

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWENTY-FIRST DAY

December 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:

Alison Mahoney & Lucia Braaten - Court Stenographers

Minutes Transcribed By:

**Alison Mahoney, Lucia Braaten & Donna Catalano
- Court Stenographers**

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

*(*The meeting was called to order at 9:32 A.M. *)*

P.O. LINDSAY:

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

MR. LAUBE:

With pleasure.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

I'm here.

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen (Not Present: Legislators Schneiderman, Losquadro, Montano & Alden).

P.O. LINDSAY:

Okay. Could everybody rise for a salute to the flag which will be led by Legislator Barraga.

Salutation

If you could remain standing and Legislator Barraga is going to introduce our guest Clergy for the day.

LEG. BARRAGA:

Thank you. We are honored to have with us this morning the Reverend David Cellery. Father Cellery currently serves as the priest in charge at St. Peters By the Sea Episcopal Church in the Diocese of Long Island. He is married and has four sons ranging in age from eleven months to 17 years. Father Cellery is the recipient of the Cinema Eagle Award, the Communicator Award of Excellence and the Bronze Tele Award for his role as Executive Producer for "A Gate of Heaven" and "The Chance of a Lifetime" which aired on PBS. Father Cellery is committed to ecumenical and community outreach as a high priority for his ministry. Would you please welcome Father Cellery.

Applause

FATHER CELLERY:

Let us pray. Oh, God, you have gathered us together that we might dwell together in unity. Help us ever to remember that we are stewards of your gifts. Give us the spirit of wisdom and understanding, make us just in all our dealings and deliberations with others. We pray especially for this day for all who bear Legislative authority in Suffolk County, within our villages, towns and hamlets, for all local government officers and all who give their time and energy in caring for the common good. Grant them to plan and work for your glory in the delight of all human kind, and continue to raise up, we pray, men and women who look on their life's work as an opportunity of service to the wider community rather than gain alone and so bless them as the whole fabric of our County, State and nation, may be better for their labors. For this we ask in God's name, Amen.

(*Amen said in unison*)

P.O. LINDSAY:

Thank you, Father. If you could just remain standing for a moment of silence for Vincent J. Cannuscio who is the former Southampton Town Supervisor, and as always, to remember all our young men and women, our sons and daughters that are in harm's way as he speak today, that they come back to us safe and sound.

Moment of Silence Observed

Okay. Welcome, everyone, to the last Legislative meeting of the year, the one just prior to the

holidays. And we have a number of guests with us today which we're going to get into right now. First, I'd like to ask Legislator Nowick to -- where is Legislator Nowick?

LEG. NOWICK:

I'm right here

P.O. LINDSAY:

Okay, will announce the Kings Park Chamber Choir led by Choir Director, Ryan Flatt.

LEG. NOWICK:

Good morning, everybody. And welcome to the last meeting of 2008. Traditionally, every year I like to bring this choir to the Legislature. As many of you may know, two years ago my aide, Ed Hogan, who was also the President of the school board in Kings Park, Ed always brought the choir to the Legislature. It is tradition and I, again, would like to do this, bring them to all of you in memory of Ed Hogan. So I am pleased to introduce the Kings Park High School Chamber Choir and its band teacher, Alison Border. Come on up.

Applause

Kings Park High School Chamber Choir Performance

P.O. LINDSAY:

Thank you very much, Kings Park Choir.

Applause

Okay, next up is a proclamation by myself to the Connetquot School District's football team who this year won the Long Island Class I Football Division Championship. We were fortunate in Suffolk County this year, there were four Championship games between Suffolk teams and our Nassau teams and Suffolk won all four of them

Applause

And Connetquot won the Class I. You wanted to bring them in, Lynne? I don't know whether Superintendent Dr. Allan Groveman is here. Principal Murtha, Athletic Director Mary Lou Assante, Trainer Dave Alvarodo, Mike Hansen who is the Head Coach, John Hart, Mike Konsevitch, Jim Melchiona, Eric Sweet and Gary Marangi. Yeah, if you just go right up front there. Congratulations.

MR. GROVEMAN:

Thank you, Mr. Lindsay.

P.O. LINDSAY:

Mr. Groveman, you've got to be proud.

MR. GROVEMAN:

We are, tremendously.

P.O. LINDSAY:

You could see we beat them by pure numbers. I know all the people that are regulars at the Legislature, you saw the hallway this morning and the lobby all crowded and you said, "Oh, my God, they're going to be here all day," but it's all awards.

While Steve is lining them up, I'm going to give a Legislative Proclamation to Dr. Groveman on behalf of the team. And I have certificates for all of the boys as well as the coaches for your tremendous feat of winning the Class I Championship. We're all very, very proud of you. And I was

telling Coach Hansen before, I had a little bet with Legislator Dennenberg from Nassau County who represents the Freeport area and part of the bet was I had to be on the -- I was at the game, I had to be at the Freeport side in the first half and I was at Connetquot the second half. And when Freeport scored that first touchdown, Dennenberg's saying, "Well, where we going to eat?", I said, "It ain't over yet, pal". And it wasn't, you guys came back real strong and we're very, very proud of you.

MR. GROVEMAN:

Thank you, Mr. Lindsay.

P.O. LINDSAY:

You want to say anything?

Applause

MR. GROVEMAN:

I want to thank Mr. Lindsay for all the support he's given to the district, the team and education in general, and the Suffolk County Legislature as well. We thank you, we appreciate it and God bless.

Applause

P.O. LINDSAY:

Okay, quick picture.

Group Photograph Taken

Congratulations. And for Christmas, we're going to get Steve a ladder instead of standing on the chair all the time.

Next up is -- well, let me clear out this team, we'll bring in the next team. Next up is Legislator Romaine for the purpose of a proclamation, and I'll let him do the rest.

LEG. ROMAINE:

Good morning, Riverhead. Before you, you see the 2008 Riverhead Blue Waves Varsity Team which finished an amazing season.

Applause

Not only did they win the Division II Championship, the Big IV Championship, the Suffolk County Championship, but they became the Class II Long Island Champions.

Applause

They were also awarded the prestigious Rutgers Trophy which was given to the team designated as the best in the County. It is the fourth time that the Blue Waves Football team has won this trophy and the last time was 2003 since this trophy was awarded in 1992. This team is the only team in Long Island history, the first team in Long Island football history, to go 12-0, undefeated for the entire season.

Applause

In their last game, people came from the farms, people came from Polish Town, people came from Riverside, people came from all over Riverhead, over 5,000 people came out to attend that game. They are the pride of Riverhead. And I am told by everyone I speak to that this team is a unique team. Not only are they championship football players, but they're all decent human beings that

work together, that you would want to have in your neighborhood. This is not only Riverhead's, not only Suffolk's, this is America's future standing before us and I could not be prouder. I want to mention a few things.

Applause

The star halfback -- Miguel, where are you? Maysonet, there he is -- has won several awards, notably the Hanson Award for Top Overall Offensive Player in the County. He became the first Riverhead player to win this award since it was first initiated in 1960. He also won the First Annual Joe Sipp, Jr., Award for the Most Outstanding Running Back. Miguel has also been featured in a story by Newsday and he has just been designated by ESPN as the winner of the Gatorade Award.

Applause

But like with any team, there's not only one, but every one of these young men have contributed to the team, and I'll just mention a few others. Malcolm Cater won the Long Island Championship Defensive MVP Award; where are you, Malcolm? There he is.

Applause

Michael Smith won the Long Island Championship Offensive MVP; there he is.

Applause

And the Blue Waves not only led Division II, but they have six All-County players on this team, Miguel is right there; Andrew Smith, just raise your hand, please; Tyler Gilliam; John LaGue; Tim Velys. Tim, by the way, his grandfather, Jim Underwood, played for Riverhead and then went to play in 1947 for Fordham and played for the coach, Vince Lombardi. And Michael Smith who is the only Junior in the group; Michael, again. Thanks, guys

I just also want to mention -- and I'd be remiss if I didn't mention that not only does the team come together and work as a unit, but the coaches and the Riverhead coach, Head Coach Leif Shay was chosen as Suffolk County Coach of the Year. Coach?

Applause

I want to thank all the coaches, I want to thank all the trainers.
I want to thank the Athletic Director, Bill Groth; Bill?

MR. GROTH:

Thank you, Ed

LEG. ROMAINE:

And I want to thank this team. I cannot tell you the pride that a small town like Riverhead felt. And when they came back from their last game, the sirens of our Police cars, our fire trucks greeted them, you would have thought the whole town had turned out. We were so proud and so happy. And when they participated in our Christmas Parade, everyone was so pleased. You've brought pride back to Riverhead, you've made us all proud and a bright future awaits all of you.

Thank you again, and good luck in whatever you endeavor to do. Your teamwork here has proven that our country will be in good hands as you step forward and take charge. Thank you again.

Applause

Of course we have proclamations for everything. And for the team, this day in Suffolk County is

your day so proclaimed by proclamation, and we'll give those outside in the vestibule because I know my fellow Legislators are anxious to start this meeting. But thank you again. You are the best that Suffolk has, the best that Long Island has.
God bless.

Group Photograph Taken

Applause

P.O. LINDSAY:

I should mention that our other two teams, the Sayville Waves, the Golden Flashes, they won Class III Long Island Championship, and Babylon won --

LEG. HORSLEY:

Class IV.

P.O. LINDSAY:

-- class IV. And we didn't have an auditorium big enough to hold them all, so we're going to do the other two teams probably later on in the year, okay. But I wouldn't want to be remiss in not mentioning them.

Next is Legislator Stern who will present a proclamation to two Girl Scouts.

LEG. STERN:

Good morning, Mr. Presiding Officer and everybody. I need a lot less space for these proclamations, but these are two special awards to two very special young women.

This holiday season, Jennifer Simone and Gabrielle Schatz took it upon themselves, through their involvement with the Girl Scouts, to not just say that they support our troops fighting for our freedoms overseas, but to actually do something about it. And together they coordinated an effort to collect much needed supplies specifically for our Marines in Iraq. And so they spent the day themselves outside of the supermarket raising not just awareness for our troops and the need for continued support, but much needed items to give them some of the comforts of home that we are currently enjoying during this holiday season.

And I think it's important to note, Mr. Presiding Officer, that during these very challenging times and during a time of war and all the bad that we see every day on TV and in the media, it's great to see in Gabrielle and Jennifer and in our children what is so very good in our community. So I'd like to invite them and let everybody take a look and give them congratulations and join me in wishing them every success in the future.

Applause

Group Photograph Taken

P.O. LINDSAY:

Next is Legislator Kennedy for the purpose of a proclamation.

LEG. KENNEDY:

Thank you, Mr. Chairman. And it is fitting that we have the opportunity to honor student athletes, student singers, our Girl Scouts, and today it gives me great pride, for my colleagues and all the ladies and gentlemen gathered here, to recognize a very dynamic young woman in the 12th Legislative District, Leah Stoltz. She is here with us today and I'm going to ask her mother and father to join us, please, as well, as a representative from our Smithtown School District

Leah is the epitome of a young individual who has taken lemons and turned them into lemonade. She has struggled with scoliosis, something that effects over six million people throughout our nation. In dealing with scoliosis, she has gathered together a support group and she has worked with what started out as a small handful of young women who have struggled with all the difficulties associated with scoliosis, from the braces that they have to deal with, issues associated with clothing, and most importantly all of the things that adolescents struggle with, with their self-image and how to go about making a way for themselves in the world. Many of them suffered in silence, but Leah, along with her mother Robin and her father Michael who come from a long line of support and care giving, decided to go ahead and bring people together, take some of the issues out of the dark, give young woman a place to go ahead and speak out and to share with one another the things that they do to cope and the things that they do to not just survive but to excel.

So I'm pleased to go ahead and recognize her today, as well as her Mom and Dad and Smithtown School District for making this group possible. And I ask that we all give Leah a hearty round of applause.

Applause

And Lea, would you like to say something? Go ahead.

MS. STOLTZ:

I just want to thank you all very much. This is a great honor. When I first started this group over two years ago, I never thought it would be what it is today, which is absolutely amazing. I have girls coming to my house once a month for -- in the morning on Sundays. And it's so warm, it's such a warm feeling to know that I've helped so many people in a way that I never thought a 14 year-old girl -- well, I was 14 when I started, I'm 16 now -- a way that I never thought was possible. So I want to thank you all very much for this honor.

Applause

LEG. KENNEDY:

Thank you, once again. And thanks to the Smithtown School District, if you want to step up for a second, because Smithtown School district, as all our school districts as we saw today, is doing the very best that they can to go ahead and help our youth excel.

SMITHTOWN SCHOOL DISTRICT REPRESENTATIVE:

Thank you very much, Mr. Kennedy. All I can say is that Smithtown sends wonderful kids. It's an excellent gene pool and we're just lucky enough to work with those kids and we thank you all very much for your support. Thank you very much.

Applause

Group Photograph Taken

P.O. LINDSAY:

Okay, I'm going to -- I skipped over -- Legislator Gregory has a proclamation as well. Legislator Gregory?

LEG. GREGORY:

Thank you, Mr. Presiding Officer and fellow colleagues. Today demonstrates something that I think we all knew, that our kids are really special to us and they're doing great things in Suffolk County. We recognized some of the sports teams, but I wanted to bring forward some representatives from one of the high schools in my district, the Copiaigue High School Band, if you'll come forward. We have the Band Director, John Weavers; the Director of Fine Technical Arts, Andre {Popillo}; some of the students. Copiaigue has a long tradition, and this has been long overdue. Since 1991 they have won 16 championships, five State championships, and just recently they were the

Northeastern and New York representatives in the Macy's Day Parade. So I wanted to recognize them for all their efforts over the years, like I said, it's been long overdue. They bring great pride and honor to Suffolk county and to Long Island and, in fact, to New York State, and I just want to recognize them for their achievements.

Applause

MR. WEAVERS:

My name is John Weavers, I'm the Band Director. I've been there for 25 years, but I've worked with great kids like you here the other schools speak of, great kids. And nothing would be possible without the support of our parents, our school community. And as I look at the pictures here, Maxine Postal was one of our great -- for those of you who remember Maxine, she was one of our great supporters for many years and was always there whenever the band had something to do or awards or whatever. So coming here today, it's just -- seeing her picture up there, it's kind of like, I don't know, just a little more special. So you've got some big shoes with Maxine, but --

LEG. GREGORY:

They keep telling me that.

MR. WEAVERS:

Yeah. Well, thank you very much, we appreciate it. Thank you.

LEG. GREGORY:

And I know -- didn't want to bring everyone because they have over a hundred members in the band, so I hope I get extra points for that.

P.O. LINDSAY:

Good thing you didn't. Good thing you didn't.

Group Photograph Taken

And the last proclamation is Legislator Cooper.

LEG. COOPER:

The rearrangement of the poinsettias will make complete sense in about thirty seconds. Good morning. The Suffolk County Vanderbilt Museum and Planetarium's Annual Tree Lighting Celebration took place on December 7th, and was made even more special this year because of a guest performance by the Huntington High Steppers, hunting High School's competitive dance team.

The high steppers adorned Santa hats and smiles and added to the wonderful festivities of the evening. The high steppers also graciously volunteered their time to help children with a variety of holiday arts and crafts and helped with -- helped The Friends of the Vanderbilt raise money by selling Christmas trees for families and groups to decorate. We're going to have a special performance by the high steppers. There are normally -- how many members of the high steppers are there? There are normally 20, the balance are in the back. They had to very quickly rearrange their performance since it was clear that all girls could not fit in front and we had to move the poinsettias so they wouldn't crash into them, but we're going to give this a shot. So please welcome the Huntington High Steppers.

Applause

LEG. COOPER:

And I probably had too much eggnog that day, but there's actually a photo of me in the kick line with the girls. But it was not sent out to the general media, trust me, I think it was destroyed shortly thereafter.

LEG. NOWICK:

It is now

LEG. COOPER:

They looked great, I looked, I don't know. But anyway --

LEG. ROMAINE:

Hopefully you didn't get hit by a shoe.

(Laughter from audience)

LEG. COOPER:

Who said that? I'm proud to present this proclamation to the Huntington High Steppers in recognition of their dedication to their community, their school and their team, as well as their volunteer service at the Suffolk County Vanderbilt Museum and Planetarium's Annual Holiday Tree Lighting. Girls, you have that proclamation.

"Thank you" said in unison

LEG. COOPER:

And you each get a certificate. Thank you very much. Happy holidays.

Applause

P.O. LINDSAY:

That concludes our proclamations for the morning. But today we have a presentation from the Long Island Convention and Visitor's Bureau which is mandated by local legislation on an annual basis, and I'm calling to the table Moke McGowan, the Executive Director, as well as our Commissioner of Economic Development, Skip Heaney, and anybody else that you want to introduce, Skip?

COMMISSIONER HEANEY:

Sure. This is Moke McGowan. So good morning. I'll be very, very brief. Back in 2004, Resolution 1238 was adopted that gave some measure of oversight for the activities of the Long Island Convention & Visitor's Bureau by providing some annual reports to the Legislature. We're here today to introduce Moke McGowan who is the President of the LICVB who will meet that requirement and offer the required December report. I should probably point out, this is the last before-the-bubble-bursts report. Okay. Moke?

MR. MCGOWAN:

Thank you, Skip. Before I start, I would like to make one brief comment in that we have, at the LICVB, developed I think a very strong working relationship with the Department of Economic Development & Workforce Housing over the past few years. Certainly with Commissioner Heaney and before him, Jim Morgo, and their staff, whether it's Carolyn Fahey to Michele Stark and even on occasion Mr. Nick Anastasi. But I think that relationship has resulted in a greater collaborative, communicative process that has provided a stronger accountability for our efforts.

The report that you were provided is actually the mid-year report and that was through June of this year, and unfortunately, a lot has changed since then. But I will point out that in really looking at some of the indicators prior to coming to this meeting and also prior to meeting with the Economic Development Committee last week, we were really quite surprised and quite pleased by the level of activity in the tourism industry and especially in our lodging sector through the end of October. We had anticipated this to be a difficult year, it actually has been, but at the same token we've seen some fairly decent activity in tour and travel. Especially, as I said, with the lodging sector where we saw through the end of October that our occupancies were actually up approximately a half percentage rate over 2007. Our rates were up almost a point and a half and demand was almost up 3%. And this is over 2007 which was a very good year; in fact, it was one of the best years that we've enjoyed since 1999.

So whereas we are pleased with the level of activity and currently in the balance of 2008, we absolutely expect 2009 to be a dark year. We're already seeing indicators in certain market segments especially, primarily in the corporate group. The meetings, conventions, the business travel side of the marketplace is not just declining, it's going down precipitously.

On the other hand, we do anticipate leisure travel to continue to be somewhat strong given the circumstances. The conference board surveyed active American travelers in October and found that almost 72% of those individuals are still looking forward to taking vacation time and traveling during 2009. International has declined, as we know, as a result of the strengthening of the dollar against foreign currencies. But at the same token we have New York City in our backyard and that is still a very prime driver of international travel and New York City itself is going to remain very aggressive in working to attract international travel. So we believe that we will still reap benefits from international travel in that particular sector.

Over all, I think our challenge is really to provide the messages and the creative elements that resonate with consumers and overcome their anxieties about their own personal financial situation. What we do know about travel is it's a necessity, and in these anxious times travel and the ability to recharge your batteries becomes that much more important. We just won't see them traveling the way they do during times of economic buoyancy, they certainly won't spend as much, they won't travel as far, they won't spend as much time, but they will travel. And it is our intent, basically, to continue to be aggressive and to stay in front of the consumer at all times during these economic times.

With that said, I'd be more than happy to answer any questions you may have.

P.O. LINDSAY:

Does anybody have any questions for Mr. -- Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Mr. McGowan, my district is I think with the highest concentration of motels, particularly leisure hotels. Looking at some of your advertising strategies, and I'd like to hear more about new approaches. I know you're moving more towards the Internet. But in particular, it seems that your time scheduling report, you're avoiding, at least in the next year in terms of leisure, the peak season, probably assuming that there's no weakness in the peak season, there's no need to (inaudible). But I think if you talk to the industry, you'll find that (inaudible), particularly the peak during July. It may be something you want to look at, because obviously that's an effect of hotel taxes.

Just one thing that you might want to look at.

But I would like to hear from you, you know, I have said in the past that a lot of the clientele coming to Long Island itself and the efforts of LICVB to advertise has been largely out of state. I see that you're moving now to New York State, particularly like to areas like Troy and Schenectady and not necessarily Queens, Brooklyn, Manhattan. So I want to hear if you have any -- will make any effort basically to encourage people to discover their own backyard, so to speak. You know, since Manhattan is such a major generator for the tourism industry, that to maybe reach out more into the metropolitan area.

MR. McGOWAN:

Legislator Schneiderman, your point is actually well taken and understood. We do work to attract Manhattanites, but we don't utilize consumer advertising dollars, and the reason for that is New York City is the number one media market in the nation, the most expensive. We could go through our modest budget of \$600,000 in consumer advertising in a heartbeat. We do try to attract Manhattanites through our public relations efforts, through our relationships with Newsday who does place ads advertising gratis, basically, on our behalf. We do try to attract them essentially, like I said, through our public relations and our on-line efforts.

One thing that we have not done a good job of in the past, and this is going to become a focus and it will require some advertising in Manhattan, is to drive visitors to our website where we can capture their e-mail addresses and data about them. What that will allow us to do -- and currently our e-mail address database is only about 5,300 individuals, that should be in and around 50,000 plus, and that's going to be a focus of our efforts during 2009. And especially with Manhattanites because that's where we can highlight specials and areas of interest to those individuals within the marketplace.

We have traditionally looked to spend about 60% of our advertising dollars to -- in the spring to draw the summer business. We've had to adjust that this past year in a number of areas because we added about \$200,000 to our advertising budget from our cash reserves that had not been budgeted for and so there was a bit of an offset. But you're right, July was a little softer than we had anticipated.

