCHNEIDERMAN:
Okay.

D. P. O. VILORIA-FISHER:
Okay. There are no other questions, Bill.

P. O. LINDSAY:
No other questions. Okay, everybody all right? All right, we don't have a motion yet; right, Tim?

D.P.O. VILORIA-FISHER:

Brian, you have a motion?

MR. LAUBE:

No.

LEG. BEEDENBENDER:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender --

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

-- second by Legislator Eddington.

LEG. BROWNING:

On the motion?

P.O. LINDSAY:

To approve; on the motion.

LEG. BROWNING:

I believe I just spoke with George. I think I might need to recuse myself. My son is a member of the 106 Air National Guard, so I prefer to have no conflict.

P.O. LINDSAY:

You think she has to recuse herself?

MR. NOLAN:

I don't think she does, but she feels more comfortable.

P.O. LINDSAY:

All right.

LEG. SCHNEIDERMAN:

I don't think it's a conflict, but to be safe, why not? It doesn't hurt to, right?

LEG. BROWNING:

Rather safe than sorry.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Tim, list me as a cosponsor, please?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Thank you, folks.

MR. NOLAN:

You've got to mark her as an abstention; Kate's an abstention.

MR. LAUBE:

I'm sorry.

D.P.O. VILORIA-FISHER:

A recusal, actually.

MR. LAUBE:

Sixteen (Recusal: Legislator Browning - Absent: Legislator Montano).

LEG. SCHNEIDERMAN:

And you heard me, Tim, right?

MR. LAUBE:

Yes.

LEG. EDDINGTON:

Thank you, Colonel, for coming.

P.O. LINDSAY:

Yeah, thank you very much for you folks coming. You know, your arguments were very persuasive.

Laughter From Audience

Ways & Means:

1685-08 - Sale of County --

D.P.O. VILORIA-FISHER:

1804, I don't think we voted on that; did we?

P.O. LINDSAY:

Yeah, we did.

MR. NOLAN:

We did, yeah.

D.P.O. VILORIA-FISHER:

Sorry.

P.O. LINDSAY:

1685-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Edward S. Fusco and Patricia Fusco, husband and wife (SCTM No. 0200-984.40-02.00-020.000) (County Executive).

LEG. D'AMARO:

Motion.

LEG. BROWNING:

Second.

LEG. COOPER:

Second.

P. O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

1761-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Windsor Village Apartments Co. LLC (SCTM No. 01010005.00-02.00-039.001) (County Executive).

LEG. LOSQUADRO:

Same motion.

P. O. LINDSAY:

Same motion, same second is all right?

LEG. D'AMARO:

Yeah, most of them are land-locked on the 13's, or very small parcels.

P. O. LINDSAY:

Okay. Same vote, is that all right with everybody?

LEG. EDDINGTON:

Yeah, yeah.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

1762-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Henry (sic) Heagerty and Mary Heagerty, husband and wife (SCTM No. 0403-010.00-01.00-027.003) (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

D. P. O. VILORIA-FISHER:

Is that Michael Heagerty? I think you said Henry Heagerty. Do I have it wrong?

P. O. LINDSAY:

Michael Heagerty; did I say Michael Heagerty?

MR. NOLAN:

You said Henry.

P. O. LINDSAY:

Oh, I said Henry; please correct it, it's Michael. You called the vote, right.

MR. LAUBE:

Yes, I did.

D. P. O. VILORIA-FISHER:

He likes a literation

P. O. LINDSAY:

1760 -- no, it was the seeds in my teeth.

1765-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Michael and Kimberly Rosman (SCTM No. 0200-213.00-08.00-036.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

1766-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-389.00-05.00-002.000 et al) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

Legislator D'Amaro, if you want to stop me on any of these, just tell me.

LEG. D'AMARO:

Yeah, I don't think so.

P. O. LINDSAY:

All right.

LEG. D'AMARO:

But thank you.

P. O. LINDSAY:

1772-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Charles Newby and Caitlin Newby, tenants by entirety (SCTM No. 0200-117.00-02.00-016.000) (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

1773-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Maria Bustamante (SCTM No. 0500-269.00-01.00-010.001) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

1773-08 (sic) - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Robert Ahern and -- oh, 1774, excuse me -- and Christina Ahern (SCTM No. 0200-244.00-01.00-023.000) (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1775-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Robert Audirsch (SCTM No. 0100-083.00-01.00-070.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1776-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Calogero Comanni and Enza Comanni tenants by entirety (SCTM No. 0200-979.70-06.00-027.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1777-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Belford Properties, Inc. (SCTM No. 0500-368.00-01.00-016.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1794-08 - Authorizing certain technical corrections to Adopted Resolution No. 336-2008, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - Ostler Property - Forge River Addition - Town of Brookhaven (SCTM No. 0200-713.00-03.00-001.000) (County Executive).