One other thing that I would like to advise you of is we have two strong partnerships, one is with New York City and company, and especially in the international market. We are the only destination on their website for the international travel trade that identifies a destination beyond New York City. So that's at least within that market segment is very strong.

The other strong partnership that we were very fortunate to obtain this past year that I think also had somewhat of an impact in the New York City media market was with the New York Islanders, and this was actually a program that they came to us with. There's a lot -- as you might know, they have their own media network set up, whether it's XM radio, whether it's television, on-line media as well as print media, in all of the markets that the Islanders play, all the NHL markets that are -- that games are played. And there's a lot of remnant space and time that goes unused, and so we were able to work out a program where our advertising for Long Island appears in destinations such as New York City, such as Washington D.C., Boston, Philadelphia, down in Florida. It's a value of almost a half million dollars. And in return, those destinations have likewise remnant space, access that is likewise placed.

So we're working to try to leverage some partnerships that haven't been utilized or tapped into in the past. And I might also say on the New York Islanders program, that was at absolutely no cost to the Long Island Convention & Visitors Bureau.

LEG. SCHNEIDERMAN:

Can I ask one more question? Of the

P.O. LINDSAY:

Speak into the mike, Legislator.

LEG. SCHNEIDERMAN:

Let me make sure it's on here. Of the hotel taxes that are collected, do you know how much is being generated by the user sector in dollars and cents? And also, how much advertising is being spent on leisure?

MR. McGOWAN:

Well, I can tell you how much we spent on leisure.

LEG. SCHNEIDERMAN:

And the corporate side as well.

MR. McGOWAN:

On the corporate side we spent about \$160,000 in total of our program dollars, that's about \$1.3

million in program dollars. Whereas we spent close to \$580,000 in just consumer advertising last year.

LEG. SCHNEIDERMAN:

So the 1.3 is the total in hotel tax?

MR. McGOWAN:

No. Well, that is the total program dollars. The total hotel taxes that we received from Suffolk County was about 1.2 million.

LEG. SCHNEIDERMAN:

And of that 1.2, how much was corporate versus leisure?

MR. McGOWAN:

One hundred and sixty thousand.

LEG. SCHNEIDERMAN:

One hundred and sixty is corporate?

MR. McGOWAN:

Yeah.

LEG. SCHNEIDERMAN:

And how much is the difference? Corporate was 160,000 in advertising?

MR. McGOWAN:

Is a hundred -- no, it's not advertising, it's total marketing. Less than in just advertising. For 2009, and I don't have the -- well, yes, I do. The 2008 budget for just advertising to the corporate market was about \$30,700. For advertising consumer, Suffolk specialty focused only was 137,500, we augmented that with an additional \$200,000 from our cash reserve, so that was 337,000 for consumer advertising solely for Suffolk specialty. In addition, there was another 237,000, consumer advertising dollars for the regional approach.

LEG. SCHNEIDERMAN:

So you're getting some response from it. And in terms of corporate marketing, it sounds like you're not doing a lot with advertising, so you're doing trade shows, that kind of thing?

MR. McGOWAN:

Most of it is sales oriented, the trade shows, exactly.

LEG. SCHNEIDERMAN:

You have a number for that?

MR. McGOWAN:

Yeah, within -- and there's two costs that are associated with that, that is the actual registration and exhibiting and things of that nature combined with the travel and costs associated with that, and that's about \$66,000. I'm sorry, check that; that's about \$76,000.

LEG. SCHNEIDERMAN:

How much of your budget is administrative?

MR. McGOWAN:

It's about 11% at the -- last I -- it's about 10%, 10 to 11%

LEG. SCHNEIDERMAN:

In administrative costs?

MR. McGOWAN:

Overall, yes.

LEG. SCHNEIDERMAN:

What is the -- I'll look through the budget because there's obviously a big chunk of money that I'm not seeing, it's not coming out of -- it's not going to the administration, it's not going into marketing, so where is that?

MR. McGOWAN:

Well, also we have the tour travel development, we have sports development, the Suffolk Specialty Program itself is about \$537,000 in total. A tremendous amount goes into our Internet or interactive activities, the website development, the enhancements, the maintenance costs associated with that. A tremendous amount goes into -- I think we've spent close to 20 something thousand dollars just in photography and videography during 2008 and various other costs that are associated with overall marketing and sales.

P.O. LINDSAY:

Legislator Barraga

LEG. BARRAGA:

Good morning.

MR. McGOWAN:

Good morning.

LEG. BARRAGA:

Let me ask you a question, I want you to think about this a little bit. You know, certainly from an economic perspective, we are in dire straights. I mean, from a county perspective next year, in 2009-10, we may face a deficit that might run anywhere from 140 to \$170 million. All of us are sitting around waiting for Governor Patterson to make a presentation today which is his attempt to close the \$15.5 billion deficit in this 2009-10 budget, and that will mean rather draconian cuts in school aid and social services right across the board that will have an effect in this County.

My question is this. At some point we will have to close the deficit and you can only cut so many services, but you have to look at revenue sources. Right now it's my understanding that the Hotel/Motel Tax is three-quarters of 1% in Suffolk County. In New York City, when I visit New York City and stay at a hotel, I pay 18%. The question as a revenue source, can we raise that Hotel/Motel Tax without having a real negative effect on tourism, maybe to three, four or 5% to get additional revenues?

MR. McGOWAN:

We have on top of the lodging tax also the State and the County sales tax, so our overall lodging tax bill is about 9%, I think in total; three-quarters lodging, four and a quarter Suffolk County sales tax and 4% State sales tax, so that's 9%. And I think the threshold is -- you know, I think that's -- to answer your question, first and foremost, I believe we could. Exactly how much is sternly open to debate and what have you. I think, however, that it would be prudent that any consideration of a raise in the lodging tax must include a percentage of that going to additional promotion, because if you will, there is a fuel and engine and a driver factor in place.

I know that Governor Patterson is looking at Empire State, and especially the Tourism Development Program, as a revenue generator, not as a service; as an investment, not as an expense. And I think that we always need to keep an eye on that aspect, because there's no question in my mind that with additional resources we can drive additional revenue for the County and ultimately the State can do the same thing for the State.

LEG. BARRAGA:

So as I understand your response, your feeling is that we could probably raise the tax, but a portion of that tax, whatever the revenue that comes in, should be spent on additional programs, some of it for promoting tourism in Suffolk County.

MR. McGOWAN:

Yes.

LEG. BARRAGA:

Thank you

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Actually, Legislator Barraga addressed the question I was going to bring up. Thank you.

P.O. LINDSAY:

Legislator Eddington?

LEG. EDDINGTON:

Yes, thank you, Presiding Officer. With your permission, before I ask my question, I'd like to welcome Mayor Paul Pontieri from the Village of Patchogue to our session. Welcome, Mayor.

It may have been answered. Once you started talking numbers with Legislator Schneiderman, my eyes started to glass over. So what I'm wondering is I've seen ads, you know, "Welcome to Massachusetts," "Come to Virginia", I even saw ones by Pataki for Upstate, New York. Are we going to do those kinds of things to say "Rediscover Long Island" or "Stay here on Long Island"? Because when -- I live in Medford and when I go to the different places of business, in the summer you can't find a spot because people are coming from out of state to go on trips to the wineries and the Hamptons and the city, because we're like right in the middle. Are we going to try to promote people to stay home and do that kind of thing?

MR. McGOWAN:

No, and the reason for that is two-fold. First and foremost, visitors who come and spend the night spend two to two-and-a-half times more than a visitor who goes out, explores and goes home at night. Second to that is when you look at the return on that investment, with our limited resources we do need to drive the overnight visitation because it does also have a two-fold effect of generating sales tax as well as lodging tax, so there's greater return on that part of the investment.

The other thing that we always have to keep in mind is that, you know, the whole aspect of staycation last year, staying at home and spending your vacation at home, was largely debunked because people travel between two and five times during the year. Now, they are pulling back on that travel but they're continuing to travel. And so if we advertise and promote the idea of stay at home and spend it home and things of that nature, we have no way of knowing how successful we are. People may choose to spend -- instead of traveling three times during the year, they may stay home one or two, but they will go at least one of those there. So it really is not a good investment to try to do that.

That said, there are a multitude of media outlets that we do tap into on an ongoing basis to create an awareness of what's going on in our own backyard, all of the events, all of the products that we have from the Vanderbilt to the winery to Main and Coopers Beaches, etcetera, and we also do that from a PR perspective during the shoulder and off-seasons.

LEG. EDDINGTON:

It sounds like you're saying that you're afraid of being too successful.

MR. McGOWAN:

No, we're trying to manage our resources in an effective, efficient manner, is really what we're trying to do. You know, we do partner and we do work in a number of areas. Winterfest is certainly one of the programs during the winter that took about four years really to get solidly off the ground, but last year was a highly successful program that saw overnight visitation as well as day trip visitation as well as expenditures in the north fork and during a very -- a down time of the year. So that program -- and we've put a modest amount of dollars into that particular program. But that was really -- you know, we really try to market promote during -- in the spring to drive the summer programs and traffic, and we also try to advertise and save a good portion, about 60 -- 40% of our budget to advertise in the fall, for fall programs as well.

But again, you know, we do use a multitude of marketing disciplines, whether it's on-line strategies, public relations, direct consumer advertising and sales, to drive different market segments during different times of the year. And so consumer advertising for consumers to stay at home and spend at home, we don't spend the dollars in that direction but we do use the public relations effort to keep a high awareness of what's going on on Long Island.

LEG. EDDINGTON:

Well, I'll be looking for those advertisements, then, as limited as they may be. Because I hear people saying they're going to Pennsylvania, they're going to Maine and they haven't been to the Hamptons in three years. So I would like to see more advertising to stay home. So, thank you.

MR. McGOWAN:

Let me -- I'd like to address something that Legislator Barraga -- go back to your question briefly, if I may. Since I've been here --

LEG. BARRAGA:

Somehow I had a feeling you'd be back to my question.

MR. McGOWAN:

Well, we have long looked at -- I'll backtrack. We have long looked at our advertising effectiveness by looking at the number of inquiries and requests for our travel guide that our advertising, consumer advertising generates. We have seen steady and good steady increases in those increases over the years, but we've never, up until this past year, conducted a conversion analysis. That is of those folks who have responded to our ads, asked for a travel guide, how many of them actually came to Long Island and actually -- and if they did, how much did they spend, etcetera.

We finally undertook a conversion analysis this past spring and looked back on our advertising, consumer advertising expenditures of 2007, the inquiries that we generated and surveyed those respondents. Literally what we were able to identify was a number of different things of the effectiveness of our advertising and driving visitation. But the bottom line was we identified a 39-1 return on investment, for every dollar that we spent we were able to generate \$39 in visitor expenditures. Added to that, we also found that those folks who requested -- responded to our advertising, requested the travel guide and then went on-line to our visitor's site, discoverLongIsland.com, before coming here actually stayed twice as long, four nights versus two nights on average. They actually spent twice as much, \$1,007 versus \$527 per visitation. So the effectiveness in not only our consumer advertising but our website, working in conjunction with that, I think is showing that we are an organization that can drive not just visitation but revenue and ultimately then the revenue to the County as well.

P.O. LINDSAY:

Okay. Anybody else? No. Thank you, Mr. McGowan. Thank you, Commissioner Heaney.

MR. McGOWAN:

Thank you. And happy holidays to all

P.O. LINDSAY:

Same to both of you .

Okay, before we get into the public portion, I have another kind of unusual subject that we've got to talk about.

At the last meeting we approved a resolution to create a Commissioner of Consumer Affairs. That legislation cannot go into effect until it's approved by the State; it's in Albany now, we're waiting for it to come back. As an interim step, the County Executive has identified a potential Commissioner of Consumer Affairs and is going to install him as an interim Commissioner so we have someone there.

In the discussions at the last meeting, if you recall, most of our upper management staff has retired there and the last one is retiring the end of the year, so I think he was very prudent in making this interim appointment. But I asked -- Denis McElligott is the projected Commissioner over there, I asked him to come here this morning so that anybody could ask Denis and Denis could state his credentials. And when the legislation gets approved in Albany, there will be a resolution coming over from the County Executive to install Dennis as our permanent Commissioner. So Dennis, if you could come up, please, and have a seat over here and maybe introduce yourself. Good morning, Denis, and welcome.

MR. McELLI GOTT:

Good morning. It's a pleasure to be here

P.O. LINDSAY:

Denis, maybe you could just give the body a little background of your experience and credentials.

MR. McELLI GOTT:

Sure. It's a pleasure to be here. I know most of you through being a lifelong resident of Suffolk County. I have just finished a nine and a half year tenure with the Attorney General's Office where the work that I did there was similar to the work to be done by the Department of Consumer Affairs. I look forward to working with each and every one of you in providing protection and safety for the residents of Suffolk County in terms of their dealing with businesses. I see Legislator Montano is not here, we worked together at the Attorney General's Office for a number of years.

*(*Legislator Montano entered the auditorium*)*

LEG. MONTANO:

Denis, I heard my name.

MR. McELLI GOTT:

Hello, Ric. And I'm looking forward to this opportunity to join Suffolk County Government and to serve the people of Suffolk County.

P.O. LINDSAY:

The only thing that I could say, Denis, is first of all, I'm very happy that the County Executive has named someone, because there was great concern at this horseshoe that the department, which we depend quite heavily to protect our consumers, wouldn't have any management. So we're really happy about your appointment and I thank you for coming over here today and introducing yourself. And Legislator Romaine has an additional question.

LEG. ROMAINE:

I have actually a question for you, Presiding Officer, if I may. I assume, because the legislation has not been approved by the State, that Mr. McElligott's appointment will be as Director of Consumer -- of the Office of Consumer Affairs, not as Commissioner.

P.O. LINDSAY:

I was told it's an interim appointment, I don't know at what title. Maybe the --

MR. NOLAN:

I had a very, very brief conversation with Ben Zwirn before the meeting and he indicated they're going to find some type of interim title; it's not going to be as Commissioner because there is no Commissioner position yet.

LEG. ROMAINE:

Right, obviously. And I assume that it would be as Director of the Office of Consumer Affairs, because right now that remains an Office of Consumers Affairs, not a department with a Commissioner; is that correct?

MR. NOLAN:

There is no Commissioner right now. I don't know where they're going to slot Denis in the interim until there is a Commissioner's position, you have to pose that to Ben Zwirn or somebody else from the County Executive's Office.

P.O. LINDSAY:

Currently, we have the title of I believe Deputy Director running the department, because the Director retired in June.

LEG. ROMAINE:

Right. Well, he was also with Weights & Measures, I understand.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Can I ask --

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

-- does Mr. McElligott meet the qualifications for the position of Director of the Office of Consumer Affairs?

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

I'm posing that as a rhetorical question.

P.O. LINDSAY:

Mr. McElligott, do you know what the qualifications are for the Director of Consumer Affairs?

MR. McELLI GOTT:

My understanding is that I do fit all of the qualifications. And to be honest, I left that to the County

Executive and his staff to determine.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

All right. I posed that rhetorically, I didn't expect you to answer that. But I would expect that if there is a County Executive representative in the house, that they'll come forward and answer that question.

P.O. LINDSAY:

I don't --

D.P.O. VILORIA-FISHER:

You have two more people on the list.

LEG. BEEDENBENDER:

They'll be coming. They can hear you.

LEG. ROMAINE:

Thank you again, sir.

P.O. LINDSAY:

Okay, they're --

LEG. ROMAINE:

And when the Commissioner's appointment is up, I'll obviously have some questions. Thank you.

P.O. LINDSAY:

And Mr. McElligott, when the resolution comes over, it will go through the normal committee process

LEG. ALDEN:

Put me on the list.

P.O. LINDSAY:

Yes, I have you.

LEG. KENNEDY:

Can we talk to him now, Bill, about --

P.O. LINDSAY:

Yeah, but, you know, he's going to go over there to run it in the interim until we get the legislation back, so I wanted everybody to meet him.

D.P.O. VILORIA-FISHER:

Okay, you have a list.

P.O. LINDSAY:

DuWayne Gregory, Legislator Gregory?

LEG. GREGORY:

Denis, I just wanted to welcome you. I know I had a friend that worked for you, while Ric was there as well, and she said great things about you. I know that you ran a stellar office and I know you'll bring great credibility to the office and hopefully the department and look forward to working with you.

MR. McELLI GOTT:

Thank you very much. And I look forward to working with each and every one of the Legislators here.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Denis, I also am very pleased to see that the County Executive would go ahead and select you or make this offer to you. I'd say be careful what you ask for.

But having said that -- and by the way, your office has always been outstanding any time that we've tried to reach out to you. And under the AG, you covered a myriad of different aspects which is why I think this is a positive thing going over to the Consumer Affairs Department with the wealth and knowledge you bring, also as a practitioner, as an attorney as well.

Speak to me a little bit about something that every one of us has in our office right now which is home heating oil and fuel products and the volatility as far as where things are going, the regulation, these contracts that are out there that everybody struggles to understand. What's your thinking, what do you plan to bring forward, what do you see as your role in this?

MR. McELLI GOTT:
I think the most important issue to deal with when it comes to home heating oil and the contracts is education. Because I think through my years at the Attorney General's Office, I saw very few situations -- I saw many situations where consumers were mistreated. I didn't see too many situations, though, where consumer didn't get actually the benefit of the bargain that they had signed up for. Therefore, the issue isn't -- the issue is educating the consumer before they sign the contract, not enforcement of the contract provisions. Because in many cases, the consumers are being provided with the deal that they agreed to; it seems to me, though, they just agreed to a bad deal.

LEG. KENNEDY:
But Denis, are you familiar with these contracts? I mean, again, I don't want to get into some of the legalese, but we all know about the fine print. Is it something that consumers are aware of, that they may, in fact, sustain a significant penalty if they elect to break, or is that something they're only becoming aware of as they attempt to do it?

MR. McELLI GOTT:
I think that too many individuals are signing contracts without appropriate -- without good counsel, I'll put it that way. And the -- every consumer has to realize that they're being presented with a prewritten contract drafted by the business that they had absolutely no input into and, therefore, I think education is very, very important.

LEG. KENNEDY:
We've also heard -- and I've dealt with a couple of constituents now who are speaking about some type of a phone arrangement that subsequently is ratified by some kind of writing, and we're being told that as a matter of fact the AG has actually blessed or sanctioned this type of an arrangement. Is that anything that you're aware of?

MR. BROWN:
Legislator Kennedy, I'm not. I don't -- I do understand that there are -- you know, that there are problems with telemarketing. But in terms of the specific issue that you've just raised, no, I'm not aware of that.

LEG. KENNEDY:
All right. Well, I'm sure we're going to have more discussion about this. Certainly the Chairman, Mr. Chair, has proposed legislation that gets at some of these issues. It's just something that every

one of us is trying to assist particularly senior citizens, disabled individuals, individuals that are close to the poverty level. It makes no sense that, you know, we're looking at or hearing several hundred dollars worth of penalties. Notwithstanding this tri-part contract -- and Mr. Rooney is here and is going to speak to us as well -- where wholesalers I guess are vending large blocks of product to the retailers. Nevertheless, it seems to me that the consumer is getting caught in the shake out there and they're the ones that are bearing a disproportionate burden. I'll yield, Mr. Chair.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Hi, Denis. Thanks for coming down.

MR. McELLI GOTT:

Good morning

LEG. ALDEN:

Just to give you a little head's up. I'm not going to ask you any questions today, because obviously you just got tapped and this is a little bit early. But when you do come down for a confirmation hearing, if you have a business plan and you have an organizational plan, things of that nature, I would appreciate it. Because when I did ask at the prior Legislative session that we approved this new Department of Consumer Affairs, it was a little bit sketchy as far as organizational, like who's going to be what and also really what the plan is and how you're going to go about enforcing some of the laws, ever increasing number of laws that we give you to enforce. So just to give you a head's up, if you could prepare those, I'd be very, very happy.

And then to add my two cents, also. I have to say that my office is very pleased with your office and the cooperation we've gotten in the past. And when I was Chairman of Consumer Protection here, we had a lot of issues that we had to go to you with and you handled them in a very timely and professional manner. So I want to thank you for that.

MR. McELLI GOTT:

Thank you, Legislator. And I look forward to preparing the plans that you've suggested. This is a very recent development for me, I look forward to getting involved and I apologize for not having --

LEG. ALDEN:

You don't have to apologize.

MR. McELLI GOTT:

-- a complete plan as of right this moment.

LEG. ALDEN:

Good luck.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. Good morning, Denis. And I just really want to put on the record that before I was elected to the Legislature, I served in the Attorney General's Office for four years and I was, during that time, head of -- part of that time head of the Consumer Frauds Unit and I had the opportunity to work with Denis one-on-one on some cases, we worked on the Toussie case and a couple of other cases together. I'm surprised that your name came in this capacity, but I can't think of someone more qualified for this position. I'm really happy that it came forward and I look forward to working with you.

And congratulations on this appointment. I think it speaks well of the fact that you were offered this

job and when you come forward, I'm sure that you'll have the necessary outlook and you did a great job. I enjoyed the four years we worked together, I'm looking forward for several more.

MR. McELLI GOTT:

It was fun

LEG. MONTANO:

It was

P.O. LINDSAY:

Okay, Legislator Nowick

LEG. NOWICK:

Good morning.

MR. McELLI GOTT:

Good morning.

LEG. NOWICK:

I just have to ask you, where are you from in Smithtown?

MR. McELLI GOTT:

Forestwood, Sandpiper Court.

LEG. NOWICK:

That's your district or my district?

MR. McELLI GOTT:

You're my Legislator.

LEG. NOWICK:

Welcome. Denis, when you were in the Attorney General's Office, I know everybody has a certain function or a certain expertise; what was -- what division were you in?

MR. McELLI GOTT:

I was the Assistant Attorney General in charge of the Suffolk Regional Office. The Suffolk Regional Office did a wide variety of litigation and consumer work. I would say that we represented the State in everything but the environmental stuff and medical malpractice. But otherwise --

LEG. NOWICK:

Well, I think that's a great background, then, for what you're doing.