LEG. D'AMARO:
Motion.

LEG. BROWNING:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Okay, we have a motion by Legislator D'Amaro, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Alden - Absent Legislator Montano).

P.O. LINDSAY:
1795-08 - Authorizing certain technical corrections to Adopted Resolution No. 234-2008, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program for the Verrico Property - Patchogue River Wetlands Addition - Town of Brookhaven (SCTM No. 0200-865.00-03.00-053.000) (County Executive).

LEG. EDDINGTON:
Motion to approve.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Eddington, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator Montano).

P.O. LINDSAY:
Okay, 1796-08 - Authorizing certain technical corrections to Adopted Resolution No. 336-2008, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program for the Rodick Realty Corp Property - Mastic/Shirley Conservation Area II - Town of Brookhaven (SCTM Nos. 0200-983.40-06.00-034.000 and 0200-983.40-06.00-035.000) (County Executive).

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?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed?

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator Montano).

P.O. LINDSAY:
1797-08 - Authorizing certain technical corrections to Adopted Resolution No. 232-2008, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation

Program - Open Space Preservation Program for the Karras Property - Miller Place / Vaphank Road NO Addition - Town of Brookhaven (SCTM No. 0200-188.00-05.00-006.000) (County Executive).

LEG. LOSQUADRO:
Motion.

LEG. BROWNING:
Second.

P. O. LINDSAY:
Motion by Legislator Losquadro, second by Legislator Beedenbender.
All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator Montano).

P. O. LINDSAY:
All right, we're going to go to the red folder. Okay, we did 1880.

Certificates of Necessity:

1651-08 - Establishing a Truth-in-Accuracy Policy to reflect the impact of New York State Equalization on Suffolk County Real Property Tax Billing (County Executive). This is the issue that we addressed this morning when the Tax Receivers were in, so they seem satisfied with the corrected language.

D. P. O. VILORIA-FISHER:
I'll make a motion to approve.

P. O. LINDSAY:
Motion by Legislator Viloria-Fisher to approve. Second by Legislator Eddington. On the question, Legislator Alden.

LEG. ALDEN:
Since none of them are there -- or here right now, did they --

LEG. NOWICK:
They're here.

LEG. HORSLEY:
They're happy.

LEG. ALDEN:
The last thing they said on the record was that they didn't see the resolution and that they would get back to us when they saw it.

MR. NOLAN:
No, they saw it, they came back.

LEG. ALDEN:
Right, but the last thing they said before they left was they hadn't seen the resolution, on the record.

D. P. O. VILORIA-FISHER:
No, actually, Legislator Alden, I asked -- I saw someone from the County Executive's Office speaking with Lou Marcocchia from Brookhaven and I assumed that he had the resolution and so I asked him, "Is that a resolution," and we made copies of the resolution." And then he came up and made a statement and said, "We've seen the resolution now and we're happy with the changes." That was the last thing he said.

LEG. EDDINGTON:
Yeah, he did. He did that.

P. O. LINDSAY:
I called him up under the public portion, I interrupted the public portion to ask him specifically on the record.

LEG. ALDEN:
Good. Okay.

MS. BIZZARRO:
If I may, Presiding Officer?

P. O. LINDSAY:
Go ahead.

MS. BIZZARRO:
Thank you. I just wanted to allay Legislator Alden's fears on this. I actually sat down in the back room with Jim Ryan, Mr. Marcocchia and I believe it was John Kreutz and we went over the bill very, very detailed and they were all in agreement. They had a lot of input into the bill, I worked with a lot of their modifications and we got a bill together that we all were in agreement with.

LEG. ALDEN:
Through the Chairman, as long as you're up there, what does this actually do now? I know what the previous version of this did, but what does this one do?

MS. BIZZARRO:
Right. Basically, this leaves the two lines, the two County lines in tact on all the bills, the General Fund and the Police District Fund, those stay the same with the percentage change from the prior year, you're going to still see those percentage changes, and that's going to appear on the front portion of the bill as it did. And what we're going to do is there's going to be a statement on the back of the bill, however, that's going to state that any deviation in any of the percentage changes are due to any State adjustments, or I think we called it "full equalized value of property", that was sort of a term of art that everyone was comfortable with putting on back of the bill.

LEG. ALDEN:
Okay. Thank you.

P. O. LINDSAY:
And before we vote on this, Mr. Clerk, you saw this and are okay with this? Because you're the one that has to prepare a lot of this information.

MR. LAUBE:
Actually, it's just a -- there are few calculations I have to make on our end, it's not difficult at all.

P.O. LINDSAY:
Okay. Okay, we have a motion -- yes, Legislator D'Amaro.

LEG. D'AMARO:
On the motion. The -- so the front of the tax bill is not going to have informational lines on the percent of the General Fund and Police District Fund Tax before the equalization rate, or it will?

MS. BIZZARRO:
Right, it will not. Any of the informational information will be on the back of the bill.

LEG. D'AMARO:
So the front of the bill is staying as it is now.

MS. BIZZARRO:
Staying as is, right.

LEG. D'AMARO:
And we're just adding a statement to the back of the bill?

MS. BIZZARRO:
Correct. And then the town -- the Clerk of the Legislature will send out a letter, simultaneously we're sending the Tax Warrants out, as to the percentage change that will go on the front portion of the bill.

LEG. D'AMARO:
A letter; A letter to who?

MS. BIZZARRO:
To the Town Receivers, that's what the bill also states.

LEG. D'AMARO:
So when I -- but nowhere on the bill will it say what the percent change was from the prior year before the equalization rate was applied.

MS. BIZZARRO:
That will be on the front of the bill now, correct? It won't have a statement to that effect, but that is what will be reflected on the front portion of the bill.

LEG. D'AMARO:
So when you look at your tax bill, your property tax bill, and you see General Fund, percent change and a dollar amount, that's going to reflect the amount prior to the equalization rate being applied?

MS. BIZZARRO:
The percent change, correct, yes.

LEG. D'AMARO:
Just the percent change but not -- but the dollar amount will not.

MS. BIZZARRO:
Dollar amount will be with the --

LEG. D'AMARO:
Equalization rate applied.

MS. BIZZARRO:
-- equalization rate; right, exactly.

LEG. D'AMARO:
So what we're really doing is we're making the percent change column reflect the amount prior to the equalization rate.

MS. BIZZARRO:
Correct.

LEG. D'AMARO:
So that will --

MS. BIZZARRO:
With an explanation on the back, right.

LEG. D'AMARO:
I got it. All right, so it's possible that could you look at that and say that if you did the math that the number in the last column is not based on the percent change indicated.

MS. BIZZARRO:
And hence the explanation on the back.

LEG. D'AMARO:
I see. Okay, I guess that's a compromise. That's more confusing than anything.

P.O. LINDSAY:
So it won't add up on the front.

MS. BIZZARRO:
It may or may not.

P.O. LINDSAY:
Depending on what the equalization rate is.

MS. BIZZARRO:
Depending, correct, right. And that's why the explanation will be there, correct.

LEG. ALDEN:
Robert wants to clarify it.

P.O. LINDSAY:
Robert wants to clarify it, which should really --

MR. LIPP:
Okay point of information. What will change only is the percentage on the front of the bill. So if your bill -- currently what your bill says, for instance, let's take a simple example, let's say there are two towns, let's say that the County tax did not change so that would be 0%. In town one, let's say it would go up by 10% because of equalization rates. In town two it would go down by 10% and it would even out. So it would show currently, before this is passed, a plus 10% increase in town one and minus 10% in town two. After this bill is passed it will show a 0% change in both towns.

LEG. D'AMARO:
Although if you show a 0% change or a dollar amount, if you compare it to last year's bill will be different.

MR. LIPP:
Correct.

LEG. D'AMARO:

Okay. All right.

MS. BIZZARRO:

And then you'll be told any deviation is due to the State adjustments on the property values.

LEG. D'AMARO:

On the back.

MS. BIZZARRO:

On the back, right.

LEG. ALDEN:

That'll do it.

D.P.O. VILORIA-FISHER:

Clear as mud.

MR. LIPP:

One additional point you should be aware of, though, is in the western towns, the way that most of the towns do it is they combine the General Fund, College and District Court, so the accurate percentage that will be shown will be the percentage change of those three funds combined, not just the General Fund.