MR. McELLI GOTT:

Correct. And we worked very closely with the County Department of Consumer Affairs in terms of dealing with consumer complaints, specifically with home improvement contractors. But I did a wide variety of litigation, both the affirmative -- affirmative litigation as well as a tremendous amount of defensive litigation on behalf of the State.

LEG. NOWICK:

Well, Denis, over the past year, I chaired Consumer Protection. And what I think is most important there and what we need now and what I'm sure you are going to be able to provide is a very, very proactive, whether it's called Commissioner or Director or whatever it is, someone that rather than saying no, works with us. And I think that will be very important to the consumers and to us as Legislators, it doesn't tie our hands as much. So I'll be looking forward to the committee process and we'll chat more.

MR. McELLI GOTT:

I'm looking forward to it.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Denis, I'm very happy to see you here. I have great respect for you. And I can certainly say, Legislator Nowick, that when I have had occasion to call the Attorney General's Office and spoken with Denis, he has done exactly what you just asked for leadership. He has been very responsive, giving me great information and is just so very knowledgeable. So I'm really, really happy to see you here and look forward to having that position statutorily approved by New York State so that we can vote on your appointment

MR. McELLI GOTT:

Great.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Denis, good morning. Welcome

MR. McELLI GOTT:

Good morning, Lou.

LEG. D'AMARO:

I just want to chime in and join most of my colleagues in saying that I can't think of someone more qualified for not only this position but many other positions. You have been serving the people of Suffolk County and the Attorney General's Office, hopefully you'll continue doing that here in Suffolk as the Commissioner. I can't think of anyone who brings more professionalism, though, to that office and will bring that type of professionalism to the office. I appreciate it.

I want to ask you, though, I do have a Consumer Affairs issue and I need to know, how soon are you starting?

MR. McELLI GOTT:

I don't know.

LEG. D'AMARO:

When you find out, let me know.

MR. McELLI GOTT:

I will

LEG. D'AMARO:

Because I do have actually a constituent of Legislator Viloría-Fisher's --

D.P.O. VILORIA-FISHER:

I've already spoken with him about that.

LEG. D'AMARO:

Okay, that's good. Well, your constituent, but also something that was brought to my attention as well. So when you get started, just let me know.

MR. McELLI GOTT:

I remember the issue.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Okay. Thank you

P.O. LINDSAY:

Okay. That looks like it. Thank you very much, Denis, for coming down, and good luck with your pending appointment.

MR. McELLI GOTT:

Thank you very much. I look forward to working with each and every one of you.

P.O. LINDSAY:

All right, thank you. Mr. Zwirn, did you want to --

MR. ZWIRN:

If you have a question for me, I'll be glad to answer it.

P.O. LINDSAY:

Legislator Romaine, did you want to ask Mr. Zwirn something about this issue?

LEG. ROMAINE:

Good morning, Mr. Zwirn. It's my understanding that the County Executive will be appointing Mr. McElligott to the position of Director of the Office of Consumer Affairs; is that correct?

MR. ZWIRN:

No. What will happen is this. Eventually, his -- we're laying on the table today Denis' name to be the new Commissioner; we have to wait for the State to approve it. The public hearing, the County Executive's Public Hearing on this legislation has been held, he has signed the bill, it now goes to Albany and we have to wait a period of time for the Secretary of State to sign it and then it has to have a period --

LEG. ROMAINE:

So Mr. McElligott will not be starting --

MR. ZWIRN:

He will be starting -- they're going to have a position of Administrator IV, which is a provisional title, while this goes through the process and then we will bring his name forward at the earliest possible moment. But he will be able to start inside the department

LEG. ROMAINE:

He will -- is that title currently assigned to the department?

MR. ZWIRN:

I don't believe so. We're going to ask Civil Service to work with us on this and get a position in there, so provisionally so that he can get started as fast as possible. Because we need --

LEG. ROMAINE:

Does that position currently exist in the budget?

MR. ZWIRN:

There's no problem with the budget, as currently --

LEG. ROMAINE:

Does the position currently exist in the budget?

MR. ZWIRN:

No.

LEG. ROMAINE:

Okay. So this --

MR. ZWIRN:

But there are vacancies in that department, including the Director. Mr. Dragonette has also retired, was about to retire, so there will be plenty of available funds in that to cover this. And the salary --

LEG. ROMAINE:

So --

MR. ZWIRN:

And the salary will be a shade less than what Mr. Gardner was making when he came in.

LEG. ROMAINE:

So it is your intention to take positions in the Office of Consumer Affairs and earmark them to this Administrator IV title that currently doesn't exist at this time.

MR. ZWIRN:

That may take -- yes, they may take one and earmark it, yes, for a short period of time.

LEG. ROMAINE:

And when do you intend for this temporary appointment to take effect?

MR. ZWIRN:

I think as soon as possible.

LEG. ROMAINE:

Have you -- but you haven't secured the approval of Civil Service in terms of this earmarking?

MR. ZWIRN:

They have been working on it, I don't know if the title has been approved yet.

LEG. ROMAINE:

Okay. Could your office kindly inform me when that takes place?

MR. ZWIRN:

Certainly.

LEG. ROMAINE:

Okay, thank you.

P.O. LINDSAY:

I would just like to point out that we have a Director of Licensing that has been vacant for two years over there. We have the Deputy Director that will be vacated at the end of the year, so you have a lot of management positions there to choose from.

MR. ZWIRN:

Absolutely, and I don't think that's going to be the problem. And it's good to get the gentleman in there working even before he gets -- comes back for confirmation. But he is certainly well qualified and he should be a welcome addition to the County

P.O. LINDSAY:

Thank you very much, Mr. Zwirn.

Okay, we're finally going to get to the Public Portion.

D.P.O. VILORIA-FISHER:

I'll make a motion to -- no, we don't have to extend it yet.

P.O. LINDSAY:

Not yet.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

I have a number of village officials here that I'm going to call up first. First is Thomas Brennan who is the Mayor of Lindenhurst.

Mr. Brennan, you have three minutes; are you here? And followed by Councilman Shawn Cullinane, also from the Village of Lindenhurst.

LEG. HORSLEY:

A Trustee.

P.O. LINDSAY:

A trustee, excuse me, Trustee.

LEG. LOSQUADRO:

And who's this guy?

P.O. LINDSAY:

And former Legislator Dave Bishop.

COUNCILMAN BISHOP:

Right. As a former Legislator, I remember that the last meeting of the year is usually the longest and often the most painful, so we'll try to expedite this by coming together and moving quickly through.

P.O. LINDSAY:

Okay. So you're going to give a statement for the three of you's?

COUNCILMAN BISHOP:

Yes, and they'll add if I leave things out, which I'm sure I will.

P.O. LINDSAY:

Okay. Go ahead.

COUNCILMAN BISHOP:

We're here to urge an override of Resolution 903-2008 which was vetoed by the County Executive. This is a matter that was begun many years ago when I was the County Legislator for the area, for Lindenhurst Village.

Shore Road Park in the Village is one of the most used facilities on the south shore. Tens of thousands of youngsters use it year-round for soccer, baseball, a variety of youth activities. It needs to be expanded. The village came to me in the 1990's asking for assistance with that. In

2000, the County was able to transfer a parcel that was taken for back taxes which was to the east of the park, but there was still a remaining parcel that was between that parcel and the park.

In 2002, the Village had an opportunity to purchase quickly, through an estate sale at half the appraised value, the lot that was in-between, and they asked my advice at that time whether it would be eligible for a County partnership. I told them that I thought it would be a perfect opportunity for a County partnership because it met the criteria that we were looking for; it expanded an existing park, it took the maintenance and operation of that park out of the County and into their hands, it allowed us policy makers to improve the storm water runoff situation in the area, and it was an active recreation facility.

So there are five points quickly to be made. One, it was acquired at half the appraised value, so it was a bargain. The County -- the Village, since that time, has put tens of thousands of dollars -- perhaps more, they'll explain -- into that property to improve it, to make it a park, it was a residence. That it allows an additional 500 feet of waterfront parkland in the County, that there would be no new borrowing by the County to fund this purchase. This money would come from the 12(5)E, that's the dedicated Quarter Cent Drinking Fund. There is money that has been there for the Town of Babylon, reserved for the Town of Babylon for over a decade. The Village of Lindenhurst has never participated in that program other than the residents paying taxes into the program, this is the first time that they would enjoy the fruits of that program which promises to assist in creating active recreational space in western Suffolk County.

And finally, by sustaining the veto, which I urge you not to do, you would be punishing the Village for taking prudent, quick action and seizing an opportunity that that was there and available and needed to be taken; they shouldn't be punished for that, they should be rewarded. This is a very wise allocation of that 12(5)E money that has to be spent within the Town of Babylon. Mayor?

MAYOR BRENNAN:

Thank you, Dave. Presiding Officer Lindsay, Members of the Legislature, I want to thank you for actually allowing us to come this morning.

Dave actually summed it up very well in the fact that we did have to act quickly to purchase this land. Without that quick purchase, we would have lost it and we would have had two pieces of parcels that were separated, and really it would have been no use to us. And to be able to combine, make whole that park, is a great asset. Because all members of the County get to use that park, like Dave said, with soccer, baseball; all the children do come to that park. We want to expand it, basically to make possibly a walking path in there. We want to be able to let residents fish through there, and they have a great view of the Great South Bay. And thank you again for considering this.

P.O. LINDSAY:

Thank you, Mayor. Trustee Cullinane, you want to say something?

MR. CULLINANE:

Good morning. Officially, I'm the Clerk Treasurer of the Village of Lindenhurst.

P.O. LINDSAY:

I'm sorry for getting your title wrong.

MR. CULLINANE:

Not a problem. Thank you for the opportunity to be here. I'm just going to add to what Legislator Bishop and Mayor Brennan had already stated, that this is a project that had been worked on since the late 1990's, 2000. This Legislature has supported this project on several occasions passing several resolutions and has previously overridden the County Executive, we ask for your continuing support on that.

In western Suffolk County, we have few opportunities to take advantage of open space projects,

particularly in places like the Village of Lindenhurst, the largest village in Suffolk County, the most populated per square mile in Suffolk County. We have an opportunity to do something special on the Great South Bay, to be able to create a new passive use, our expanded passive use of our Shore Road Park. And actually, to tie in a vista with Indian Island which is a parcel you already own; it's inaccessible by residents of Suffolk County. If nothing else, they'll have a great overview vista of Indian Island.

So we'd ask for your support on this project, hopefully to bring this to a conclusion so we can move forward and redevelop this area into greater passive recreation use that we have been planning for many, many years to be enjoyed by many people across Suffolk County. So thank you for the opportunity to be here.

P.O. LINDSAY:

Okay. I'm going to make an exception here. We don't usually allow Legislators to ask questions under the public portion, but I know this is a subject that's going to be debated later on and I have a number of cards in public portion and I don't expect you gentlemen to stay around until we get to it on the agenda. So I'm going to allow Legislator Alden to ask a question

LEG. ALDEN:

And maybe, Dave, you could respond to this. The Trustees, are you aware of the -- they came and testified before us and they put on the record that they have a number of problems this purchase. Also, the Commissioner of Parks came and put on the record that he has a number of problems with this, including the fact that the property is already purchased by either the Village or the Town of Babylon.

MAYOR BRENNAN:

The Village.

LEG. ALDEN:

It's by the Village. What would you respond to both the Parks Trustees and the Commissioner as far as when they raise those red flags. And one of the red flags was that it establishes a precedent where a property is already purchased by a municipality and now we're reimbursing after the fact

COUNCILMAN BISHOP:

Well, it's not a precedent. When I was Chairman of the Environment Committee, there were numerous times that we did it in that manner where the municipality went forward and then the County followed with a reimbursement. This -- to not do that would be -- would have lost the opportunity to buy this parcel at half the price. They were going to sell it to another owner and that subsequent owner would be unlikely to have offered the County half price as the estate did, so it was a matter of the Village seizing an opportunity which was presented to it.

The money that the County reimburses here goes back into the park. So it's not -- it's not going to the Village, you know, coffers to subsidize the Village, it's going into the Village coffers to fund an expansion of parkland in Suffolk County. It's necessary. The veto message simply, you know, speaks to the fact that it was after the fact. And I think that, you know, as the years go on you'd say, "Oh, that makes sense. Why would you reimbursement them after the fact?" But at the time when it was discussed and it was present, this was the only way to accomplish the goal and it was a goal that the Legislature has numerous times supported.

LEG. ALDEN:

Dave, specifically. The Trustees said that this is outside -- it's not near any other park. The Commissioner came down and said it's not near any other park, they're going to have trouble managing it, they're going to have trouble, you know, using our resources to get to and from --

COUNCILMAN BISHOP:

Well, that's just -- that supports our position that the Legislature has been correct in this matter all

along. It is directly adjacent to a public park.

LEG. ALDEN:

Whoa, County, the County facility; they said that there's no County assets in that area to take care of this property.

COUNCILMAN BISHOP:

Yeah, but it's in the County's interest to have it brought under the umbrella of the Village, otherwise the County --

LEG. ALDEN:

So no, okay. Now, I think you answered --

COUNCILMAN BISHOP:

-- would be taking care of isolated --

P.O. LINDSAY:

The Village is going to maintain it.

COUNCILMAN BISHOP:

Right.

LEG. ALDEN:

Right. So you answered the question; we're going to buy it back from the Village and then give it back to the Village.

COUNCILMAN BISHOP:

Right, and the Village will maintain it. And the money that goes through that maneuver goes into the park.

LEG. ALDEN:

And just -- and I don't know if we're going to correct the record later on, but as far as the support for this, it was on planning steps resolutions, that's what you're talking about, right? Not to purchase the property.

COUNCILMAN BISHOP:

You know --

LEG. ALDEN:

I don't think we ever got past --

COUNCILMAN BISHOP:

Really, I've been away for several years and I don't know -- I know that I proposed several times --

LEG. ALDEN:

I don't think we ever got past planning steps.

COUNCILMAN BISHOP:

I know I proposed several times, I know Legislator Horsley has followed it up several times and that the Legislature every time has supported it, and I think that's a wise position and should continue.

LEG. ALDEN:

All right, I didn't mean to put you on the spot. Thanks, Dave.

P.O. LINDSAY:

Okay. Thank you very much.

MR. CULLINANE:

If I can just for thirty seconds, just to support --

P.O. LINDSAY:

Yeah, quick, quick, because I have a ton.

MR. CULLINANE:

Our Village Square Project, which is at the crossroads of Wellwood Avenue and Hoffman is exactly a great example of where we have had the cooperation with the County before, acquiring property, giving it back to the Village so we can manage it for the public use. Since that, that product has grown into the District Court which is exactly right next door. We have been very, very, very successful in doing exactly what the County has wanted us to do. We think this will be another example of doing a very, very successful project.

COUNCILMAN BISHOP:

Thank you.

P.O. LINDSAY:

Thank you very much.

COUNCILMAN BISHOP:

Nice to see everybody again.

P.O. LINDSAY:

We're just starting the Public Portion but we're already out of time. I need a motion to extend the public portion --

LEG. LOSQUADRO:

So moved, Mr. Chairman.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I have another Mayor in the audience, Mayor Pontieri from the Village of Patchogue. We're honored by the grace of so many Village officials here today.

MAYOR PONTIERI :

Hey, you know? And I support his -- Tom Brennan, Lindenhurst position as a former Mayor -- or as a Mayor; maybe soon to be a former Mayor, who knows?

But before I get started, I just would like to thank the Legislature as a group and particularly Legislator Vivian Viloría-Fisher, Legislator Montano and my own Legislator, Jack Eddington, for the support you've given me over the past month. One of the first phone calls I received after the Marcelo Lucero incident and murder was from Legislator Montano and I do appreciate it. This past weekend Viloría-Fisher, Legislator Viloría-Fisher showed up and Jack has always been there in support. So I very much thank all of you for the support and help, because it has been a difficult time.

But that being said, I'm here in support of IR 2178 which is the appropriation of \$5 million for infrastructure for affordable housing. As many of you know, and it's been talked about for the last four or five years, we're looking to do an Art Space Project which is affordable housing for artists; 45 units of live/work space.

This was first presented to the Village in 2004 and has been promoted by County Executive Levy in his State-of-the-County Address as an economic generator and a social initiative. It provides four major components, affordable housing, housing for artists by providing affordable live/work space, economic development and downtown revitalization by adding and supporting the Patchogue Theatre for the Performing Arts. This adds a component of the fine arts to our overall arts community. It supports the vision for making Patchogue a destination. It will revitalize the neighborhood and hopefully turn it into an area where art shows, shops, galleries and additional living/work space can be developed.

The Village is prepared to donate four out of five of the parcels needed for this development at a cost of probably better than \$500,000 and a reduction of other related building costs which would probably bring our total contribution into the 700 to \$750,000 range on the Village itself. We're looking for about \$1.7 million for infrastructure improvements out of that \$5 million. It is important that you understand the total scope of the project and I've asked Shawn McLearn from Art Space to give you a quick general overview of what Art Space is and how it works within the community.

D.P.O. VILORIA-FISHER:

He filled out a card.

P.O. LINDSAY:

Yeah.

MAYOR PONTIERI:

Is that half a minute?

D.P.O. VILORIA-FISHER:

Forty-one seconds.

P.O. LINDSAY:

I have Shawn down in order, I'm reluctant to take him out of order because other people have been waiting, Mayor, if you don't mind.

MAYOR PONTIERI:

Okay, because he was just part of the --

P.O. LINDSAY:

I'll get to Shawn. I'll get to Shawn, if he just hangs on.

MAYOR PONTIERI:

Okay. Thank you

P.O. LINDSAY:

Thank you very much. Fred Gipp?

MR. GIPP:

Good morning, everyone. Those of you who don't know me, my name is Fred Gipp, I'm the head golf professional at the West Sayville Golf Course. I've been there since 1976.

I chose a profession that I love; I'm unique in that I like to go to work. I'm here representing my fellow golf professionals and the golfers and the majority of golfers that play West Sayville and the

other County courses. Recently there have been articles in The Times and Newsday and Times Beacon about the raising of greens fees, \$3 across the board, and this is to pay for the bailout of the Vanderbilt Museum. As a kid I went to the Vanderbilt Museum, it's a wonderful place and I do think that we should help it. But I think the general public is misconstrued as to why we're raising fees. I'm not saying we shouldn't raise fees, it's been a long time since fees have been raised, but I think \$3 across the board is a little too high. I think the Commissioner of Parks and his staff could come up with a fee proposal for you to vote on and for the trustees to vote on as well.

Another concern I have is that we had a meeting with the Parks Department and it's decided that Fridays are now a weekend day. I have some brochures for you I'll give out at the end of my little talk here indicating the letters I sent to the commission and some spread sheets that indicate what would happen if Fridays were made a weekend day. Right now 53% of our rounds on Fridays are discounted rounds, that means they're played by senior citizens, juniors and handicapped players. If we take Fridays away and make it a weekend day, we're going to lose that rounds and we're not going to make it up substantially by increased resident rounds. I also have another spread sheet that indicates that Fridays actually is busier than Saturdays, and this has been the case in all the years that I've been at West Sayville. Saturday is one of our slowest days. Legislator Alden, could I ask you a question?

P.O. LINDSAY:

No. No, you can't.

MR. GIPP:

Okay.

P.O. LINDSAY:

Just make a statement, Mr. Gipp.

MR. GIPP:

Well, I'll do a rhetorical question. If I asked anyone, "Do you work on weekends," they're going to say no. Then I'm going to ask you, "Do you work on a Friday?", "Sure I work on a Friday." Well, according to the Legislature or the law, Friday is a weekend day. I urge you strongly to vote to change that law if you can, because it's going to drastically reduce the rounds and the revenue for the County.

Now raising of the greens fees is going to provide extra income to provide for certain things like the Vanderbilt Museum. I'm sure you are aware of it that you're only going to get the revenue from three of the County golf courses. Bergen Point is owned by an individual, run by an individual concessionaire and they get the revenue for the greens fees. So if you raise the greens fees \$2, they're going to get \$120,000 a year extra for doing nothing.

There are three factors that effect golf rounds; weather, course condition and price. Weather is the most important factor, course condition is the next most important factor and price is the next third important factor. Course condition, all you've got to do is look at the spreadsheet. Bergen Point's rounds went up 20% this past year, only because the course is in much better shape than it ever has been. Years ago I played Bergen Point with my mens club in an inter club, the diameter of the golf hole is four and a quarter inches wide, their diameter was about three inches wide because the cups weren't cut for about a month and the grass had overgrown the cups. Literally the flags on the sticks were held together with scotch tape. It was an embarrassment and my mens club wrote a letter to then County Executive Bob Gaffney.

P.O. LINDSAY:

Mr. Gipp, you're out of time. If you could wrap up. You're out of time, if you could wrap up.

MR. GIPP:

I'm going to wrap up right now. Again, I would urge you most definitely to not make Fridays a weekend day. Look at the statistics I'm going to give you, you can look at it and vote on it later. Thank you very much

P.O. LINDSAY:

Harry Wallace followed by Veronica Treadwell. Harry Wallace?

MR. WALLACE:

Veronica Treadwell and I are submitting one statement jointly, so we would ask for the appropriate six minutes time.

My name is Harry Wallace, I'm the Chief of the Unkechaug Nation and as Chief of the Unkechaug Indian Nation, I present this statement to you so that you understand the angst and dismay of our people. We were an ancient people who have occupied the same territory on the Poospatuck Reservation since Prehistoric times. We have fought and died in every war for America from the revolution to Iraq. Our men, despite being classified as non-citizens, enlisted in greater percentage of population than any other ethnic or racial group in America. In 1812, our great Chief William Cooper and his cousin Stephen Cuffee fought and died on the U.S. Constitution, also known as the "Old Ironsides" in the Battle of the Java. The church on our reservation is the oldest mission church in New York State and was established in 1750. Thomas Jefferson and James Madison visited our church in 1791 and recorded the language of our people. Our people provided sanctuary to run away slaves, escaping the wretchedness of that American condition.

This past June, we celebrated our 1,036th Feast of Flowers in honor of those who have passed on and in celebration of those who have survived to continue the tradition. Yet despite this glorious history, we weren't even considered citizens until 1924, and we weren't even allowed to vote in school board elections until 1968. In school, if we spoke our native language or practiced our traditional religious beliefs, we were beaten, abused or worse. Our land was simply stolen.

Today you vote on a resolution to sue the Poospatuck Reservation on the same day that you vote to establish a committee to join the Shinnecock Reservation in searching for an appropriate site for a casino. The only legal principles I can see that controls this disparate treatment between Shinnecock and Poospatuck are hypocrisy and greed. Now you call us criminals and you seek to join New York City in a lawsuit initiated by Eric Proshansky from the Corporation Council, attacking our solvent status. Mr. Proshansky knows nothing about us.

Legislator Lou D'Amaro, you know nothing about us. You will not collect or impose any tax revenue on our land without our consent;

That is the reality. We have maintained from the outset that the State of New York, the County of Suffolk, and most certainly the City of New York, cannot compel the collection of taxes on the Poospatuck Indian Reservation. Only a political solution can remedy this difficult dilemma, and yet today you choose to ignore that. You choose rather precipitously to challenge us.

To us, the issue is not about tobacco and it's not about taxes, it's about our survival. It's about the protection of our sovereignty as ancient people who have survived throughout the tumultuous history of our area. It's about fixing the dilapidated homes of our people who cannot obtain mortgages to build homes because the land is communal. It's about paying for tuition for our children so that they can obtain a good education. It's about providing health care, it's about preserving and protecting our land from destruction and desecration. It's about teaching our children about their culture, their language, their songs and dances and their spiritual traditions.

We know you care a little about these things, but we do. The Biographer of Geranimo, a great Native American leader and defender of his people said it best in the 1906; "Native Americans never understood that unappeasable hunger for more. Time and again, native leaders thought they could

buy off the newcomers, only to discover too late that it wasn't possible, only to learn too late that they wanted all of it, every single acre. In this particular way, they were incorruptible", that's a quote. We know that if we cave in on the taxation issue, you're coming after the land next. We have learned our lesson.

In summation, I invoke the spirit of Geronimo and those other native leaders who struggle to preserve the land and the sovereignty of their people when I say you have taken our land, you have slaughtered our people and the only thing we have left is our sovereignty and now you attack that. To the Suffolk County Legislature in general, and to you Mr. -- Legislator D'Amato in particular, haven't you taken enough?

Applause

P.O. LINDSAY:

Okay. That's it, you's are both out of time. Thank you.
Kevin Rooney, followed by JT Korth.

MR. ROONEY:

How do you follow that? On Introductory Resolution IR 2033. In our opinion, IR 2033 is a technological step backwards to an earlier non-electronic era. It will not necessarily help consumers and may, in fact, hurt them by forcing them to pay a higher price per gallon than they would otherwise pay if their fixed price contract was instantaneously finalized via telephone or other electronic device.

If a retail oil company cannot electronically obligate their customer at the very same time as they electronically obligate themselves with their wholesale suppliers, then they will have to charge a higher amount to offset or accommodate any upward price movements in the interim period between an oral contract agreement and the return receipt of a signed written agreement.

In an electronic age of rapidly changing energy prices, this resolution is simply unrealistic in that it requires a segment of an industry to rely exclusively on the United States Postal Service as the primary mechanism by which it conducts its business and financial affairs with its customers. Furthermore, by enactment of the Electronic Signatures and Global and National Commerce Act of 2000, the Federal Government moved to preempt the entire field of electronic and telephonic commerce establishing that such constitutes interstate commerce and thus is governed by Article I, Section 8 of the United States Constitution. Under the Federal E-Sign Law, an oral or electronic contract constitutes a writing; that is it constitutes a signature equally valid as one using pen, ink and paper. By preempting the entire field under the Commerce Clause of the Constitution, this Federal Law preempted existing New York State Law and, therefore, by extension any Local Law such as IR 2033.

As currently written, this resolution is clearly inconsistent with and thus preempted by both Federal and State law. As such, it cannot be adopted without exposing the County to an almost certain legal challenge. However, should the sponsor wish to amend and revise IR 2033 to achieve his objective, and ours, of helping consumers fully understand their legal, contractual obligations in a manner which is consistent with existing Federal and State Law, we would be more than willing to assist in that effort in any way possible. Until such occurs, we must respectfully suggest that IR 2033 be tabled for further review and subsequent revision.

Also, we are informed that IR 2032, currently on the Tabled Resolutions calendar, is in the process of being revised and amended. As of this moment, we have yet to see or have an opportunity to consider such revisions. In the interest of full disclosure and increased participation with affected parties, we would respectfully request that a further tabling motion on IR 2032 be considered. Thank you very much for your time and attention.

P.O. LINDSAY:

Thank you. JT Korth followed by Thomas Jones.

MR. KORTH:

Good morning. JT Korth, Catholic Charities Housing, here to speak in support of --

LEG. LOSQUADRO:

Just lift the mike up a little bit, sir.

P.O. LINDSAY:

There you go.

MR. KORTH:

In support of Infrastructure Resolution 2178. As the Legislature is well aware, the need for affordable housing in Suffolk County has reached crisis proportions, and projects designed to be part of the solution cannot move forward unless the necessary infrastructure is put in place. Catholic Charities has a long history of working with government and communities to develop affordable housing. In Suffolk we maintain over 800 affordable units in Amityville, Brentwood, Coram, Hampton Bays, Medford and Selden, but we cannot develop additional affordable units without your support.

Right now, we have an opportunity to utilize a Federal grant to construct in Central Suffolk 66 low-income rental units. This housing dream will become a reality only if we're able to ensure the requisite infrastructure including a green and efficient waste water treatment system. Resolution 2178 will allow the Cabrini Gardens Project in Coram to provide dignified, affordable housing with a permanent rental subsidy, as well as an economic and environmental benefit for the County. However, unless the necessary infrastructures are funded by this resolution, the Federal funds will revert to Washington to be utilized in some other part of the country rather than right here where we need it.

Therefore, we respectfully emphasize to the Legislature the need for immediate passage of this resolution. Thousands of our fellow citizens wait for an opportunity to have affordable housing. Simultaneously, our environment is imperiled by the lack of sewage treatment capacity. With costs increasing and the economy deteriorating, it's essential that we contract quickly for labor and materials and proceed with Suffolk projects already in the development pipeline and well advanced in the approvals process. The sooner this resolution is approved, the sooner we can move toward construction and occupancy and the better it will be for workers, seniors and the future of Suffolk County.

We thank you for making infrastructure for affordable housing a priority. We look forward to an opportunity to partner with you to construct 66 beautiful and sustainable homes that we can all be proud of. Thank you very much and please support this resolution.

P.O. LINDSAY:

Thank you, Mr. Korth. Thomas Jones followed by Andy Carracino.

MR. JONES:

Good morning. My name is Thomas Jones and I'm a Board Member of the Suffolk Committee for Camping. I stood here on Thursday, December 10th, to express to the Parks & Recreation Committee the position of our board and our members on the issue of proposed fee increases to use the Suffolk County campgrounds. I would like to reiterate my position today.

The Suffolk Committee for Camping Board and its members are opposed to the increases for several reasons. First of all, the economic times they're in right now makes for poor timing of any increase. Many people who were living comfortably just a short time ago now find themselves struggling to make ends meet. Add to that the fact that the increases are substantial. A cost for a green key card is going to go up 33%, a cost for a campsite with electric is going to go up 25% and a site with electric for a handicapped person is going to go up 37%. These are not modest increases. It is a

stark contrast to a bill, proposed bill IR 1747 which calls for a cap of 5% on any fee increase.

Secondly, the reason for this increase is either directly or indirectly being proposed to bail out the Vanderbilt Museum. While I acknowledge the historical significance as well as the educational value of the Vanderbilt, we do not agree that the money should come from just the backs of those who are already paying to use the Parks Department facilities. Furthermore, the Vanderbilt is part of the County system but not part of the County Parks Department that handles the campgrounds, golf courses and beaches. The money that is paid into the Parks Department via the campgrounds and such should stay in the Parks Department to maintain and/or improve these same venues. If the County intends to rely on the taxpayers for the money, it should come equally from all the taxpayers, not just those paying to use the County facility.

And the third reason is the fact that the proposed increases are not spread equally across the board, but rather unfairly burdening the camping community. As an example, the rate for a campsite will go up \$4 a night with a County-imposed four-night minimum stay requirement. Conversely, anyone wishing to use the Smith Point launching ramp will see his fee raised \$5 for the year and he can use it as often as he wishes, and there is no proposed increases at all for parking at the beaches. A round of golf is going to go up \$3, but unlike the camper, the golfer is not required to make a -- reserve four rounds of golf.

We are unopposed -- we are opposed to the increases because of the true reason for it, which is the Vanderbilt, and because it is excessive and because it is unfairly imbalanced against the campers, and we urge you not to pass this proposal. Thank you.

P.O. LINDSAY:

Thank you. Andy Carracino followed by Lynda, it looks like Rafkin Zach?

MR. CARRACINO:

Good morning. There's a heck of a football game going on out there, between Riverhead and Connetquot, they got into a touch football game. Seven of these step dance girls are going to perform during half-time.

*(*Laughter From Audience*)*

My name is Andy Carracino, I'm the golf professional at Timber Point and have been for the past 16 years and I just kind of want to follow-up on what Fred was saying. I came and spoke to the Parks Committee meeting last week and Mr. Lindsay, Legislator Lindsay, you really made an impassioned plea and I really want to come to you and say, you know, how can we help, and I just feel up to this moment we really haven't been able to help. I understand the process should really go to the Commissioner of Parks, you have a lot of qualified people down there, the golf professionals. We really want to help, we know you have a shortfall in the General Fund. Let's throw the museum out of this, the equation, for starters, and try to get you some money. But the way it's being done, you know, \$3 across the board, however you want to say it, we just don't feel that's the way to go. Give us a chance, throw it back to us, let us review the fee schedule, we'll come back to you and we're really going to help you on this matter, Fridays especially. You know, if you want to make 800,000, let's go back to that museum argument. You're probably going to have to go and raise 900,000, because Fridays alone, you're taking away, you're going to get less business, as Fred stated; and review those percentages and that spreadsheet that he gave you. So, you know, give us a chance to help.

The other thing on the fee schedule, too, on the proposed fee schedule, like nine-hole rounds and 18-hole rounds, right now you have that proposed \$8 senior nine-hole round, if you double, it's not coming up to the \$17 18-hole round. So there's some flaws in the fee schedule, as you have proposed right now. What's going to happen is seniors, the nine-hole players, they're going to recognize that and they're going to come, you know, and play nine at a time and, you know, save a buck. This is the kind of stuff these people do.

So, you know, if the goal is to raise money here, give us a chance. You know, we're the professionals, you have a great Parks Department. We'll, you know, look at this fee schedule and, you know, come back to you and really maybe get you the money that you're going to have, because the way it appears to me right now and the way it appears to us is it's not going to generate those funds that, you know, you're looking to generate.

Also, 2109 and, what is it, 2112 with Bergen Point, as Fred said earlier, never have I seen a contract be awarded with a raise. So you're not going to get that money from Bergen Point, that's going right to them, so that's a really key point.

So I'll wrap it up, I know it's busy. If the County Exec, as he said, is going to veto this, please do not override it. Give us a chance to get some support to you, from the golfers. We'll put some literature down there on save the museum, you know, whatever it is and, you know, give us the chance to market this. Thank you.

P.O. LINDSAY:

Andy, it already has been vetoed, that's what's going to be voted on today.

MR. CARRACINO:

Okay, all right, it has been vetoed. Please don't override it. Thank you.

P.O. LINDSAY:

Lynda Ravkin-Zach followed by Lorraine Deller.

MS. RAVKIN-ZACH:

Good morning. My name is Lynda Ravkin-Zach and I am the Executive Director of Colonial Youth and Family Services. I'm asking your assistance in supporting Colonial Youth and Family Services' Living Wage Hardship Funding Application; it's a resolution that was put forth by Legislator Browning on behalf of Colonial.

Since the Living Wage Law was passed in 2006 and child care agencies were no longer exempt, Colonial has applied and received hardship assistance each year. This funding is used to bridge the gap between what we would have been paying our child care staff prior to 2006 and the 10.50 per hour that we are now required to pay them in order to be in compliance with the Living Wage Law and having contracts with Suffolk County. Although it has been explained that this available money is not guaranteed from each year to the next, unfortunately in the not-for-profit world we count on every penny that we're eligible for. This year Colonial submitted an application to the Suffolk County Department of Social Services for just in excess of \$60,000 seeking assistance for staff members that prior to 2006, and still as of January 2008, will be earning less than the 10.50 per hour. This request was decreased to the amount of \$2,899 because the agency's Board of Directors, accountant and myself decided that the staff members that have been employed for us for three years and now have received no increases for their loyalty and dedication to the programs that they now work with deserved at least a 2.4% increase. Colonial gave them 25 cents per hour, and this was lower than the cost of living increase; and not knowing so, this then made us ineligible for the Hardship Funding Assistance. Colonial did not ask Suffolk County to incur this additional 25 cents per hour, only the -- the funds were only requested to reflect -- to bring each staff member up to the 10.50 per hour.

As for where Colonial came up with the extra 25 cents per hour to pay the staff, the money was taken out of our small discretionary fund that we have available to us that's through fees for services that we charge. By taking some of these -- by taking the money to pay the staff that extra 25 cents an hour, these services then become limited but not extinguished for 2008. Without this funding to lighten the burden, Colonial will have to take these effects into effect next year. Losing this money will force Colonial further into a deficit situation and leaving 2009 programs like summer

field trips, holiday assistance or even maintenance for our vehicles might not be able to happen without this money in 2008. Colonial is trying diligently to close the gap in salary caused by the Living Wage Law and is gradually doing so. The increase in hardship funding applied for in 2007 and 2008 is due to the increased staff needed to increase our child care program. This speaks to the needs of our community in the William Floyd School District. Affordable child care is a necessity in this day and age and Colonial is one of the primary providers for child care. With an increase in need, Colonial makes every attempt possible to provide services needed, but increasing the staff is also required due to our licenses through New York State.

I am once again asking your support for the resolution proposed to reinstate our Hardship Assistance for 2008, as well as further explore the policy in the funding for the future. Thank you.

D.P.O. VILORIA-FISHER:

Thank you for coming down, your time is up. Our next speaker is Lorraine Deller followed by Doug Aloise.

MS. DELLER:

Presiding Officer Lindsay and members of the Suffolk County Legislature, today you will have the opportunity to pass a landmark resolution that will not only initiate a County-wide website to provide schools, colleges, youth services organizations and the public-at-large with strategic information on heroin arrest, but it also has the potential to grow in the future to provide the public with notification of activities surrounding other abuse substances.

Passing Resolution 2049 also serves as a prime example of government at its best, working for its constituents through collaboration and cooperation. Today's resolution goes far beyond what had originally been envisioned. It utilizes technology to bring awareness to the public, media and institutions of potential threats to our youth. This morning we were introduced to a fine cross-section of our County's young people. Their talents had been nurtured and developed in their public schools, but their success is owed to all who have invested in their future, not only by providing a fine education but securing their well-being. The Nassau-Suffolk School Boards Association supports 2049 and thanks Legislator Horsley and the Legislature for their diligence in turning good intentions into good law. Thank you.

P.O. LINDSAY:

Thank you. Thank you very much. Doug Aloise followed by Lee Scheinfeld.

MR. ALOISE:

Good morning. I am Doug Aloise, Director of Community Development for the Town of Huntington. I'm here to speak in favor of IR 2178, to grant needed infrastructure monies to promote affordable housing.

The money is desperately needed by all the organizations to leverage with their other sources of funding and to build the needed affordable housing. We are requesting \$100,000. In our case, the program is Supervisor Petrone's "Take Back the Blocks Program". We've proposed to purchase substandard homes from absentee landlords, convert or reconstruct them for first-time homeowners and include a legal accessory apartment. We'll be building seven townhouses with seven accessory apartments. We'll be leveraging a \$1.560 million grant from the Empire State Development Corporation, as well as local Huntington Housing Trust monies and Community Development Block Grant funding. The County is also providing half the acquisition costs.

We hope the Legislature will continue to allocate this type of funding to foster affordable housing. I'd like to thank County Executive Levy, Legislator Cooper for this initiative and support of the "Take Back the Blocks Program", as well as Commissioner Heaney and Jill Rosen-Nikolof. Thank you.

P.O. LINDSAY:

Thank you, Doug. Les Scheinfeld and followed by Donald Fiori.

MR. SCHEINFELD:

Thank you. Good morning. I'm Les Scheinfeld, I'm Associate Director of Habitat for Humanity of Suffolk and I'll be brief in my remarks today. I'd like to speak in regard to Resolution 2178, appropriating the funds for infrastructure improvements for workforce housing.

As you may know, Habitat for Humanity of Suffolk is a local affiliate of Habitat for Humanity International, an ecumenical, nonprofit, tax exempt housing ministry. We work in partnership with thousands of Suffolk County residents and volunteers, over 4,000 this year, and responsible low-income families of all races, religions and creeds to build and renovate homes so that there are decent houses in decent communities in which people can live and grow into all that God intended. Now in our 20th year, Habitat Suffolk will be dedicating our 127th home this weekend, just in time for the holidays. We've constructed 14 new or rehabbed affordable homes this year and have ambitious plans to add more homeowners to the Habitat family, with your support and the support of the County Executive, the Legislature and the Department of Economic Development and Workforce Housing.

We look forward to continuing to work with Suffolk County and Affordable Housing Director Jill Rosen-Nikoloff and Commissioner Heaney as we implement a special project, our first time working in partnership with the Long Island Housing Partnership, in developing a mixed income project of 25 affordable homes, {Metcalf} Meadows -- named after Roger {Metcalf}, the founding Executive Director of Habitat Suffolk -- on {Eckie} Avenue in North Bellport. It is critical to the success of this development that the funding for the infrastructure improvements for this project be appropriated so that we can move forward in constructing these 26 affordable homeownership opportunities while developing a block of new homes in North Bellport.

I thank you for your time and for this opportunity to appear before the Legislature. We're so grateful to you and the townships where we build for the property on which we and our Habitat families and volunteers build safe, decent and affordable housing, creating homeownership opportunities for low-income working families in Suffolk County, providing that hand up, not a hand-out. I thank you again for your support. And from our families to yours, happy holidays. Thank you.

P.O. LINDSAY:

Thank you, Mr. Scheinfeld. Donald Fiori followed by Frank Nitto.

MR. FIORI:

Good morning. My name is Don Fiori, I'm the Business Manager of Local Union 25, the International Brotherhood of Electrical Workers. Good morning to the distinguished members of the Suffolk County Legislature, President Lindsay -- Presiding Officer Lindsay, excuse me.

I rise and speak today on the Suffolk County Jail and the need to start this job as soon as possible. It is a job that during these uncertain times is much needed. I want to take you back to 1975; in 1975 we were probably in the same boat we're in today with some troubled times. I left my family with other members of Local Union 25 when we went to Alaska to work on the Trans Alaskan Pipeline, and I stayed there for about 20 months, and our saving grace was the Shoreham Nuclear Power Station. And here we are 33 years later and we again are in those troubled times, and we currently have about a dozen members of our local union working in Iraq and Afghanistan because there is no work in this area over here, and they're working over there for the people of those countries.

Now, we don't have another Shoreham, but we do have a Yaphank Jail. And no, it's not a Shoreham; and no, it will not solve our unemployment problem. But a long journey is started with a single step and I ask you, all of you individually and all of you collectively, to move forward with the Certificate of Necessities for this jail and give the trades a much needed Christmas present. We cannot afford any more delays on this jail. I ask you to please move forward.

On behalf of the members of Local 25 IBEW, I want to thank you all for the job that you're doing here and I wish you the happiest of holiday seasons and a happy, healthy and prosperous New Year's. Thank you.

P.O. LINDSAY:

Thank you, Donald. Frank Nitto followed by Shawn McLearn.

MR. NITTO:

Yeah, members of the Suffolk County Leg, my name is Frank Nitto, Business Representative of Local 28 in the Sheet Metals Union; we cover the five boroughs as well as Nassau and Suffolk County.

We have about 3,200 members and since the credit crisis of three months ago, there's been a big downturn in construction; it's like somebody's gone up and hit a switch. We had almost full -- we had full employment, we actually had members from out of town working in our jurisdiction. Since the credit crisis we have 400 members out of work right now and we're expecting 800 within the next month; things have really turned around for the worst.

I'm asking the Suffolk County Leg if they can do everything they can to get the funding for this project for the jail and to help turn the light back on put our members back to work for Christmas and that we can get everybody back to work. Thank you very much.

P.O. LINDSAY:

Thank you, Frank.

Applause

Shawn, followed by Kevin Harvey.

MR. McLEAREN:

Good morning. My name is Shawn McLearn, I'm a Project Manager for Art Space Projects. I want to thank you for the opportunity to speak to the Legislature this morning in support of IR 2178.

Art Space Projects is the nation's largest non-profit real estate developer for the arts. We've worked for the last 30 years to create 20 some projects across the United States. Our mission statement is to create, foster and preserve affordable space for artists and their families and for arts organizations.

I'd like to acknowledge the relationship that we have had locally to create a project for Long Island. Legislator Eddington, also Assemblywoman Eddington, Mayor Pontieri, as well as some of our -- to create a partnership with the HFA and with the DHCR. Together we've come up with a project that we feel will benefit the local community and provide a model of affordable housing for Long Island and for Suffolk County in particular.