LEG. D'AMARO:

Well, that's as it is now.

MS. BIZZARRO:

That's as it is now, correct.

MR. LIPP:

Correct.

LEG. NOWICK:

No, the court is separate.

P.O. LINDSAY:

I mean, I'll vote for it but to me it seems more -- I mean, what we're going to have is people are going to say, "Oh, my taxes only went up 2%. But how come the amount went up 10?"

LEG. BEEDENBENDER:

I was just going to say, only government could set up a system where we put a zero next to the percent but the dollar sign goes up and we say we clarified everything.

LEG. D'AMARO:

You know, could I just add to that, Bill?

LEG. NOWICK:

Bill?

P.O. LINDSAY:

Yeah, that's a good point.

LEG. D'AMARO:

Could I just add to that?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

You know, in contemplation of looking at this, I've looked at my tax bill and, you know, one of the arguments being made, short of the problem with software or how you implement it, but there's plenty of room on the front of a tax bill.

LEG. NOWICK:

Some of them.

D.P.O. VILORIA-FISHER:

It depends on which town you're in.

P.O. LINDSAY:

Some of them.

LEG. D'AMARO:

Well, at least in mine anyway, in Babylon.

LEG. HORSLEY:

That's because we're brief.

D.P.O. VILORIA-FISHER:

It's a small town.

P.O. LINDSAY:

Okay, Legislator Romaine.

LEG. ROMAINE:

My only concern would be exactly what you so aptly pointed out, Presiding Officer. Is that our constituents will get these tax bills and if we've done our homework and we try to hold the line on taxes and yet it reflects a tax increase. They will not believe us, we already have credibility problems and it will stretch the credulity of our constituents as to our truthfulness. I don't know if any change of any tax bill that is going to resolve that problem and, as you point out, this may actually make it worse.

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. ROMAINE:

So it's something to think about. I don't know what the solution is. I'm sure there was a good faith effort to try to make it look that the towns were raising the taxes and not the County, but I don't know if it's going to come out that way. I just don't know if it's going to come out that way and I don't know if people are going to be receptive to it. And you know, we get the complaints from a lot of people and I know right around Christmastime, my phone, I get at least a couple of telephone calls each day about the tax bill. "How come taxes went up? I thought you guys voted to keep it even? What are you guys doing?"

LEG. ALDEN:

Now you can tell them, "Just flip your bill over and read the explanation," all done.

P.O. LINDSAY:

Legislator Beedenbender and then Nowick.

LEG. BEEDENBENDER:
I'm going to support this. I already made my comment, but I just wanted to kind of throw this out there. I've been working on a project since the beginning of the year of trying to figure out what all the lines on the tax bill mean. And there's a couple of lines that despite my best effort to call every office I can find, nobody can tell me what it means. So if there's anybody that knows what the Article 7 Section and the Real Estate Article Section, whatever, nobody could explain it to me in a sentence that I could even decode in any way, shape or form. So after this -- Ed, if you know, I would be glad to listen.

LEG. ALDEN:
Lynn could put it on the record; right, Lynn?

P. O. LINDSAY:
Did you ever hear that commercial for the Prego Tomato Sauce, "It's in there". It's just in there, that's all you've got to know.

Laughter From Audience

LEG. ROMAINE:
Don't ask, don't tell.

P. O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
You know, we've debated this bill and wasted so much time. And it seems to me like other than seeing a percentage that says zero, which does reflect how much we're raising it, most of the people don't have last year's tax bill in their possession to see the difference in dollars. If they do, they're not coming to us, they're going to go right to the town and say, "You raised our taxes."

Personally speaking, I think we wasted a lot of time on this. To flip over -- you ever see the back of your tax bill, all the -- some people don't know when the taxes are due and it says it on the front of the tax bill. So I'm going to vote for this because this is the wish of the rest of the body that has been fighting for it, but I really think we really didn't get too far.

P. O. LINDSAY:
The other part of this, though, is after what we put the Tax Receivers through, I must have had at least four conversations with them to sit down with the Executive and to work out something that everybody could live with.

LEG. NOWICK:
Yeah.

P. O. LINDSAY:
If we turned it down now, I think that guy Marcoccia would probably cry.

LEG. NOWICK:
Legislator Lindsay, I do agree. I've spoken to Esther Bivona and my Tax Receivers, we've worked it out, and now to say -- this is ridiculous.

D. P. O. VILORIA-FISHER:
That's why I make a motion to approve.

LEG. NOWICK:
But if this is what we want.