Our project in Patchogue is located on Terry Street, a block off of Ocean and a block off of Main Street. It is 55,000 square feet and providing 45 units ranging from studios up to three-bedroom units. It is affordability ranging from 60 to 90% of AMI, and also provides two commercial units for the area's arts and creative industries. Taken together, we feel that it's a very important mixed-use facility that will build upon the investments that the community and that the County have made, ranging from the Patchogue Theatre, the walkway that connects Main Street to Terry Street, we are directly in line with that, as well as Copper Beach which is a block away from us and the Garden Club which is adjacent to our property, and we're also only a few blocks away from the Long Island Railroad.

Taken together, we think that we've all worked very well to identify not only a parcel that will build immediate impact, but will help to create a critical mass, such as we've seen in some of our projects here in the State and across the country, whereby Terry Street can also begin to grow into a

mixed-use alley -- or corridor, I should say -- that will help the Village and the County to not only increase its revenue base, but I think also cause a great deal of attention to the existing arts and creative industries and to the amount of traffic that is coming into areas like Village of Patchogue as they decide to go out to Fire Island and for some of the other events that are occurring. I think that the agenda is to not only create a sustainable base, but also to create a destination such as we've heard from our colleagues earlier today.

With that having been said, I want to thank you for you the opportunity to speak and wish you all a happy holiday.

P.O. LINDSAY:

Thank you, Shawn. Kevin Harvey followed by Dan Andersen.

MR. HARVEY:

Good morning. Excuse me. Good morning, members of the Suffolk County Legislature and Presiding Officer Lindsay. Thank you for letting me speak today, I know you have a busy agenda and I will try to keep my remarks brief.

My name is Kevin Harvey, I'm a member of Local 25 of the IBEW with the International Brotherhood of Electrical Workers. I'm here to speak on behalf of the Certificate of Necessities associated with the Suffolk County Jail. The jail has been an ongoing project for almost two years. The last portion of this contract will help finally bring this job to its completion, a completion needed by Suffolk County and its residents. As we all know, these are dire economic times. Financial decisions are not easy decisions to make, whether it be in the private sector or the public sector. Currently, the construction industry on Long Island is mired in severe unemployment. We could use the last portion of this job to put our members back to work. In today's markets, jobs are precious. I would strongly recommend considering passing the Certificate of Necessities so that we can accomplish two priorities; number one, the completion of the jail and, number two, the employment of hundreds of people. Thank you for your time and have a good holiday.

Applause

P.O. LINDSAY:

Thank you, Kevin. Dan Andersen followed by Diana Weir.

MR. ANDERSEN:

For the past 20 years I've made it my business to become aware of events that generally are not reported in media, but these events nevertheless are important to all of us.

Due to the advent of the Internet, millions of people and huge groups have come about, people with high interest for our country. And out of that came reporters, news organizations, but organizations that had their roots in the Constitution and various rights and such. And along that -- along that way came reports, daily reporting. Recently, and following these reports every day along with millions of other people, I can tell you that the reports have taken an ominous turn. And the reports, unlike in past times, are being authored by people around the globe who are credible sources that are coming out of the woodwork and almost all of these reports are frightening, and they supply evidence to go with it, documents and photos and reports. These are high-minded people and they're all pretty much saying the same thing, and the bottom line here is what I'm reading is a global collapse, a financial collapse. And when you follow these events for a long period of time, as I and many others have, it all starts to make sense. The dumping of the {Posse Comitotis} Act, the implementation of an Executive Order five years ago for the institution of Marshal Law by the President, that's an existing, and a very long list of other acts and evidence. And when you make yourself available of this, you become aware of the direction we're coming in, and things are getting real critical.

Something -- I'm here now before you because I feel that something is coming. As a part of that, I

reached out to the County Emergency Management, I wanted to find out what they had planned for the County. And sure enough, as I knew, they communicate with the Federal Government and when I put pointed questions to them regarding food and fuel, he didn't have to go anywhere to issue a quick response which told me that he was well aware of what I was aware of. And although his responses was, in my view, severely deficient in how it addressed emergency rationing within the County, nowhere's near enough, 50,000 MRE's. And so what -- after hearing him and --

P.O. LINDSAY:

Dan, you're out of time. If you could wrap up, I'd appreciate it.

MR. ANDERSEN:

And his talking about Article II-B which addresses emergency provisions, I wanted to suggest to the Legislature that somebody start seriously considering, very quickly, an implementation of another act or a resolution which would monitor level -- food and fuel levels in both the tank farm and food warehouses. It's got to be a real important issue for you to look and you're going to want to implement a resolution to start immediately monitoring those levels, because 2B will do nothing for you. When the tank farm is empty and the warehouses are down, it's not going to be about a strike. And you need to implement -- you need to immediately start considering this. Thank you.

P.O. LINDSAY:

You're welcome. Diana Weir and Bill and Pat Stellwagen.

MS. WEIR:

Good morning, and happy holidays. I hear stomachs grumbling, but I'm sure you'll be done for lunch soon. I'm here representing the Long Island Housing Partnership and I'm speaking on behalf of Introductory Resolution 2178 which is the infrastructure fund. I know you've heard a lot of people today and I just want to highlight -- we're involved in quite a few of those projects that you have in your spreadsheet, but I want to highlight one particular project that I think is important and that is Sagaponack Woods.

As you know, we build in many areas on Long Island and Suffolk County and each and every one of you have been so supportive in a bipartisan fashion in providing funds and providing support and providing expedited Health Department processes, and this is a tremendous help to us. Health permits have already been submitted and approved for this project and building permits have been provided. The Town of Southampton acquired this property, three acres in Sagaponack which was the most expensive zip code in the country last year, and this year is in the top ten, and they acquired this property as part of a subdivision process in a planned development district. It is three acres, it's worth over a million dollars. This property was donated to the Southampton Business Alliance Housing Initiative Corporation to build affordable housing. We've already met with the community, we've had contributions of architect work from local architects and this project is well on its way. We will be housing two families in two beautiful ranch homes and each of those homes will have an accessory rental part.

Now, I can't tell you enough how important that is in Sagaponack, New York. This is an outstanding development that we can all be proud of and we can say that we build affordable housing in every community, not just in those communities that are low-income communities. Because we have people working out on the East End of Long Island that are homeless and living on the beach and living in the woods. You know, we need those people there, we need the trades there, we need the construction money there. We need all the peripheral money that is generated by these types of developments, and it's a great message to send that we can build in one of those areas.

I want to thank all of you again, the County Executive, Commissioner Heaney and Jill Rosen-Nikoloff for all your support and we urge you to please, please approve this legislation. Thank you.

P.O. LINDSAY:

Thank you, Diana. Bill and Pat Stellwagen?

LEG. BEEDENBENDER:

They had to leave, Bill.

P.O. LINDSAY:

They had to leave, okay. Mr. Von Kuhen, followed by Beatrice Gravino.

MR. VON KUHEN:

Good afternoon. My name is Von Kuhen, I'm Senior Vice-President with Community Development Corporation of Long Island. I'm here to speak in support of Resolution 2178 for appropriation of funding for infrastructure improvements for affordable housing, workforce housing.

CDC is a not-for-profit organization whose mission is to extend participation in Long Island's version of the American dream to people whose circumstances have precluded that participation. Since 1969, CDC has been assisting families and small businesses with support and assistance, housing and economic development. We developed 1,356 rental units throughout Suffolk County and 222 affordable homes for first-time homeowners. Five to 600 perspective homeowners come through our Homeownership Center in Centereach every year. A multitude of services are provided to thousands of additional Long Island residents.

I'd like to quote from a letter from David who is a homeowner in our Cottages at Mattituck developed in Southold. "I'm buying a house and I'm going to make it a home. I have to say that to myself each day and I still can't quite believe it. I've worked since I was 15, I always have been a saver, yet with all this going for me plus really good credit, I found that like so many other professionals on the Island, it is very difficult, if not impossible, to buy a house and maintain a decent living. Eventually, I was resigned to the idea that I would be a renter for a long, long time. Now I look forward to all those firsts. The first sweet smell of fresh-cut grass and I realize, "Hey, that's my lawn," as I admire it from my front porch, or the smell of that first hot pizza coming into the house on a chilly night, and then the smell of holiday meals cooking. My home and where should I put that first Christmas tree?" The 22 residents of the Cottages at Mattituck are now celebrating their second holiday season in their homes.

CDC developed these homes with tremendous support by the Town of Southold and Suffolk County through the Housing Acquisition Fund and also the Home Fund, and now we're looking forward to providing similar opportunities in the Town of Southampton. We're working with {Glesser} Development on 16 homes for first-time home buyers on the South Fork in a development which will be known as Sandy Hollow Cove. It's 16 units in a cluster development of workforce housing. Buildings are designed to resemble tradition farm houses so they fit in well with the community, each unit approximately 1,150 square feet. The design will present the appearance of four single-family homes as opposed to a larger development. Although the site will be served by public water and natural gas, it requires a chromo glass sewage treatment system and other site improvements in order to be affordable to the prospective occupants, and that's where we need the infrastructure funding. Sandy Hollow Cove will be 100% workforce housing, affordable to residents on the South Fork and we encourage you to support 2178. Thank you.

P.O. LINDSAY:

Thank you, Mr. Kuhen. Beatrice Gravino followed by Gretchen Oldrin-Mones.

MS. GRAVINO:

Good afternoon. For many years I have heard of the Vanderbilt Museum and its Planetarium, but never had a chance until recently to visit it. I heard it was a favorite of children and teachers who took their classes there to explore and participate in its programs and to see the wonder that has been given to us to enjoy and discover for ourselves its potential and possibilities.

About 70,000 elementary and secondary students visit each year. But I, like many adults, maybe

even you, have had the opportunity to explore it later in life. Like any gift, Suffolk County has a treasure to preserve and utilize, even in tough times. As a retired teacher and now as an educational consultant, I have seen the benefits of field trips and project-based learning. Forays into subjects and accessible venues right here are gifts that we bestow to our children and share with adults of all ages. We never know where the artistry of inquiry developed by one trip or many to the Vanderbilt can lead our young citizen, like even those we saw today. The possibilities of beginning a life with a mind here for our students by exploring the discoveries of Vanderbilt are myriad. The new exhibit of the whale shark, the rooms with artifacts from William Vanderbilt's travels, and the architecture nestled above a beautiful cove move the mind and heart to connections with the rest of the world made real because they are here in Suffolk County. When I walked through the exterior gate of the mansion and into its courtyard, I felt the influence of cultures to the south of the U.S. and their connection to Long Island.

I know times are difficult, very difficult, even in my own life. But as the Latin expression "*Ad astra per aspera*" in translation says, "To the stars through hardships." I believe that our struggle to maintain our gift and to keep it accessible is one that will keep it as a beacon of hope for Long Islanders here in Suffolk County. For those who research its artifacts as well as those who look up at the stars toward tomorrow, it would be a bank of knowledge to be tapped for new findings about our environment and our society.

Thank you for your support of the Vanderbilt's programs and maintenance of its unique property, our very own address in Centerport.

P.O. LINDSAY:

Thank you very much. Gretchen followed by Noel Gish.

MS. OLDRIN-MONES:

Thank you for this opportunity to speak. My name is Gretchen Oldrin-Mones is and I'm a Trustee at the Suffolk County Vanderbilt Museum.

Last Sunday I attended the Vanderbilt Holiday Tree Lighting which, as you've already heard, was sponsored by the newly-formed Friends of the Vanderbilt and Legislator Cooper. I didn't know about the eggnog, but even so, it was a wonderful event; well-attended, well-run, entertaining, and enhanced by the Huntington High Steppers and the reading of an original poem by Lora from Legislator Cooper's Office. It was, however, freezing cold and windy and very dark. And I was reminded that there are many things over which we have no control, like the weather and the endowment and the overall state of the economy. But staff, Trustees and the Friends of the Vanderbilt are moving forward with those things over which they do have some control. Various fund-raising is going on, improved communication and advertising is a priority. Staff has just put together an E-mail blast System which will enable them to send out mass newsletters, invitations and reminders. Through E-mail Blast, groups can be notified of exciting, upcoming events such as the December 28th Cocktail Party generously sponsored by Presiding Officer Lindsay. People can learn of the open house the last week of December sponsored by Arrow Electronics. And they can find out about the Holiday Tree Decorating Contest sponsored by the Friends of the Vanderbilt.

All of these holiday events will have raffles held for gift baskets of donated prizes. By location, the museum and grounds are very much a part of the community. Luckily, the neighbors and the Friends of the Vanderbilt care deeply for the mansion and the Planetarium and value it as a center of education, entertainment and engagement. This partnership with the Friends is one of the positives coming out of this financial crisis. They've already shown themselves to be a creative and an energetic group with good fund-raising ideas such as their holiday tree contest. For \$25 you can still, or a group can, still purchase and decorate one of these donated trees displayed on the Vanderbilt grounds. Personally, I think the competition will be tough. I know my husband has been down in the basement working on his entry for days and from what I saw, it's a hit.

The partnership with the Friends is also a hit, and as it develops and strengthens, all of us stand to

benefit. So thank you for listening and thank you for your continued support for the Vanderbilt.

P.O. LINDSAY:

Thank you very much. Noel Gish followed by Carol Hart.

MR. GISH:

Yes. Good morning, or is it good afternoon already. Good afternoon. Time flies. Noel Gish, Trustee from the Vanderbilt. I'm here today to clear up some of the misinformation that keeps popping up surrounding the Vanderbilt funding. The BRO Vanderbilt analysis, that 17 page information packet that I'm sure most of you have read by now, suggests that we deal with some possible sales of collections to raise money. I met with Lance Reinheimer last night, along with Lora from Legislator Cooper's Office and Terry from Officer Lindsay's Office to discuss that. And I truly believe that the BRO is acting in good faith and in an effort to keep the Vanderbilt open, but this is a County museum, not a business. The Vanderbilt Museum Trustees are stewards of the museum and it is unethical to sell artifacts to raise money for operating expenses. The deaccession of artifacts is not only a difficult process, but it will not generate any money in the short-term.

You might remember that the Heckshire Museum attempted to sell art work a few years back and the backlash from that ended the plan and they just refused to do that. If you see museum artifacts, the Vanderbilt risks losing its accreditation as a museum, it also risks losing its accreditation with the New York State Department of Education. Its ability to get {NISCA} Grants and to get Federal endowments for the arts would be lost. They do not give grants to museums who sell their collections. We would also then obviously terminate our ability to get corporate funds and private funds. No one is going to give us artifacts or will, in fact, give us money if we are going to turn around and then sell those artifacts.

The Trustees and the public keep reading from some of the Legislators and from the County Executive that we should borrow against our endowment. I believe we have already had a ruling on that from legal counsel; we cannot borrow from the endowment. To repeat that statement to the public is wrong. We can borrow against the interest of the endowment; there is no interest in the endowment. Any interest in the endowment was taken this December for operating expenses to run the Vanderbilt to the end of the year. I am willing to sit down with any of the Legislators individually or as a group to discuss any new ideas, but to repeat the same line does disservice to the museum, to your appointed Trustees, to the staff and the public, and it clouds attempts to make real possible solutions. This is a County park. It is a County museum. The Trustees will visit any idea to raise funds and any ethical and legal means to accomplish this.

I welcome your suggestions and I welcome any contacts from your district to help me raise either corporate or private funds this year. I wish you all happy holidays and I hope to be speaking to you as a Trustee in the upcoming year. Thank you.

P.O. LINDSAY:

Thank you, Noel. Carol, followed by Doreen Ciappa.

MS. HART:

Yes, good afternoon. Noel went over some of the things that we don't believe we can do, but I'd like to go over some of the things that we have been doing and will be doing in the coming year. I've been the Executive Director for about two months, I've been focusing very hard on not only a long-term strategic plan but a short-term business plan to 2009, and I'd like to just quickly go through some of the points.

The strategic directive for 2009 is going to be to achieve sustainable, both financial and institutionally. The number two goal is to develop a stable revenue stream, increasing our earned revenue. We will be increasing museum admission fees. As of January 1st, our mansion tour fees increased \$3 to \$5, that's about 65%; the Planetarium adult fee has increased from \$3 to \$5; student fee increase, \$3 to \$4. We're going to keep the child fee the same at \$3, we're going to

keep the general admission fee the same at 7, 6 and 1. We've increased our site-use fees as of January 1st for events like weddings from 7,500 to \$9,000. Other site-use fees, like for birthday parties, we're going to increase approximately 10%.

We are seriously considering increasing our school program fees as of September by approximately 10%, maybe going up from 4.50 to \$5, I'll probably discuss this a little bit more with our Trustees. We're increasing membership rates from a family membership of \$65, that will go to \$75; dual, 50 to 60; individual, 25 to 35. Along with these initiatives are going to be membership development programs and many other programs as well.

We hope to increase sales at our museum gift shop, we're focusing very heavily on that. I had a meeting last week with a Connecticut toy store/warehouse and they're very interested in coming in and developing a store that would be a destination kind of store, so that's another avenue that we are exploring.

We have installed as of this week vending machines. We've had some more packaged food in our gift shop and we are in negotiations with a North Shore caterer to greatly expand our food service and catering options, looking for maybe creating an actual destination cafe as well.

We will be increasing the number of revenue generating special events, tripling the number of concerts that we give, looking closely at programs targeting grandparents, family brunches, things that have worked successfully expanding them, our concert series. We are developing a stronger donor base, both private and corporate. We will be sending out an annual appeal by the end of the week. By the end of the week, we will not have on-line capability for donation through New York State charities. And am I out of time?

P.O. LINDSAY:

Yes.

MS. HART:

Okay. There is more but we'll have the plans, you'll be seeing that circulated shortly. Thank you.

P.O. LINDSAY:

Thank you very much, Carol. Doreen Ciappa followed by Victor Ciappa.

MS. CIAPPA:

My daughter Nat -- we're here for Natalie's Law. Our daughter, Natalie passed away nearly six months, on the 21st it will be six months, but it seems like yesterday.

We want you to understand why we feel this is so important. This weekend some kid, some smart, beautiful, intelligent kid will go to a party, unaware that at this party there will be heroin dealers there with ulterior motives. And these kids, it could be a football player celebrating winning and these kids believe they can get away with trying something once; they feel invincible. And they will go to this party and maybe a drug dealer will say, "Did you ever try cocaine?" And the kid will say, "No," and the drug dealer will pass the kid some heroin, because this kid does not know that heroin is snortable. And this weekend some parent is going to watch their kid come home and think their kid looks a little high or maybe a little drunk and they will never think heroin, just like that kid never thought that one snort of that supposed cocaine would give him a life sentence of addiction. And the parent would see their kid and think their kid is high, but because they don't know that heroin is in the area, they may think, "Oh, you know, Joe drank too much or Joe -- I think Joe might be trying pot," you know, and concerned. And like us, if they get to the point where they think that there might be a drug problem, but they still don't realize that heroin, this killer, is so rampant in their area, they may hesitate about putting their child into rehab because they may think that they don't want their kid mingling with heroin addicts and maybe going on to harder drugs, because they don't realize it's in their area.

I commend Senator -- Legislator Horsley for coming up with this and for amending it to include everybody. Because now if the schools don't tell, or community groups don't tell because they're too proud of their school district or town and they want to have people keep saying, "Not my town," there is no excuse for anybody to say they didn't know. Because now anybody can find out, and when your kid comes in and you think something's wrong you could go to this website and say I hope it's not in my area, or in the town that my kid went to to go to a party this weekend. This is wonderful and it must be passed to save our children. Thank you.

P.O. LINDSAY:

Thank you, Mrs. Ciappa.

Applause

MR. CIAPPA:

Good afternoon. Last year I was driving in Massapequa and I saw a sign taped to a chain-link fence at a school saying "Drug-Free Zone"; well, that was false advertisement, because in 2007, a young girl was arrested in Massapequa High School in the Dean's Office with 23 bags of heroin. The Superintendent denied it. He continued to deny it even after my daughter overdosed in June of this year. You have to pass this law because parents need the head's up as early as possible. They need a website they can go to and school districts have got to stop denying. I know, sadly, that heroin is in my district. Each of you know heroin is in your district. I understand why the schools don't want to admit it. You have to pass this law. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Ciappa. Janine Tinsley-Roe followed by Rick Meuser.

MS. TINSLEY-ROE:

Good morning, Suffolk County Legislature, Presiding Bishops -- Presiding Bishops, excuse me -- Presiding Officers. I'm the former National Missioner for Native American Ministries for the Domestic and Foreign Missionary Society. I've been on the national staff for the last four-and-a-half years and dealing with Clergy and Bishops from all over the world, so excuse me for that. I'm very honored to be here. I thank you for your time. I'm here to speak on Resolution 22 -- 2029 on the sales tax issue.

My name is Janine Tinsley-Roe, I am the Executive Director of the Shinnecock Swanaker Society. Our society's mission statement is as such. The society is a 501(C)3 organization whose mission is to promote, encourage and project civic, cultural and social activities and programs for all and among -- for and among its members; to participate with other civic and community organizations; to cultivate a spirit of mutual interests; to provide programs designed to improve the socioeconomic status of participants from around the world; to provide reconciliation programs and increase cultural and ethnic awareness and understanding. And I'm here in attendance with Miles Roe, my son, and my cousin, John Mains.

The society represents, and has for the last thirteen years, many Shinnecoeks and Kuspatics that live off the reservation. It was -- it was provided to establish the non-reservation natives with a voice and a support system. It was a direct response to demonstrate alternatives to promoting our history of Long Island and providing a resource for leadership. We have worked long and hard for truth and we will continue to follow our mission.

As you all serve your territorial districts, we want to alert you to the fact that we, too, are a part of those constituencies and we are asking for your support. Resolution 2029 we know is an issue of law enforcement and is of paramount concern for us all. We ask that as you consider Resolution 2029, that you keep in mind this opportunity to support the many direct descendants of the original people of this County. We want to go on record that our concern is where will this end, or where will

this lead? Will it next be to tax our reservation coffee sales?