P. O. LINDSAY:
Okay. Okay, we have a motion to approve and a second, before anybody thinks about it. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Absent: Legislator Montano).

LEG. BEEDENBENDER:
Can we pass a Local Law just demanding that it always stays zero?

P. O. LINDSAY:
What I'm going to do, just to not make this any more confusing than it already is, we're going to go back to page six because we have the two accompanying resolutions. One is --

D. P. O. VILORIA-FISHER:
Well, we only have one.

P. O. LINDSAY:
I know, but one has been replaced: 1695 is moot now because we passed the CN. But **1736-08 - A Local Law to enhance the County's Truth-And-Accuracy in Property Tax Billing Policy**, I will make a motion for the purpose of debate.

LEG. D'AMARO:
Second.

P. O. LINDSAY:
Second by Legislator D'Amaro. And please, Mr. Counsel, explain how this is coupled with the bill we just passed and what does it do?

MR. NOLAN:
As we've been saying, this is a companion bill. When the Legislature back in '98 passed a resolution directing the Tax Receivers to change the tax bills as we directed, we thereafter passed a Local Law to say that if they did not do that, if they failed to change the tax bills as we had instructed, then we, the County, could withhold monies from the towns, the Comptroller could -- we'd be authorized to withhold payments to the towns. So that law was passed, it's in place. And now with the passage of 1651, now we're changing the companion section of law just to reflect the change to our instructions to the towns. We're saying now if you don't do as we instructed in 1651, the Comptroller would be authorized to withhold payments to the towns.

LEG. ALDEN:
Mr. PO?

P. O. LINDSAY:
Legislator Alden. You're up to mischief, I could see it.

LEG. ALDEN:
No, not yet. Who makes the call that they're not in compliance? Because I could see a budget balancing act right here.

MR. NOLAN:
I'll defer to the Budget Review Office because I believe they're involved in that process.

MS. VIZZINI:

The Director of Budget Review and Legislative Counsel.

LEG. ALDEN:

Oh, it doesn't come out of the County Executive's Office?

MS. VIZZINI:

No, it doesn't.

MR. NOLAN:

And I'm looking to hammer the towns.

P. O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

You know what? I just have to put on the record, I'm not in support of this. I think we're treating them like children. They're elected officials and they know how to follow legislation and the law. I can't vote for this.

P. O. LINDSAY:

Okay. Legislator Romaine?

LEG. ROMAINE:

I just want to echo what Lynne Nowick said. We're a level of government, they're a level of government; we pass laws that impact them, they pass laws that impact us occasionally. We all understand that we should follow the laws. To pass a law saying, "If you don't do this we're going to take money away from you," I would rather deal with that situation when it arose and determine what to do as opposed to legislate a penalty for something that isn't in effect or hasn't happened. I think that sends a bad message and it certainly doesn't promote intergovernmental cum-br-a-s. Thank you.

P. O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, without questioning, of course, the credibility of our town elected officials, my question is can this -- the CN resolution we just passed, is that binding on the town?

LEG. ROMAINE:

Of course it is, it's County legislation.

P. O. LINDSAY:

Counsel?

MR. NOLAN:

Well, yes, because under the Tax Act we have the authority to direct the towns as to the makeup of the tax bills.

LEG. D'AMARO:

So Suffolk County is charged with that responsibility under State law, therefore that CN and the change in the tax bill is now not discretionary with the towns.

MR. NOLAN:

That's correct.

LEG. D'AMARO:

Was the -- the other question I had, if anyone knows, was you said the prior law, when it was changed, we had a penalty similar to what we're doing today or proposing today; was that penalty ever incurred by the town, by a town, do you know?

MR. NOLAN:

I am not aware of that ever happening previously.

P. O. LINDSAY:

Okay, but Budget Review would know.

LEG. D'AMARO:

Yeah, or if Budget Review knows the answer to that.

MS. VIZZINI:

Not to my knowledge, no.

D. P. O. VILORIA-FISHER:

They said Esther.

LEG. NOWICK:

Esther, she refused.

P. O. LINDSAY:

What I'm being told by my colleagues is that Esther Bivona, who is Huntington's Tax Receiver, was threatened with a penalty. But I really think this whole thing is pretty neat. We've debated how to redo the tax bill for four months, we finally passed it with a great deal of collaboration between the town and we won't put any enforcement mechanism in it so they can do whatever they want.

LEG. ROMAINE:

It sounds good to me.

LEG. D'AMARO:

Well, what do you mean she was threatened? In other words, she had refused to make the change that we required?

LEG. NOWICK:

May I?

P. O. LINDSAY:

Go right ahead.

LEG. NOWICK:

Just as I recall, I think there was a -- if I'm not mistaken, could this have been the legislation that --

LEG. KENNEDY:

(Inaudible).

LEG. NOWICK:

No, I think this was the one where the Tax Receivers had to send out with their tax bill a voluntary envelope and --

D. P. O. VILORIA-FISHER:

Campaign finance?

LEG. NOWICK:
Campaign finance, that's what I think it was; I think, I could be wrong. And I think I remember the Tax Receivers all meeting and, of course, everybody said, "No, no, we don't want to do that." If that was the case, I know it was the Huntington Tax Receiver who was the President of the association at the time, said, "No, I'm not going to do it," and the next thing we as Tax Receivers heard is that if we didn't comply that that money would be -- would not be reimbursed.
So we did comply. Not me, you know, I said, "Sure, whatever you want, you're the Legislature."

LEG. D'AMARO:
Yeah. And there was a lawsuit over that as well?

LEG. NOWICK:
It never got that far, I don't believe.

LEG. ROMAINE:
No.

LEG. D'AMARO:
Maybe the County Attorney's Office would know; is Lynne still here?

MS. BIZZARRO:
Yes.

LEG. D'AMARO:
Lynne, was there a lawsuit over that at the time.

MS. BIZZARRO:
I don't know if it was over that. There was a lawsuit, the County brought a lawsuit in 1997-98, right. And as a result of that, if you read 1651, it references the stipulation that was ultimately signed off by the ten towns and that dictates how the tax bill has to read and it also references the resolution that 1651 is amending. So it basically sets forth the stipulation and the resolution that you have to comply with, so now you've added on 1651 to that. So, yes, it was a lawsuit.

LEG. D'AMARO:
I just want to say for the record, it's not uncommon for certain levels of government to be forfeiting grants or whatever it may be if they don't comply with certain regulations. I'm not -- I'm going to support this but it's not really questioning the credibility of Tax Receivers.

LEG. ALDEN:
If they don't comply we pull our patrols off the roads, that's all.

P. O. LINDSAY:
Okay. We can't give it to the Deputies, though, we don't have any more.

LEG. ALDEN:
No, we've got plenty, don't worry about it.

P. O. LINDSAY:
How about the 911 Operators, we can have them do it.

LEG. ALDEN:
We'll send them out.

P. O. LINDSAY:
Okay.

D. P. O. VILORIA-FISHER:
Let's vote.

P. O. LINDSAY:
Let's get back and stop this nonsense. We have a motion and a second to approve --

MR. LAUBE:
Yes.

P. O. LINDSAY:
-- 1736. Okay, and nothing else. Roll call.

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

P. O. LINDSAY:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Absent).

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

No.

LEG. SCHNEIDERMAN:

No.

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay. Back to the Red CN File, IR 1738 (sic) (1783-08) - Authorizing the County Executive to enter into an Intermunicipal agreement with the Town of Islip in connection with improvements to lighting and paving on cr 100, Suffolk Avenue, Town of Islip (CP 185-310/5185-10) (County Executive). 1783, excuse me. I'm getting the numbers wrong, I'm getting tired. Do I have a motion?

LEG. ROMAINE:

Motion.

LEG. ALDEN:

I'll make a motion for Ric.

P.O. LINDSAY:

Okay, motion by Legislator Alden de facto.

MR. NOLAN:

Exactly, there we go.

LEG. LOSQUADRO:

In absentia, I'll second.

P.O. LINDSAY:

Second by Legislator Barraga, no?

D.P.O. VILORIA-FISHER:

He has a question.

LEG. BARRAGA:

No.

P.O. LINDSAY:

All right, let me get a second.

LEG. LOSQUADRO:

In absentia, I'll second it.

P.O. LINDSAY:

Okay. An abstention --

D.P.O. VILORIA-FISHER:

No, you're here.

LEG. LOSQUADRO:

No, no, no, Ric; I'm kidding.

P.O. LINDSAY:

Okay. We have a motion and a second; stop fooling around. Go ahead, Legislator Barraga.

LEG. BARRAGA:

I would like to ask budget, what is the financial impact? Who's paying for what on this?