That being said, we ask that the future actions -- we ask that future actions could have an effect on our traditional and cultural ways of trade and marketing and that addressing this, if we could establish a Bureau of Communications between all parties involved. We are and have been taxpaying and outstanding citizens, tolerant and hospitable, and yet we have no community relations bureau that honors us or even addresses our concerns. We have seen drug sales turn to cigarette sales, and for us right now we're not sure where that's going to go after this law passes. We feel that if a bureau has been -- had been created and could be created, it could together find, and we could, collaborative ways to defuse the degenerate behavior and fraud. We have great accomplishments to share, diplomacy and interpretation, skills that continue to go unnoticed.

P.O. LINDSAY:

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

MS. TINSLEY-ROE:

Okay. We ask that you not just end with a resolution of enforcement but provide a new opportunity for growth. I also, sir, put in three minutes for the casino. Can I do it now and get it over with?

P.O. LINDSAY:

No, each person is allowed three minutes on any subject.

MS. TINSLEY-ROE:

Okay, not a problem. Just to finalize, I just ask that you give our organization an opportunity to work with the County Legislature. We are absolutely against fraud and we would be happy to cooperate and improving our ability and our struggle to survive here on Long Island. So thank you.

P.O. LINDSAY:

Thank you very much. Rick Meuser followed by Jim Castellane.

MR. MEUSER:

Good afternoon. My name is Rick Meuser, I'm an attorney, I'm from the South Huntington School District. I'm here today in support of Natalie's Law. I'm also a close family friend of the Ciappa's. I wish you all a happy holidays. Of course, this is a very difficult time of year for the Ciappa's, given their tragic loss this past summer.

I'd like to begin by stating that I think at this juncture, most people in this room are aware of the scourge of heroin that has encroached upon all of our communities in Suffolk County. I'm a parent, I have two teenage daughters that are in high school at Walt Whitman High School in South Huntington, and as I stated the last time I stood before, you know, one of my primary functions in life is to protect my children, as is the responsibility of our school districts, teachers, school administrators, what have you, as you as well. I'm sure many of you are parents. I'm sure many of you agree that one of your primary -- if not your main purpose in life is to take care of your kids.

The poignant point here is that any of your kids could become that heroin victim as Natalie Ciappa was. So we can't any longer say to ourselves, "It will never be my kid, it will never be my town. It won't happen to me." Vic and Doreen are the perfect example of the fact that it can happen to me and it can happen to any of you or anybody in this room. So let's take a look at this carefully.

Nassau County passed Natalie's Law, unanimously, and that was the right decision to make. From a public policy standpoint, any burden that's placed upon our school districts to inform the public about arrests in their community is a minor burden compared to the benefit that can result from this legislation. If one life is saved as a result of a parent receiving a letter at their home about an arrest in their community and happens to be someone that they know that their kid is affiliated with, that's a huge step in the right direction. We receive the letters about kids getting sick in school, we receive the letters about Megan's Law, people moving into our communities, it's not a greater burden for us to receive that letter about the heroin drug arrest and it doesn't create any further

liability or any liability which you'll hear from those that are opposed to the legislation that it will create, but I don't buy it.

Again, if we save the one life, the legislation is worthwhile. And that one life could wind up being any one of your kids, including mine or anybody in this room. So I appeal to everyone on this Legislature to please pass Natalie's Law today. I appreciate your time.

Applause

P.O. LINDSAY:

Thank you very much, Mr. Meuser. Jim Castellane, and Jim will be the final speaker for the morning session.

MR. CASTELLANE:

Good afternoon. I want to thank you for this opportunity to speak.

I guess everyone knows why I am here today. I'm Jim Castellane, I represent the construction workers on Long Island, that's all the building trades.

We're in trouble, guys. I know there was a lot of good things going on here this morning and I hate to end the morning in the way I'm going to end it, but we're in trouble. Economically, everybody knows what's going on. Lord knows what happens with the Governor at 11:00 o'clock this morning; we don't even know because we're here. My men are here, my delegation of various unions are here and we are here to ask you to move this jail forward.

It's tough times out there, but Suffolk County may have the opportunity to prove everyone wrong. We have a lot of good projects coming up, we have a lot of things that can happen, and this here is just in a stalemate. We have a phase left to do. We have our contractor on the job site. Our contractor has worked with me and your County Executive to be as competitive and reduce his cost as much as he can. We have extended ourselves like we've never extended ourselves before. I'm being honest with everyone here, I need to put my men to work and I need to put them to work now. Christmas time is here.

I'm not going to be repetitive, we all know how bad it is. I come for your support this time, like many of the Legislators have come to my council for my support. So please, take it into consideration. Let's pass this, let me put my men to work by New Year's. I thank you.

Applause

P.O. LINDSAY:

Thank you, Jim. Just if anybody is keeping score, we heard from 33 of 44 speakers on the Public Portion. We'll resume the Public Portion after the hearings this afternoon. We stand recessed 'til 2:30.

(*The meeting was recessed at 12:34 P.M. *)

(*The following was taken by Lucia Braaten & Transcribed by Donna Catalano - Court Stenographers*)

(*The meeting was reconvened at 2:32 P.M.)

P.O. LINDSAY:

Okay. Could I have all Legislators to the horseshoe, please. Madam Clerk, would you call the roll, please?

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

(Not present).

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:

Here.

P.O. LINDSAY:

Here.

LEG. MONTANO:

Here.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Mr. Clerk, could you see if we have any cards for the Public Hearing?

MR. LAUBE:

Sure.

P.O. LINDSAY:

Okay. The first up is *Public Hearing on IR 1749, a Charter Law to cap County fee increases (Schneiderman)*. And I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. SCHNEIDERMAN:

Bill, recess it.

P.O. LINDSAY:

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

MR. LAUBE:

14.

P.O. LINDSAY:

1750, A Local Law to increase and improve gasoline price notification to consumers.

LEG. LOSQUADRO:

Motion to recess. Oh, sorry, Bill.

P.O. LINDSAY:

I don't have any cards. Is there anyone in the audience that would like to speak on 1750? Seeing none, motion to recess it, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

1791, a Local Law to reduce the use of disposable bags by retail stores. I have no cards on this subject. Wait, I do have cards on this subject. Jenn Hartnagel.

MS. HARTNAGEL:

Good afternoon. My name is Jenn Hartnagel. Is this mike on? Good afternoon. My name is Jenn Hartnagel. I'm speaking on behalf of the Group for the East End. We are here today to show our strong support for this piece of legislation. And we'd also like to present the Legislature with a sign-on letter in support of this legislation. Over 23 organizations in Suffolk County have agreed to support this legislation. Can I give this to someone to pass to the Legislature?

MR. LAUBE:

Sure.

MS. HARTNAGEL:

Thank you. We believe that disposable bags have become a colossal problem in our environment. As a country, we discard approximately 100 billion plastic bags and ten billion paper bags, and that's obscene. This is a problem that must be dealt with. And we believe that the proposed legislation is

an effective way to remedy the problem by creating a long-term solution, and that solution is the habit of using reusable bags.

At the last hearing, we heard considerable arguments that this law isn't necessary due to the passage of Legislator Horsley's recycling bill last year. And subsequently, the Governor has recently signed a piece of statewide legislation that more or less mimics this bill. We feel strongly that this bill, along with the proposed bill, can operate in a parallel fashion. Recycling and reducing are two fundamentally different practices and both are needed to solve the problems that disposable bags have created in our environment. And we should not let the passage of the recycling bill be a reason or an excuse not to move forward with this piece of legislation.

Similar legislation has had success in other areas. Recently, three weeks ago, Toronto passed virtually identical legislation. You may have heard that Mayor Bloomberg has proposed identical legislation. IKEA, the chain store, in 2007, implemented the same five cent fee. And within one year, this company reported a 92% decrease, 92% decrease in bag consumption.

So again, we believe that it's Suffolk County's turn to step up to the plate and be an environmental leader. In closing, we support this proposed legislation with the changes outlined in the sign-on letter that you just received. Thank you for your time today.

P.O. LINDSAY:

Thank you. We have another speaker, Jane Fasullo.

MS. FASULLO:

Yes. I'd like to speak also in favor of the bag legislation. I know that there's great hope for the recycling law that will go into effect in January to reduce the number of bags in our environment. However, I recall when those bags first appeared, those recycling bins were in every store, and it did not stop the proliferation of the bags in our local areas; in our waterways, in our trees, and various locations around.

In a similar way, the rebate program has failed abysmally. That two cent to five cent per bag rebate has not prompted people to return their own bags or use recyclables. And I think it's time that we look at a new program that might have a greater degree of success. Thank you.

P.O. LINDSAY:

Thank you very much. Hold on, Ms. Fasullo, there's a question from Legislator Alden.

LEG. ALDEN:

You stated the performance of those portions of the law. What survey did you use to say that they're failures?

MS. FASULLO:

Other than the fact that when you go into the store the vast majority of people are still taking brand new bags out.

LEG. ALDEN:

Okay. So it's personal observation?

MS. FASULLO:

Oh, yes.

LEG. ALDEN:

You don't really have statistics or a study.

MS. FASULLO:

We do not, no.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

I don't have any other cards on 1791.

D.P.O. VILORIA-FISHER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1886, a Local Law to enact a grading policy for food establishments.

I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Losquadro, what's your pleasure?

LEG. LOSQUADRO:

Recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1895, a Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fund-raising. I not have any cards on this subject. Is

there anyone on the audience who would like to address us on this subject? Seeing none --

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1976 - A Charter Law to reform and reconstitute a professional independent Suffolk County Ethics Commission. I don't have any cards on this subject. Oh, wait. Okay. Please come

forward. Would you get the card, please? Okay, Katherine, Katherine Hoak.

MS. HOAK:

Sorry I'm late.

P.O. LINDSAY:

Take your time, Katherine.

MS. HOAK:

Okay. In reading in the League of Women Voters of New York State's Impact on Issues, the history of ongoing efforts to enact significant ethics legislation in Albany is described. The most recent legislation was passed and signed in February of 2007. Two entities, the temporary State Commission on Lobbying and the State Ethics Commission, were merged into a new entity, the Commission on Public Integrity. The closing statement is on this Commission: The League and other good government groups would much have preferred an independent entity to monitor watchdog ethical issues.

As we mentioned in the most recent Suffolk County Voter, our Legislative Committee sent this legislation to a League specialist in government about three months ago. Chris Carson, Government Director for the League of Women Voters for California, has access to many other specialists as well. She responded, after going over this legislation, in this way: "Here is the collective wisdom gathered on this legislation. It is moving in the right direction with an independent counsel, a larger size to be more representative of the diversity in the County, and its own staff. One concern, though, was a secure budget. The budget should be set and automatically upgraded based on standard of living, or some other objective criteria. Otherwise, it can be starved into submission. Having its own attorney is important."

The League of Women Voters of Suffolk County is hopeful that this important legislation will finally be accepted and passed. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Hoak. Is there anyone else that would like to speak on 1976? Seeing no other speakers, Legislator --

LEG. MONTANO:

Motion to recess.

P.O. LINDSAY:

-- Montano.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion to recess, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

2025, a Local Law to promote accurate cost estimates to capital projects. I have no cards on this subject. Is there anyone in the audience who would to address us on this subject? Seeing none, Legislator D'Amaro.

LEG. D'AMARO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

17.

P.O. LINDSAY:

2093, a Local Law to protect Suffolk residents by permitting the seizure and forfeiture fleeing a Police Officer in a motor vehicle.

I have no cards on this subject. Is there any other people in the audience that would like to speak on 2093? Seeing none, I'll make a motion to close, I guess.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17.

P.O. LINDSAY:

2165, a Local Law to ensure the safe transfer of fuel to boats and watercraft. And I have several cards. Kevin Rooney is the first card.

MR. ROONEY:

Good afternoon. I promise not to talk about oil contracts. At the outset, I would like to state that the Oil Heat Institute supports the intent of this resolution. The fueling of commercial vehicles or pleasure boats directly from an adjacent tank wagon or other vehicle possesses the following issues: One, it is environmentally unsafe and can cause a fuel spill on land or on the water since the fueling apparatus itself at the end of the hose is not designed with an automatic air pressure shutoff. I just want to hold this up.

This fuel dispensing device is found on a hose on a fuel truck. As you can see, it is very different from the fuel dispensing mechanism that you would find if you went to a gasoline station or if you pulled your boat up to the gas dock at a local marina. It is designed with a screw on to a -- designed to screw onto a fill pipe, which is attached to an oil tank with a separate vent pipe and vent alarm, the alarm of which sounds when the tank is almost full allowing the operator to cease fueling. It is not designed to fill the tanks of vessels already in the water.

Two, marina fueling stations are equipped with emergency response materials and equipment in the event of an accidental discharge into the surrounding water. Direct fueling of vessels at a dock eliminates these essential precautionary measures.

Three, direct fueling poses a potential fire and safety hazard due to vapor build-up during the fueling operation and thus poses a threat to adjacent vessels and the marina which, again, is required to have the appropriate fire suppression apparatus, but only at its fueling station.

Four, oil trucks dispensing fuel directly into a vessel do not meet the definitional criteria of a storage facility under Article 12, Section 760-1203, and in our opinion are specifically excluded in the language of Article 12 Section 760-1213 which deals with fuel transfer operations, although I would admit that the current language of Article 12 is somewhat ambiguous on this point.

(*The following was taken by Lucia Braaten & Transcribed by Alison Mahoney - Court Stenographers*)

Five, direct fueling of vessels undercuts the legitimate business activities of both fuel suppliers and marina operators which must absorb the cost of maintaining approved and regulated storage facilities and fuel transfer operations and which must purchase their gasoline or low sulfur diesel fuel with all appropriate Federal and State diesel excise and other taxes prepaid.

And lastly, six, direct fueling of vessels outside of the established marina fueling station does not

guarantee that the correct low sulfur fuel is being used and thus poses additional air quality hazards.

In summary and in our opinion, the owners of commercial vessels or pleasure craft who contract with a company to directly fuel their boats are doing so simply to save money by purchasing fuel without paying the appropriate Federal and State taxes. In so doing, they undercut legitimate businesses, such as marina operators, and their illegal activities pose an enormous potential threat to our environment and the health and safety of boat owners.

We contend that this resolution will help to clarify in law the fact that such vessel fueling operations are illegal. But I would caution you that the intended effect of passing such a law will only work effectively if both the Fire Commissioner and the Health Department have the appropriate level of manpower necessary to enforce it, and if it is enacted, I would hope that you ensure that that happens. Thank you for your time and attention.

P.O. LINDSAY:

Legislator Romaine has a question, Mr. Rooney.

LEG. ROMAINE:

Not a question, just a comment. I want to thank you for testifying and your point about having the Health Commissioner, et al, have enough staff to enforce this is well spoken also. I know we've passed a number of laws, and as well intentioned as this law is, this would be like so many others if there isn't proper staff to enforce them.

So all I can assure you is that I will stay on top that of issue.

That, of course, resides with the Executive Branch to ensure that there is staffing, to make sure that the laws that we pass are enforced.

P.O. LINDSAY:

And the question, Mr. Rooney, is do you agree with Legislator Romaine?

*(*Laughter From Audience*)*

LEG. ROMAINE:

Yes.

MR. ROONEY:

Yes, sir, I do.

P.O. LINDSAY:

Okay. Thank you. Richard Janis.

MR. JANIS:

Thank you. Good afternoon. I'm a marina operator out in Montauk and we agree with a lot of the points that Mr. Rooney made. One of the critical things, how we operate our marina, is we very much try to protect the environment. We have certain specifications from the County as to -- we have to have all our tanks be double-wall tanks; we have to maintain leak detection systems if, God forbid, there is ever a leak; you have daily logs, you have fuel sumps that have to be maintained, all with the idea of protecting the environment and making sure we can run a profitable operation.

Mostly for this legislation to have any teeth to it, all the parties involved in doing this fueling over the dock have to be held responsible, including the fuel dispensing truck, the boat owner and the person who owns the property. Because a lot of times the person who owns the property is receiving a commission or a commission from the fuel truck. What we have out in Montauk, we have a town dock, a County-owned piece of property that these people are running their business on, they're running a private business on County property at the expense of all the local businesses. And God forbid this truck has a spill, the DEC is going to be all over that person, but also the property owner, which is the County or the town. And as a taxpayer, I have a hard time

supplementing someone to run a business without the overhead and the possible insurance that the marinas have and just running it blindly right over that.

As for enforcement, being that enforcing things is very difficult now because of staffing levels, I think it's important that this legislation have some teeth in it where it directs the local towns to have their marine patrol officers, if they have a marine patrol office, to be able to enforce this. And again, all the parties involved need to have some penalty involved. Thank you.

P.O. LINDSAY:

Thank you very much. Richard Mendelsan (sic)?

MR. MENDELMAN:

Hi. My name is Richard Mendelman and I'm President of Sea Coast Enterprises in East Hampton. We run three marinas, one is a fueling facility, has a fueling facility. And this proposed law over here -- let me give you a little background.

It was about ten, 12 years ago that we were -- had the need to replace our single-wall tanks, and our natural resources director at that time insisted in East Hampton -- that's Larry Penny, insisted that we put in double-walled, fiber glass tanks, double-walled fiber glass pipes, and have the alarms that are necessary that have coming up today standard. So we put this in because we had to make a decision at that time to either stay in the fueling business at our marina or not. So you'll find in Three Mile Harbor right now, there's one fueling facility and that's us. You'll find that you have every other -- few other ones. So if you're going to boat and be on the water, you don't run to a gas station every other block; you have to fill your tanks up and have the fuel available if you have a problem on the water.

So we put in the tanks and when you start to dispense fuel at a floating dock, which is 70, 80 foot from the bulk head -- and this is -- what we had to do was to put in the alarm. Now, when you turn the switch on on the dispenser, the under water or the submerged pump that pumps the fuel turns on and it makes a pressure, it takes a spring-loaded valve and opens that spring-loaded valve so you can dispense the fuel. If the pressure was compromised in some way, the fueling facility would be off and you wouldn't have any large, environmental, let's say, floating skim on the dock or floating on the water, the oil skim or oil that would be floating on that facility for which if we have a spill at this permanent facility, we would have to go to our booms which we have to keep in stock ready when we're operating our fuel facility. So I can understand why somebody that has a large, either commercial boat or maybe a large yacht, would want to -- instead of staying by the fuel facility for about two hours because we have to dispense with hoses that are three-quarter and one inch diameter nozzles. If we were to go and let's say a big yacht came to our dock and had 6,000 gallons to take aboard, he would be there for the next two or three hours at the rate that we would dispense the fuel.

So there is a place for putting fuel into a boat and it has to do with the size of the boat and how much capacity it is. You're going to have to figure that out, not me, because I've already covered in this Legislature with the Health Department. I have to pay the fee to have hazardous materials, and we have to pay the taxes and so on on the sales taxes on the fuel that we sell, and it's the idea of how fast can you go and fuel up a facility.

We also have something else when you put on -- and when you start to dispense the fuel and you energize the pump, that's when you energize it from a ground system and a grounded system has no live electricity down on that dock. The problem with electricity is you also have a static electricity that you have to watch for when you're fueling from either the bulkhead or parking lot or something, or a wharf down to a boat --

P.O. LINDSAY:

Mr. Mendelman, could you wrap up? You're out of time.

MR. MENDELMAN:

-- that's in the water. So I'm for this. It doesn't affect us that much, because we're already -- we already have our safeties in place in order to keep the operation going. But as for competition, I will not go over and if I see somebody that is dispensing fuel from a truck and so on, I can see that I would have to install more facility, more capacity in order to take care of that other vessel. Now, I can assure you that there's no more marinas going to be --

P.O. LINDSAY:

Your time is up, Mr. Mendelman. You have to wrap up. Your time is up. Your time is up.

MR. MENDELMAN:

I've made my point. Thank you.

P.O. LINDSAY:

Thank you. Thomas Sennefelder.

MR. SENNEFELDER:

I own Gone Fishing Marina in Montauk, and some of us are neighbors, that people that got up and spoke, so I won't repeat myself on what they say, but I agree with them. And it's also a financial situation, too, when here you are with the expense of installing the equipment, double-walled tanks, etcetera, and here you see somebody come in with a truck and fueling; we can't compete with that. And the cost of our operation is important. Our fuel has been down this year, and I just wanted to be on record with that. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Sennefelder. I don't have any other cards on 2165. Is there anyone else in the audience that would like to speak on 2165? Yes, please, come forward, sir.

MR. GALASSO:

Good afternoon. My name is Alex Galasso, I'm a marina owner, I own Larry's Lighthouse Marina out east. And I got here a little late, that's why I didn't fill out my card.

P.O. LINDSAY:

Okay. They'll pick up the card, the Clerk will pick up the card from you.

MR. GALASSO:

Thank you. I'd also just like to go on record as we've been pretty instrumental, myself and one of my employees, Glenn Spencer, in trying to get this legislation written.

It's very important to us in the marine industry, not only from an environmental standpoint, also from a financial as well. And we -- it's like I don't want to be repetitive here, but as everybody spoke before me, we have great expenses with our tanks right now. I'm faced with about a \$300,000 investment to put double-walled tanks in the ground, which we need do by January 1st of 2010. So the playing field is definitely lopsided, it's definitely not fair and we would hope you take this legislation into consideration.

If you need any assistance or would like some help, I have the latest draft. And we've -- you know, we've put some lines where we think we need to change certain things. We want to protect the commercial fishing industry and the passenger ferries. We don't want to shoot ourselves in the foot here, so to speak, and we want to make sure that it's fair for everyone. So anything that I can do or Glenn Spencer can help you with would be appreciated, and thanks for taking this into consideration.

P.O. LINDSAY:

Thank you very much. Wait. Mr. Sennefelder, Legislator Romaine has a question.

LEG. ROMAINE:

Question. First of all, I want to thank you for coming. Second of all, I want to thank you for that offer. What I'll probably do today, in two seconds, is recess the Public Hearing so I can get some of the changes. Some of the changes were discussed earlier about property owners as well as boat owners, some of the changes about increasing the fine, and also I'll probably put a provision in mandating the Executive Branch to come with up with a plan to file with the Legislature on how they intend to enforce it should this legislation pass. So there's a number of changes that I'll make.