P.O. LINDSAY:

Maybe Mr. Anderson, do you care to answer that?

LEG. BARRAGA:

I see a letter that was some sort of appropriation in 2005 for \$200,000?

COMMISSIONER ANDERSON:

Correct.

LEG. BARRAGA:

Who pays the 200,000, was that the County or the town?

COMMISSIONER ANDERSON:

The County.

LEG. BARRAGA:

The County.

COMMISSIONER ANDERSON:

Yes.

LEG. BARRAGA:

Is that the cost even today?

COMMISSIONER ANDERSON:

Yeah.

LEG. BARRAGA:

Two hundred thousand paid --

COMMISSIONER ANDERSON:

Two hundred thousand, this appropriation is to direct the Town of Islip to do the planning and administration and construction.

LEG. BARRAGA:

The 200,000, are those funds available, are they bonded funds or what are they?

COMMISSIONER ANDERSON:

They were funds that were appropriated in 2005. They haven't been drawn on yet but they are -- we could draw them, we could bond them, they haven't been bonded yet.

LEG. BARRAGA:
They haven't been bonded but they will be bonded.

COMMISSIONER ANDERSON:
Yes.

LEG. BARRAGA:
Thank you.

P. O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Absent: Legislator Montano).

P. O. LINDSAY:
1873-08 - Declaring October as "Homeless Awareness Month" in Suffolk County (County Executive). Do I have a motion?

LEG. BROWNING:
Motion.

P. O. LINDSAY:
Motion by Legislator Browning, second by Legislator --

LEG. D'AMARO:
Second.

P. O. LINDSAY:
Gregory.

LEG. ALDEN:
Just out of curiosity?

P. O. LINDSAY:
Out of curiosity; on the question, Legislator Alden.

LEG. ALDEN:
This is from the County Executive, right? October is Breast Cancer Awareness Month; why do you pick this month for homeless recognition? Just out of curiosity.

MR. CHAMBERLAIN:
Brendan Chamberlain, County Executive's Office, and that is a good question.

Laughter From Audience

We had a request from the Peconic Community Council from -- last year we have did Homeless Awareness Week and they requested for Homeless Awareness Month. And we moved forward on doing it because it's the last Legislative meeting in the month of September, we'd like to get this resolution on board declaring Homeless Awareness Month for 2008 for the month of October.

LEG. ALDEN:
Right. There's another couple of months left in '08 if you wanted to pick that.

MR. CHAMBERLAIN:
I don't have an answer for that.

P. O. LINDSAY:
Okay.

LEG. BROWNING:
Bill?

LEG. ALDEN:
Brendan, I'm really proud of you, that was a great answer. You could have a future as a Legislator, I don't know.

MR. CHAMBERLAIN:
I do live in the 8th Legislative District.

P. O. LINDSAY:
That's okay.

LEG. BEEDENBENDER:
It's bad news to get people that come from that office over here.

P. O. LINDSAY:
So I gather, Legislator Alden, is you don't object to the concept but you object to the month they picked.

LEG. ALDEN:
Absolutely.

LEG. BROWNING:
Bill?

D. P. O. VILORIA-FISHER:
Kate has a question.

P. O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
With what Cameron said, I wasn't thinking about that, so I'm going to withdraw my motion. I think they should look and see what other months there are.

P. O. LINDSAY:
Okay. So Legislator Browning has withdrawn her motion. You want to leave --

LEG. D'AMARO:
I'll offer a motion to approve.

P. O. LINDSAY:
Okay, motion to --

LEG. COOPER:
And I'll second the motion. There are only 12 months in the year, I mean, and we probably have

more than a dozen awareness --

LEG. BROWNING:

So find another month, December, January.

LEG. D'AMARO:

If I could just on the motion.

LEG. SCHNEIDERMAN:

Send it to committee, table it.

LEG. D'AMARO:

Without in any way diminishing Breast Cancer Awareness Month, you know, I don't see this as in any way somehow diminishing the importance of Breast Cancer Awareness Month. I mean, I'm sure there are overlapping holidays and months and all kinds of things. I just don't buy the logic, frankly.

P. O. LINDSAY:

All right, Legislator Browning withdrew the original motion and Legislator D'Amaro has put in the motion and there's a second by Legislator Cooper.

LEG. ALDEN:

I'll offer a motion to table.

P. O. LINDSAY:

Motion to table by Legislator Alden.

LEG. KENNEDY:

Second.