As I'm redrafting that, what I'd appreciate, I think you have my e-mail address, I want to thank you because you really started this initiative rolling. But if you could stay in touch with me, I will try to incorporate as many of those changes and suggestions that you and your colleagues have and I appreciate that very much. I want to thank you and the Oil Heat Institute for their support. Thank you.

MR. GALASSO:

Thank you. Appreciate it.

P.O. LINDSAY:

Is there anyone else in the audience that wants to speak on this subject? Yes, please come forward. Please identify yourself.

MR. DARENBERG:

Carl Darenberg from Montauk Marine. And I'm definitely against trucks dispensing fuel, both on town property and private property. I myself have to spend \$500,000 this year for new tanks to be put in, double-wall tanks, double-wall piping, the dispensers and the whole works. So I'm definitely going on record to be against fuel being dispensed from a truck and I applaud Mr. Romaine for what he's trying to do for us. Thank you.

LEG. ALDEN:

Could you just spell your name for the Clerk's Office?

P.O. LINDSAY:

They're going to get a card.

MR. LAUBE:

We're going to have a card.

P.O. LINDSAY:

Yeah, she's going to get you a card, sir. You could just fill it out, all right?

MR. DARENBERG:

Thank you, sir. Thank you.

P.O. LINDSAY:

Thank you very much. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

I'll make a motion. I'll make a motion to recess.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators D'Amaro & Cooper).

P.O. LINDSAY:

Public Hearing on IR 2172-08 - A Local Law enhancing Article XXXVI of the Suffolk County Administrative Code to add a local preference to benefit certain military veterans, to provide additional funding incentives for energy conservation measures and to add elements of universal design and adaptability (County Executive). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject?

D.P.O. VILORIA-FISHER:

If they could figure out what it means.

P.O. LINDSAY:

Seeing none, I'm going to make a motion to close because I don't understand it, so. Do I have a second?

LEG. ALDEN:

I'll second.

D.P.O. VILORIA-FISHER:

That's two of us.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on 2207-08 - A Charter Law to prevent double taxation for Police services in certain towns and villages (Romaine). Do I have any -- I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none -- oh, no. Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

We'll recess this 'til the new year.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Okay, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Okay, I had two ladies come in on 1791 after we recessed the hearing. So what I'm going to do is we haven't finished the public portion, we have a few cards on public portion and I'll call you at the end of public portion and you can address the Legislature, okay,

MS. DOLAN-MURPHY:

Thank you.

P.O. LINDSAY:

Back to the public portion. First up is Mario Mattera followed by Ray Dean.

LEG. ALDEN:

This is a three minute job.

P.O. LINDSAY:

Right.

MR. MATTERA:

Wow, the first time up, huh? Good afternoon, Presiding Officer and all Legislators. My name is Mario Mattera, I'm the Business Agent with Plumbers Local 200. I represent approximately 1,200 union members and families -- and their families in Suffolk County and I'm a resident of Suffolk County for 44 proud, proud years. And I just want to say, I just want to wish all of you and your families a Merry Christmas and a Happy New Year, and hopefully '09 is going to be a good one because we need it, guys, and we all need to stick together.

I'm actually here to speak on the Yaphank Project, the jail. My colleagues and I have been getting up and speaking on it, it's very, very important. And I'm just asking you, please, to just think about the funding that we need, the extra funding, and I know it's going to go a long way, especially with the taxpayers of Suffolk County, that the money is going to be staying here. Like with my local union, 80% of my local lives in Suffolk. You know, we need to keep the money here, of course, because we have the money that's going Upstate right now, and all we're doing lately is sending money Upstate and the money is not helping us down here. And I know that Long Island is helping big time Upstate, but we need to help here now in these times.

You know, not for anything, everybody thinks that the jail is just going to be putting just the construction workers to work; that's not true. Of course, after the jail is built, look at the jobs that that is going to produce in that jail itself. All I'm saying is that it's just going to continue putting people to work here in Suffolk County and keeping our monies here.

So please, I need to have your support today for all of you's, not just for what's happening with this economy, but you know it's going to go a long, long way. I can't say that it's going to keep our economy strong because our economy is not strong, but at least it's going to help in a lot of ways. I just want to say thank you again for your support with that.

Just on another note, I know we were speaking about the drug problem that we've been having with these young kids and everything like that, it made me sad. I actually hugged a woman where, you know, this happened to her family and, you know, this -- with my friends, I just see what's happening with the young people today. Everybody wants to be cool and everybody wants to be hip and this and that. You know, the way my children, I have a six year-old and a ten year-old, and I know that's young right now, but I'm just nervous about even when they get in their teen years and I could just see when my daughter at ten years old and how she wants to be; she wants to be the cool person and I try to just keep it down to a level. But I've just got to say, you know, I live in Smithtown, I love it, my whole life, and Saturday night I was at a party and I was just listening to one of the girls that's actually she's on the kickline in Smithtown and we have a problem in this school district, and I was just blown away. I'm not saying that it wasn't fair, but it was happening right in the bathrooms at Smithtown East. I'm going to say it right out loud. They call my town now "Sniff Town", and I'm sorry, I can't have that. And I know what our Legislators that are sitting over here, they're great, I love them and they know that we're going to be doing -- whatever I have to do. I'm going to tell you something, I don't want to be Charles Bronson in a sense in a lot of ways, but I'm going to tell you, I'm being honest with you, it's not happening in my family and my neighborhood and we're going to do whatever we have to do and if I have to be behind it, I will be there? So please, do -- we have to do something with this law, we need it bad. When I have to sit there on Saturday night and listen to this, it made me sick.

P.O. LINDSAY:

Thank you, Mario.

MR. MATTERA:

Guys, happy holidays. Thank you for everything, always.

P.O. LINDSAY:

Thank you. Ray Dean followed by Jed Moray.

MR. DEAN:

Good afternoon. My name is Ray Dean, I'm a business agent for Steamfitters Local 638. I'm also a resident of Suffolk County for 53 years.

I'd really like to speak about the jail at Yaphank. This project has been pushed back and pushed back. I know the bids came out, the bids were a little higher than were projected. If we push these bids back further, I think the prices will be higher. The cost of our people's welfare, health coverage is going up and things like that. The economy is bad right now, the building trades all have signed a PLA. In that PLA, my local, there is quite a bit of relief that we do give to the County on that job. We talk about -- there's going to be a new government in Washington in January, we're talking about infrastructure, lets start there with that. We'll get this jail built and then as a taxpayer of Suffolk County we'll eliminate some of this transporting of prisoners Upstate to other place. Sometimes we have to house them out of the area, they need to come back to court, we have to bring them back, it's an expensive deal. Let's try to move forward with this jail, keep our people working, start with the infrastructure. Let's be a model for the rest of the country. Let's have this infrastructure going and show where we could spread our money around. I would like to thank you for your time, wish you all a Merry Christmas, Happy Hanukkah, Happy Quanza, Happy New Year, and the Festivus for the rest of us. Have a good one. Thank you.

P.O. LINDSAY:

Thanks, Ray. Jed Morey. Is Jed -- No, Jed isn't with us? Jed Moray? No? Okay. Nolan Herraba? Herrera.

MR. HERRERA:

Good afternoon. My name is Nolan Herrera, I represent Iron Workers Local 361, Structural. I'm here in support of the jail.

As it is, at the present moment our members are coming -- getting laid off almost on a daily basis and the work is winding down because of the economy. So we, in favor of this, hope that you guys will pass this legislation to help us go to work. We need the jobs and we would very much appreciate it. Thank you.

P.O. LINDSAY:

Thank you. John Sirkin. John Sirkin? No. Tony Pirozzi. Tony?

UNKNOWN AUDIENCE MEMBER:

He's still eating, Bill.

P.O. LINDSAY:

He's still eating, okay. Janine Tinsley-Roe spoke before.

D.P.O. VILORIA-FISHER:

She said she had filled out two cards.

MR. NOLAN:

No, she already spoke in the Public Portion.

P.O. LINDSAY:

Yeah. I'm sorry, Janine, you can only speak once. I'm sorry.

MS. TINSLEY-ROE:

On a separate issue?

P.O. LINDSAY:

Yeah, even on a separate issue.

MS. TINSLEY-ROE:

I wasn't told that out front.

LEG. BROWNING:

On a separate bill?

MR. NOLAN:

It doesn't matter.

P.O. LINDSAY:

You want to let --

MS. TINSLEY-ROE:

All right.

P.O. LINDSAY:

Wait a minute. Does anybody got a problem? Come and speak, Janine, being that you stayed through the lunch break and everything. Don't tell anybody.

MS. TINSLEY-ROE:

Thank you so much. My prayers are answered.

MR. NOLAN:

Never again, though.

MS. TINSLEY-ROE:

Thank you, Presiding Officer. Again, I just wanted to speak on the bill being put forth on the task force for the casino as well.

As I mentioned earlier this morning, I feel it's incredibly important for us to have some sort of dialogue or a commission or a committee on native affairs. The reason is my not-for-profit represents the majority of both Shinnecocks and Poospatuks that live off the reservation, and I only see this as another issue and another example of how injustices may continue to be continued in a process of not having an open dialogue with all parties. There are at least two to 3,000 Shinnecocks and Poospatuks that live off reservation and they're not being represented by the tribal representatives for both tribal governments.

There is exclusion practices going on and there are inconsistencies in their policies, and the only way we see fair and equal treatment for those of us who are tax-paying people living in tax lot numbers throughout Suffolk County, is to form some sort of a consortium of all the parties that are involved, especially when it comes to the casino. Just as I listened this morning and I hear across the country in my previous position, without these kinds of communications and open dialogue, nothing is going to be accomplished in a greater scheme and a greater vision. This is going to have to deal with health care and education. And I listen to, of all things, golf and golf fees and recreation fees being raised. You're going to be installing an enforcement on sales tax revenues and I'm concerned that those revenues will not be put forth where they should be to benefit our people in all areas of Suffolk County. There are native children that are going to schools in districts that are not representing

them, they are not receiving any resources that are being funneled to the districts of Southampton, Center Moriches and William Floyd.

Now we're going to start with a casino. And I just want you all to be aware that there's an awful lot of information that you should know as you pass these laws and get involved in dealing with native issues, and it's going to get -- it's going to become a larger issue, especially if we are allowed to have a casino. Where are those profits going to go? And as they are disbursed throughout the County, I hope that you consider my plea for forming a committee on Indian Affairs to some level. You have two reservations in this -- on this Island. Other territories around the country have these things already in place within government and I really would value your ability and foresight to be able to establish that so that we can have proper and cor -- I was going to say corrupt -- proper and non-corrupt representation, doing away with very valued resources. And then they can benefit, these County golf systems, if you put money towards those and maybe some of our members can learn how to play golf, it solves your issues of people raising fees. I mean, there's a lot of problem solving issues that we can create with dialogue and serving on that level.

So that's what I wanted to say. And I'm going to be probably writing to all of you very soon and staying on this. So thank you.

P.O. LINDSAY:

Thank you very much. Marc Schneider. Marc Schneider? No. No Marc Schneider. Mike DePaoli? I don't see him here. Jimmy Rogers, did he leave?

UNKNOWN AUDIENCE MEMBER:

Yes, Bill.

P.O. LINDSAY:

Chris Perugi.

MR. PERUGI:

Chris Perugi, hi.

P.O. LINDSAY:

Perugi. Come on up, Chris.

MR. PERUGI:

Hi. Thank you for this opportunity. My name is Chris Perugi, I represent Hybrid Fuels for Long Island and New York State. I'm proposing that we might use some County land or something for a pilot program for both private and public funds together. I'd like to get Barack Obama's energy team to give us some money to put a pilot program. I have plenty of information here, plenty of grants that have been sent out to other states and counties. And I could go on and read more about the information I've been collecting, I've been sending letters to Assemblyman Fred Thiele and my Legislator in Sag Harbor, and now I'm part of the Riverhead, too. I made a copy, I tried to get some copies out of a fuel station, rest area in New Jersey, the type of scope here, like a parkway kind of project, you know, where \$200 million is brought into the County from the Fed to put our people to work, our pavers, our construction workers, our electricians. It's a hybrid fuel five-way station, it has five different fuels in it, not just alcohol, not just hydrogen, we have brown fuel, we have hybrid fuels. And there's people driving around right now in Long Island that have hybrid vehicles that don't have a place to fuel up yet. And so part of the infrastructure, Department of Energy, Public Works and private companies. I don't really want Wall Street in on it because I don't trust them, and I wrote this down before the fall of Wall Street. And I think a pilot program with the County and the private and my own company as well, that we can keep this out of the hands of Wall Street and keep it as a Public Works project.

So I'm looking forward to having some Presidential energy money come your way and get, you know, a hundred or two people working to put together a hybrid fuel station here on Long Island,

and Upstate as well. Thank you.

P.O. LINDSAY:

Thank you, Chris. John Maynes? John Maynes? No. Mike -- Miles Roe?

D.P.O. VILORIA-FISHER:

Is he in the lobby, John Maynes? No? Okay.

P.O. LINDSAY:

Nope. Okay. And there's are the two ladies that came in late on 1791, Maureen Dolan-Murphy.

MS. DOLAN-MURPHY:

Hi. Good afternoon. How are you?

P.O. LINDSAY:

Good.

MS. DOLAN-MURPHY:

Maureen Dolan-Murphy with Citizens Campaign for the Environment. I'm here to speak on Resolution 1791 which reduces the use of disposable bags in the County of Suffolk. CCE supports this resolution with the recommended changes that we had passed out previous, a few minutes ago.

We are here today to help fix a growing problem throughout our waterways and our landscape; too many plastic bags. These bags strangle and kill marine life, litter our streets and beaches and cause local flooding by clogging storm drains. Reducing our addiction to plastic bags and switching over to reusable bags is the solution; this legislation helps us do that.

Resolution 1791 places a modest five cent surcharge on all disposable bags which includes paper and plastic. This modest fee is easily avoided by bringing your own bags to the store. CCE supports this legislation because it further incentivizes members of the public to make the important switch to using reusable bags. I brought a demonstration bag. Last night I went to the grocery store and I bought three two-liters of Pepsi, three cans of soup, a half a gallon of milk, three packets of gravy and a quart of soy milk. Everything went into my reusable bag where I was easily able to carry it to my car and then to my home. The bag cost me seventy-nine cents at the Best Yet and I've been using it for over seven months, saving hundreds of plastic bags. If I can do it, others can do it, too. And each store has their own bags that they offer. Trader Joe's, for ninety-nine cents, you can get a nicely insulated one for your freezer products; at Waldbaum's, ninety-nine cents, you can get a nice one with a picture of a starfish on it; and then my personal favorite, you can get a Citizens Campaign for the Environment one.

This is an easy solution to a huge problem that is getting bigger every day. For a mere four to \$5 investment in reusable bags, we can avoid using harmful plastic disposable bags. How many other problems can be solved for four to \$5? This legislation will change public behavior so that we can stop the damage plastic bags are causing throughout our waterways, our landscapes and our oceans. And for those of us who do not remember our reusable bags, we then have the option to reuse them the next time or recycle the plastic bags, due to this Legislator's -- Legislature's good foresight in passing the recycle law. CCE urges the Suffolk Legislature to act swiftly to modify and pass this critical piece of legislation. Thank you.

P.O. LINDSAY:

Adrienne Esposito.

MS. ESPOSITO:

Good afternoon, members of the Legislature. I hope you all are well. I just want to supplement a little bit what my colleague also said. The reason that we are very supportive of this legislation is because the free plastic giveaway bags aren't free. There's a hidden cost and it's a real cost to all of

us, as taxpayers and consumers, and that cost is interfolded into our life in many ways. There's the cost of disposal of those bags, there's the cost of cleaning them up as litter on our roads and in our beaches, there's the cost to the strangulation and suffocation of wildlife and marine mammals which mistake them for jelly fish and try to eat them once they enter the coastal community. There's the cost of them really starting out as fossil fuels derivatives, whether they're made from oil or natural gas. All of that is a societal cost.

We're not asking this Legislature to do something others before you haven't done. The city of San Francisco, for instance, City of Oakland, the City of Los Angeles all have actually banned the plastic bag. Not only has this been done here in America, but also globally. France, for instance, the Netherlands, Israel, I could go on and on, have all either banned or put a charge on a plastic bag. Why? Because this is a global movement to get rid of this ubiquitous, harmful entity that we now use so freely. We need to change our behavior, we need legislation to help us do so. We're not asking you to reinvent the wheel. We're asking you to get on the "bag wagon", so to speak -- oh come on, it's the holidays, be a little nice -- that would really change public behavior.

Ikea, for instance, you may or may not know, charge five cents a bag at all of their stores. They experienced a 70% reduction in plastic bag use, then they decided just to do away with them altogether. So we're hearing success story after success story after success story, not only locally but nationally, and we're asking Suffolk to be the first ones in New York State. We're asking you again to be the first ones in New York State to pioneer this, help us get rid of plastic bags and to compliment and supplement the wonderful recycling legislation that Legislator Horsley passed. We need both; we need to reduce and we need to recycle. This completes the picture, please support it. And we have some very nice brochures for you, I'll just give you and you can pass them around. Thank you so much for your time.

P.O. LINDSAY:

Thank you very much. I don't have any other cards in terms the public portion. Is there anyone else in the audience that would like to speak on the public portion? Seeing none, I'll take a motion --

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

-- to close the public portion, and I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Okay, to the agenda.

First the [Consent Calendar](#). I'll accept a motion to approve the Consent Calendar.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

What I'm going to do, I've been asked if we could dip into the CN folder. We have a number of

people here from -- that have spoke about the jail appropriation. So I'm going to make a motion to take 2254 out of -- out of order.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Okay. 2254 is before us. I really need Mr. Zwirn and someone from Public Works, and I'm sure there'll be some questions. I saw Lou Calderone here before; is he still here?

MR. ZWIRN:

I'll bring everybody in, because we're outside.

P.O. LINDSAY:

All right. **2254** is before us, it's *amending the 2008 Capital Budget and Program and appropriating funds in connection with the construction of the New Jail/Correctional Replacement Facility at Yaphank (CP 3008)*. I'll make a motion to approve.

LEG. ROMAINE:

Second.

LEG. LOSQUADRO:

Second, Mr. Chairman.

D.P.O. VILORIA-FISHER:

Tim, you had me on those two other ones?

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

Okay. We've got the whole brain trust here, right?

DEPUTY COMMISSIONER CALDERONE:

Not really.

P.O. LINDSAY:

Not really. Could we -- does somebody want to give us the skinny on it, because we just saw it today, you know? First of all, was the bids awarded? I know yesterday was the last day, right?

DEPUTY COMMISSIONER CALDERONE:

No, Bill, we're on an extension. The first 45 days have come and gone, EW Howell gave us a commitment of another 45 days.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

We're almost there. I don't have the exact date, but we're not there yet.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

He's still committed to the project, spoke to him actually this morning.

P.O. LINDSAY:

So who -- which one of you guys are going to explain the offsets, where you're taking the offsets? I know we could read them, but --

DEPUTY COMMISSIONER CALDERONE:

We'll both do it, depending on which offset it is, if that's okay with you guys?

P.O. LINDSAY:

Go ahead. Yeah, why don't you run through them, all right? First of all, what is -- what is the difference in the engineer's estimate and what the bid was and how much more money did we need to appropriate?

DEPUTY COMMISSIONER CALDERONE:

Engineer's estimate was for \$121 million, package D.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

The bid came in at 134,600,000.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

You know, so that's the difference between the engineer's estimate and the bid.

P.O. LINDSAY:

Thirteen six.

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

DEPUTY COMMISSIONER CALDERONE:

Correct. But we had some money, you know, left over from A, B, C.
We, you know, make adjustments, etcetera.

P.O. LINDSAY:

No, I understand that. But did -- was there any -- I know there was some negotiations between department and the apparent low bidder.

DEPUTY COMMISSIONER CALDERONE:

Yes. EW Howell gave up \$750,000.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

And then we have an add-alternate for about \$820,000. So between the two we have approximately a million and a half dollars that we can deduct from the 134.6 which makes it 131.3, I believe, whatever the difference is.

P.O. LINDSAY:

This is Phase D.

DEPUTY COMMISSIONER CALDERONE:

That's correct, it's D.

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

We did -- A, B and C are done already.

DEPUTY COMMISSIONER CALDERONE:

Yeah. Gentlemen, the cells are there. The cells are in place, they're on the foundation, they're up.

P.O. LINDSAY:

Right, they've been prefabricated.

LEG. ALDEN:

Phase ID.

P.O. LINDSAY:

No.

LEG. BEEDENBENDER:

Yes.

COMMISSIONER ANDERSON:

Yeah, correct. This is Phase I D, right.

DEPUTY COMMISSIONER CALDERONE:

D, correct.

P.O. LINDSAY:

Right, right, I D. The land has been done already.

DEPUTY COMMISSIONER CALDERONE:

All cleared, foundations are also there for the hard building.

P.O. LINDSAY:

Right.

DEPUTY COMMISSIONER CALDERONE:

All the foundations are there. It's a matter of putting up the hard building for the program space, you know, infirmary, administrative areas, etcetera, etcetera, and of course, running the mechanicals for the cells.

P.O. LINDSAY:

Okay. And I'll just ask one more question and then you guys can go through the offsets. So although it came in 13 million over, what is that?

DEPUTY COMMISSIONER CALDERONE:

It's about 12%? It's not -- I mean, percentage-wise, yeah.

P.O. LINDSAY:

Yeah. Okay, that's -- you're better with the math than I am, you know? I knew it wasn't --

LEG. ALDEN:

Just one point on the overrun?

P.O. LINDSAY:

Go ahead.

MR. ZWIRN:

If I just might add. It was also \$9 million lower than the next bid.

DEPUTY COMMISSIONER CALDERONE:

Correct.

P.O. LINDSAY:

Right.

LEG. ALDEN:

Does that include the 22 million overrun that occurred in '05, when we allocated money for phase I, that's on top of the 22 million?