P. O. LINDSAY:

Second by Legislator Kennedy. Any more discussion on this? Okay. It's one of them days, you know? All right, roll call.

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

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yeah.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Absent).

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D. P. O. VILORIA-FISHER:

Yes.

P. O. LINDSAY:

Sure, yes. So it's tabled.

MR. LAUBE:

Twelve (Opposed: Legislators Beedenbender, Gregory, Stern, D'Amaro & Cooper - Absent: Legislator Montano).

P. O. LINDSAY:

IR 1881-08 - Amending Resolution No. 444-2008, authorizing Estee Lauder Breast Cancer Awareness Program at the H. Lee Dennison Executive Office Building and Cohalan Court Complex (County Executive).

D. P. O. VILORIA-FISHER:

Motion.

P. O. LINDSAY:

Motion by Legislator Browning. Seconded by Legislator --

D. P. O. VILORIA-FISHER:

Oh, wait a minute. What are we -- what's it amending it to?

LEG. ALDEN:

This moves it from October 1st which Estee Lauder had supplied me with that date, they had to change it to October 2nd.

D.P.O. VILORIA-FISHER:

Oh, and Estee Lauder is okay with that.

LEG. ALDEN:

They're the ones that requested it to take place on the 2nd.

D.P.O. VILORIA-FISHER:

Okay, then I'll make the motion.

P.O. LINDSAY:

Legislator Viloria-Fisher seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Okay. In the original folder we have some **Procedural Motions** we have to do.

The first one is **Procedural Motion No. 25-2008 - Approving partial settlement of MTBE litigation (TOTAL Petrochemicals USA, Inc. And Crown Central Petroleum Corp) (Presiding Officer Lindsay)**. I'll make a motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Procedural Motion No. 26-2008 - Authorizing continued funding in connection with enforcement of LIPA Settlement Agreement against LIPA overcharge of Suffolk ratepayers (Horsley). I think this is what we had agreed to in Executive Session.

MR. NOLAN:

Right, this was discussed in Executive Session with Irving Like at our last meeting. This is the additional funding he requested for consulting.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. LOSQUADRO:

Second.

LEG. D'AMARO:

Please note my recusal on the record, Mr. Presiding Officer.

P.O. LINDSAY:

Okay. I need a second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Recusal: Legislator D'Amaro - Absent: Legislator Montano).

P.O. LINDSAY:

And you got the one recusal, right?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Okay. And we have **Procedural Motion No. 27-2008 - (Procedural Resolution authorizing funding for Community Support Initiatives (Phase VIII)) (Presiding Officer Lindsay)**. It's the CSI monies. Everybody met the deadline, I guess. I'll make a motion. Do we have a second?

LEG. ROMAINE:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:

Is that it?

MR. NOLAN:

That's it. We've just got to do Late Starters.

P.O. LINDSAY:

Okay, we've got to do **Late Starters**, yellow folder.

Okay, we've got IR 1870 has -- we have to waive the rules and lay on the table the following Late Starters, and the first one is 1870 is to Ways & Means, 1872 is to Budget & Finance. There was no 1871, right?

MS. PASTORE:

Yes, it's a CN.

P.O. LINDSAY:

Okay, 1874 to Labor, Workforce & Affordable Housing; 1875 to EPA; 1876, appointing Babylon Town Supervisor Steve Ballone as a member of the Long Island Regional Planning Board, to EPA; 1877 to EPA; 1878 to EPA; 1879 to Health & Human Services; 1882 to Public Works; 1883 to Health & Human Services; 1884 to Health & Human Services; 1885 to Health & Human Services; 1886 to Health & Human Services, and setting a public hearing for October 14th, 2:30 in Hauppauge; 1887 to Public Safety, and that's it. We have -- we made a motion to lay them on the table.

LEG. LOSQUADRO:

Second.

P. O. LINDSAY:

We had a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

P. O. LINDSAY:

Okay, before we adjourn, just two announcements. There will be a special Public Safety meeting this Thursday at 9:30 to get a report from the Sheriff's Department on the patrols on the Expressway. Legislator Eddington will be chairing the meeting, but all Legislators are invited.

And there are boxes of water bottles for your district office, if you want to distribute them instead of using bottled water. Thank you.

With that, I'll accept a motion to adjourn.

D. P. O. VILORIA-FISHER:

You got it.

P. O. LINDSAY:

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:

Seventeen (Absent: Legislator Montano).

(*The meeting was adjourned at 6:37 PM*)