COMMISSIONER ANDERSON:

There was 15.5, wasn't it? But yes, the funds that we have in place include the money that was allocated in --

LEG. ALDEN:

But that's -- this overrun is on top of the \$22 million overrun in '05.

COMMISSIONER ANDERSON:

No.

P.O. LINDSAY:

No, could I just explain something? A, B and C came in four million under, not over.

DEPUTY COMMISSIONER CALDERONE:

Correct.

MS. CORSO:

That's right

LEG. ALDEN:

Well, there was a 22 million overrun when we allocated the money in '05.

P.O. LINDSAY:

I don't think so, Cameron

LEG. ALDEN:

Well, I actually have the transcript right in front of us, so if we want to look at it we can look at it.

COMMISSIONER ANDERSON:

The money that we had available --

LEG. ALDEN:

But Budget Review testified at that time.

P.O. LINDSAY:

That it was --

D.P.O. VILORIA-FISHER:

That it was higher than we thought it was going to be.

P.O. LINDSAY:

Yeah, but I don't think the bids came over. The bids came in four million under.

DEPUTY COMMISSIONER CALDERONE:

Yeah, we've only been in -- just to clear up a little bit maybe. We've only been in the construction phase of A, B and C for about 14 months; does that help? So the first bids, A was bid out in the spring of '07, approximately. We're in '08? Yeah, so --

P.O. LINDSAY:

You might have been talking about the estimates, okay.

LEG. ALDEN:

I'll wait until after he finishes.

P.O. LINDSAY:

Okay, okay. All right, I didn't mean to distract you from --

DEPUTY COMMISSIONER CALDERONE:

Maybe that's what he's saying, we made the projects -- let's back up from inception of the project. We shrunk it --

P.O. LINDSAY:

Yeah, it went through a redesign a couple of times.

DEPUTY COMMISSIONER CALDERONE:

Into the two phases, I think, that's what you're thinking of, Phase I and Phase II.

D.P.O. VILORIA-FISHER:

It was very early

DEPUTY COMMISSIONER CALDERONE:

Phase II was, you know, down the road.

LEG. ALDEN:

Christmas time '05, I was sitting not here but in Riverhead, a \$22 million overrun that we approved. Whatever. I'm sorry, go ahead.

DEPUTY COMMISSIONER CALDERONE:

No, that's quite all right.

P.O. LINDSAY:

But it wasn't a bid, Cameron, it was the design. That was the engineer's estimates.

D.P.O. VILORIA-FISHER:

Right, the estimate was higher than we thought it was going to be.

P.O. LINDSAY:

Okay. Go ahead, who is going to explain the offsets?

COMMISSIONER ANDERSON:

The first offset is **1678, Rehabilitation of parking lots, drives, curbs and County facilities.** That money was never appropriated because we had money from previous years that we used, so that wasn't needed.

P.O. LINDSAY:

And that will run out at the end of this year.

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

Okay. Go ahead

COMMISSIONER ANDERSON:

1766, Building for Wildlife Rescue & Education, Marine Science.

I don't really have an answer for that one.

MS. CORSO:

These are simply projects that were included in the 2008 Capital program, but they're not ripe yet, they're not ready to progress. There hasn't been any advancement, there's no planning. So these are things that were not going to be appropriated; either the department didn't request them to be appropriated or DPW didn't request them to be appropriated.

P.O. LINDSAY:

Go ahead. Well, wait a minute, Legislator Vilorio-Fisher has a question.

D.P.O. VILORIA-FISHER:

Gil or Connie, as you tell us what the offsets are, can you just refer to the pages in the bill?

P.O. LINDSAY:

It's right there.

D.P.O. VILORIA-FISHER:

Are you doing them in order?

P.O. LINDSAY:

Yeah.

COMMISSIONER ANDERSON:

Yes

D.P.O. VILORIA-FISHER:

Okay, I just want to make sure.

P.O. LINDSAY:

Go ahead.

COMMISSIONER ANDERSON:

The next item to be offset is eight -- the next item added to be used as an offset is **1806 which is Public Works Buildings, Operation & Maintenance Equipment.**

LEG. MONTANO:

Where is that?

DEPUTY COMMISSIONER CALDERONE:

It was for i.e, forklift, electric forklift, things like that, you know, we can postpone right now. We

just got some new equipment in about a year ago, so it's not pressing. We'll ask for it again in a subsequent capital.

COMMISSIONER ANDERSON:

The next one is *5095, Reconstruction of County Road 111.*

P.O. LINDSAY:

County Road 11.

LEG. ROMAINE:

Eleven.

COMMISSIONER ANDERSON:

I'm sorry, County Road 11. Sorry.

LEG. ROMAINE:

You had me up in arms.

COMMISSIONER ANDERSON:

Yeah, that's for land acquisition which isn't needed at this point.

5172, Reconstruction of County Road 67, Motor Parkway, from the North Service Road to 454. Those are funds from a Federally-aided project so we can use them as an offset. We are progressing the project, the plans are going to the State either by the end of this year, the end of this month, or by at the very latest February. We will be in construction next year with this project. You know, we have to meet those Federally mandated milestones that I've spoken about before at the Leg.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

This project, as a matter of fact, the Commissioner and I just spoke about. We had a similar project two weeks ago that was used as an offset, that was a Capital Project associated with Exit 55 over the Long Island Expressway and this is the continuum of Motor Parkway as well. So between these two projects now, we've probably taken somewhere to the neighborhood of, you know, five to six, \$7 million worth of offset out of those projects in order to commit them to these alternate priorities.

Now, you know, I want to believe that what you're representing to me is that these Federal Highway Funds, I guess, are fungible, if you will. But I guess I also want to ask, where do we see this represented in 2009, in the 2009 Capital Budget, that we're going to go through this whole reverse offset process with? There's got to be five, six, seven --

MS. CORSO:

You know, when you get Federal funds, with all due respect, when you get the Federal funds you don't need an offset. So once it's in the TIP and once I see -- once I get the Federal funds and I get the commitment, I'll be able to appropriate without an offset. There is no plans not to forward these projects.

LEG. KENNEDY:

Through the Chair, Mr. Chair? So then can I just ask Mr. Zwirn; Ben, this -- so in other words, what you're saying is that at some point in 2009 the administration is going to come forward. No

reference to an offset, but they're going to have five to six to \$7 million of Federal funding and replace what's been gutted here in order to go ahead and commence the actual construction on that bridge and this ancillary road leading up to it.

MS. CORSO:

Right. And the reason that we're not going forward this year is because we didn't get the commitment from the Feds. So once we get the -- we weren't going to go forward without Federal funding, we were not going to be doing this road with 100% County funds. The only reason we're progressing is because it's in the TIP. Once we get that commitment, then we'll be able to appropriate without an offset.

LEG. KENNEDY:

I understand that from a budgetary perspective. But now what I'll say to Mr. Anderson, we have that five year limit on these Federal Highway Projects that we're bumping up against. So notwithstanding the fact that the money may not be acknowledged or recognized by the administration, are we on the out-year of that five year limit?

COMMISSIONER ANDERSON:

No. We are -- but we are mandated through the Federal milestones that are established for this project to go to construction next year and that's where we will be; we will be under construction on both projects starting next year.

LEG. KENNEDY:

Okay. So you're telling me there's the commitment there. What is it that we expect that the Federal funding will have been received and how do we know that?

COMMISSIONER ANDERSON:

I don't understand your question.

LEG. KENNEDY:

Well, we're using these offsets right now. Clearly this Federal funding is here in-house. The road projects are important, the jail is important.

COMMISSIONER ANDERSON:

We haven't --

LEG. KENNEDY:

We're dumping the road projects. I want to know what's going to -- what level of assurance do we have that these are actually going to occur next year?

MS. CORSO:

But these weren't being appropriated this year. That was the point, it's the last meeting of the year, they haven't been appropriated, they haven't been requested. If you read the beginning of the Capital Program from last year, these are a priority of the County, but if the Feds did not commit the funding we're not going to appropriate it. It doesn't mean the project isn't moving forward. It will still appear -- it still appears in the 2010 Capital Budget & Program if you look through, we're just not going to appropriate it in '09 because we don't have the Federal commitment. We will do this --

COMMISSIONER ANDERSON:

No, '08, in '08.

MS. CORSO:

Oh, I'm sorry, '08. We'll do it in '09.

LEG. KENNEDY:

I'll keep it very simple. Is this going to happen in '09?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay, fine. Thank you.

P.O. LINDSAY:

Okay. Go ahead, I don't see any other questions. Go ahead.

LEG. ALDEN:

Actually, they were going to finish --

P.O. LINDSAY:

Yeah, I know, I want them to continue on.

COMMISSIONER ANDERSON:

5378 -- I'm sorry, **5375, Bulk Heading at various locations**. Those monies haven't been appropriated. We're still working on permits with the various regulatory agencies to get the work approved, and that won't happen before the end of the year.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

A quick question. What are the locations throughout the County that you are intending the bulk heading for?

P.O. LINDSAY:

Isn't that a generic line for bulk heading all over the County?

COMMISSIONER ANDERSON:

Yes.

DEPUTY COMMISSIONER CALDERONE:

But we identified some --

LEG. ROMAINE:

If that's the case, then I'll withdraw my question. Let them proceed.

COMMISSIONER ANDERSON:

Okay, thank you. The next one is **5510 is the County share for reconstruction of County Road 3, Pinelawn Road within the Town of Huntington**. This is land acquisition money which we are not ready for, we are still in negotiations with the various owners to acquire the land.

5516 is the County's share of reconstruction of County Road 80, Montauk Highway, Shirley, Town of Brookhaven. This was money, we received bids and we're in the process of awarding the contract. We received bids for significant less -- sorry, significantly less than what was appropriated. And we feel comfortable that we have enough money in the line to do the job with contingencies and still use those funds as an offset.

P.O. LINDSAY:

And what are we taking out of that, how much are we taking?

DEPUTY COMMISSIONER CALDERONE:

Three million.

COMMISSIONER ANDERSON:

Three million.

P.O. LINDSAY:

Three million. So the bid came in three million under?

DEPUTY COMMISSIONER CALDERONE:

Actually more than that.

COMMISSIONER ANDERSON:

Yeah.

DEPUTY COMMISSIONER CALDERONE:

It came; it was approximately almost 12 million, eleven and change, if I recall. Add contingency to that, we feel comfortable with the 17 that's left.

P.O. LINDSAY:

Okay.

DEPUTY COMMISSIONER CALDERONE:

It was JDP, it anyone's curious, a JDP bid.

COMMISSIONER ANDERSON:

JDP won the bid.

LEG. BROWNING:

So the bids came in?

DEPUTY COMMISSIONER CALDERONE:

Yes.

COMMISSIONER ANDERSON:

Yes, they did.

DEPUTY COMMISSIONER CALDERONE:

We're in the process of awarding it, I believe.

LEG. BROWNING:

Oh, so you haven't awarded it yet.

COMMISSIONER ANDERSON:

No, not quite.

DEPUTY COMMISSIONER CALDERONE:

No, not officially. We're in the bonding, insurances, stuff like that.

COMMISSIONER ANDERSON:

Yeah, we have to make sure that they get all the bonds to us and everything else. But as of right now, they are the lowest, responsible responsive bidder.

LEG. BROWNING:

And who is that again?

COMMISSIONER ANDERSON:

JD Posillico.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Let me just finish. Are you done?

LEG. BEEDENBENDER:

I just had one --

P.O. LINDSAY:

Go ahead.

LEG. BEEDENBENDER:

The bid came in \$3 million under?

COMMISSIONER ANDERSON:

Yes.

DEPUTY COMMISSIONER CALDERONE:

Yes.

COMMISSIONER ANDERSON:

In fact, this was about I think the day or two after the State pulled all its Public Works contracts out, you know, off the table. So we had a significant --

DEPUTY COMMISSIONER CALDERONE:

And we had, I think, 13 bidders.

COMMISSIONER ANDERSON:

Yeah.

LEG. ALDEN:

That's the price of cement; I'm dead serious.

LEG. BEEDENBENDER:

No, that's fantastic. It's just not news I expected to hear.

DEPUTY COMMISSIONER CALDERONE:

Very aggressive bids that were all very close.

LEG. BEEDENBENDER:

But you think because the State pulled a lot of contracts, there were a lot more bidders and there was more competition?

COMMISSIONER ANDERSON:

Absolutely.

DEPUTY COMMISSIONER CALDERONE:

Yes, absolutely.

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Hi, Gil. When you say that the -- today this Certificate of Necessity is seeking another \$13 million in bonding for Phase IV; is that correct?

COMMISSIONER ANDERSON:
Correct.

LEG. D'AMARO:
All right. And so when you say that we need \$13 million more, what are we comparing it to? Like in other words, how do -- what is this lowest bid, is \$13 million more than what?

P.O. LINDSAY:
Could I -- if you guys would permit me. When a Public Works project is designed, an engineer does a cost estimate?

LEG. D'AMARO:
Right, I understand that.

P.O. LINDSAY:
Okay.

LEG. D'AMARO:
But I wanted to -- I was going to ask a question.

P.O. LINDSAY:
Okay, and hear from them. But that's what the difference is.

DEPUTY COMMISSIONER CALDERONE:
Well, I think Legislator Lindsay was on the right track. When they do -- we do an estimate, it was based -- it's based on an estimate.

LEG. D'AMARO:
Well, who --

DEPUTY COMMISSIONER CALDERONE:
The estimate was the engineers's, and not just one engineer, by the way, I might add. That was a combination of three separate quotes from outside sources that we depend on to give us estimates. Their estimate was 121 million, it came in at 134.6

LEG. D'AMARO:
Who's is their estimate, who's that?

DEPUTY COMMISSIONER CALDERONE:
Wiedersum came up with an estimate, LiRo and Accu-Cost I think were the three engineering firms that came up with the estimates.

LEG. D'AMARO:
So three engineering firms were hired by Suffolk County to give us a cost estimate?

DEPUTY COMMISSIONER CALDERONE:
Correct, correct.

LEG. D'AMARO:

And it turns out -- what's the date of that cost estimate?

DEPUTY COMMISSIONER CALDERONE:

I'm going to guess. And don't hold me to this, but it was some time in the spring, early spring of '08. February, March of '08, somewhere around there, that was the last estimates we got.

LEG. D'AMARO:

So about eight months ago?

DEPUTY COMMISSIONER CALDERONE:

About eight months ago.

LEG. D'AMARO:

Why is it incorrect?

DEPUTY COMMISSIONER CALDERONE:

The economy -- you know, I asked that question. You know, the answers I got back was with the volatility of commodities, copper, steel, cement, the bids came in higher.

LEG. D'AMARO:

You're --

COMMISSIONER ANDERSON:

What I would say is, you know, especially with the volatility, you're asking a contractor to hold his prices over probably a two to three year process. So he doesn't know -- you know, obviously we've seen over the past year or so how things have moved up and down. He doesn't know where to basically set his prices. So he's using -- and in this case, Howell, went to his subcontractors, had them all basically establish their prices so that he could get the best number and give us the best number he could get. And that's witnessed by the three bids we got, the second lowest bidder was nine million and I don't remember off the top of my head what the third is.

DEPUTY COMMISSIONER CALDERONE:

Eighteen.

COMMISSIONER ANDERSON:

Okay, the third was 18 million over.

LEG. D'AMARO:

So you're telling me the cost estimate was too low because of commodities prices?

COMMISSIONER ANDERSON:

Primarily, you know, that was the main ticket, is to be able to hold a set cost to the contractor. He doesn't want to lose his shirt, but he's got to make the most aggressive cost, you know, bid that he can do.

DEPUTY COMMISSIONER CALDERONE:

Can I just add to that? I mean, just to put it in perspective. A jail is an anomaly. You know, most contractors don't build jails every day, it's not an office building. It's not something -- you know, an office building, as everyone knows, you can do a square footage cost, you're pretty well on the mark just with square footages. A jail is a jail, it's a complete different animal. Contractors are afraid of them because of the complexity, the security systems and what goes into a jail. So they kind of build in an insurance policy and that's one of the other reasons why they came in higher.

LEG. D'AMARO:

Well, I'm not talking about the bid, I'm talking about the cost estimate. What's their insurance policy that they're \$13 million off eight months into the process?

DEPUTY COMMISSIONER CALDERONE:

There is none. That's why, you know, it's an estimate.

LEG. D'AMARO:

Did the Legislature vote on this Phase IV already to appropriate?

LEG. ALDEN:

Just Phase D, right?

DEPUTY COMMISSIONER CALDERONE:

D.

LEG. D'AMARO:

Oh, D? I'm sorry.

MS. CORSO:

It's all -- yeah, it's all appropriated.

DEPUTY COMMISSIONER CALDERONE:

Yes.

D.P.O. VILORIA-FISHER:

It's Phase I D.

LEG. D'AMARO:

So the cost estimate that I voted on was \$13 million off.

DEPUTY COMMISSIONER CALDERONE:

Yes, I guess you could say that two years ago, yeah.

LEG. D'AMARO:

Okay. And you're telling me that's because of commodity prices.

DEPUTY COMMISSIONER CALDERONE:

Yes.

LEG. D'AMARO:

You're satisfied with that answer?

DEPUTY COMMISSIONER CALDERONE:

Yes.

LEG. D'AMARO:

Was that ever communicated to you in writing? Did we make a formal inquiry into the cost estimator as to why this came in so low?

DEPUTY COMMISSIONER CALDERONE:

Well, formal to the extent that we deal with these three engineering firms, you know, with the jail designed and construction like on a daily basis. It was formal but not in writing.

LEG. D'AMARO:

Well, you know, I don't want to debate what formal is, but I don't have anything -- I'm being asked to appropriate another \$13 million and no one has communicated with me as to why this cost estimate was off in the first place.

COMMISSIONER ANDERSON:

If you're speaking about the original amount of money that was appropriated at the time, that was the closest estimate we had. It was based on -- I don't want to say conceptual, but some point, some level of developed plans, 50%, 25%, somewhere around there. Two years later we're in a market where, again, commodities, construction are such that, you know, it's been all over the place, we've had skyrocketing costs in petroleum, in concrete, in metals, in everything else. You know, now we're seeing some of it go down.

LEG. D'AMARO:

Well, Gil, it's not two years later, though. This is a cost estimate that was produced eight months ago.

COMMISSIONER ANDERSON:

Agreed.

LEG. D'AMARO:

Okay.

COMMISSIONER ANDERSON:

But when we established the amount of monies that were appropriated, they were developed based on the best information we had at the time which was, you know, a set of plans in process.

LEG. D'AMARO:

Aren't they going down?

LEG. STERN:

Yes, the commodities are.

LEG. D'AMARO:

You know, we're just chatting here. I thought that commodities prices actually were going down.

DEPUTY COMMISSIONER CALDERONE:

Yes, they're just starting to go down. Everybody keep in mind -- EW Howell put -- and I'm not defending them, I'm just telling you the facts.

LEG. D'AMARO:

How much did we pay the cost estimators to come up with the estimate that I had to rely on to vote?

DEPUTY COMMISSIONER CALDERONE:

I don't -- I could get you that number, I don't have it off the top of my head.

LEG. D'AMARO:

Roughly, if you had to guess.

DEPUTY COMMISSIONER CALDERONE:

Ah, I don't want to guess. I really don't know, I'd have to check, you know, just on how much it cost us for -- I'd have to get back to you, I really don't have that number.

But keeping in mind, EW Howell put this bid together last spring. Keeping in mind what the economy looked like last spring, what the commodities were last spring, steel; you know, he put a bid together based on those prices at the time.

MR. ZWIRN:

And the other alternative is that we either move forward and take the money that we have that we

can appropriate that has not been spent between now and the end of the year, as this being the last meeting, or the option was to go out and rebid the project. And we took a look at the person who won the bid, they're really a very qualified, well respected --

DEPUTY COMMISSIONER CALDERONE:

Local firm.

MR. ZWIRN:

-- local firm. We have a Local Preference Law, so we're not sure if we go out to bid this again that we're going to get a lot of attraction, you know, from the city and other places because they know there's a 10% gap right away. We also took a good, hard look at the fact that there's a \$9 million difference between this bid and the next one, the next lowest bidder, and everybody else who bids that is going to see that going forward, where those numbers were.

So we have the available offsets. And your questions are well taken, but at this stage, we have the offsets available for money that had not been appropriated in '08 to move forward and these were reasons -- one of the reasons why the County Executive has to wait, you know, late in the day to make this decision.

LEG. D'AMARO:

Yeah, I don't want to belabor it. I don't take issue with the offsets, I don't really take issue with the fact that we need to get the jail built and all of that. My only issue here is that you said my comments are well taken, and that's what we get told every time. Because once we commit a substantial amount to a project and then a cost estimate turns out to be inaccurate, it's really hard to do a 180 and decommit when you've spent so much already, and that's exactly my point.

So my point is we have a cost estimate that we're being told, you know, this was the best information that we had at the time, but this is a \$13 million gap in estimating the cost that all of us here at this horseshoe relied on when we voted on the first time. And what I'm questioning is where is the accountability from that end, from the cost estimate?

COMMISSIONER ANDERSON:

I would simply say that if we felt in any way uncomfortable or unsure that the engineers who gave us the estimate did -- you know, were wrong because of anything outside of the commodity issue, you know, certainly if you didn't have three firms that basically backed each other up -- I did separate estimates, so if you didn't have that, there might be some question. But we have three firms that were relatively comfortable saying that it was at 121, 122, that's what the bid should come in at. Again, as Lou said, you know, the economic conditions were such at the beginning of the year, the contractor had to make, you know, some type of decision on what he's going to -- what he wants to get to be assured that he'll be able to get the commodities during the three year contract, he'll be able to get everything he needs and not lose his shirt.

So, you know, I understand where you're coming from. If we didn't feel comfortable, if we felt in any way that the engineer or the consultant didn't do the right job, we wouldn't use him again

LEG. D'AMARO:

Well, how much do they have to be wrong before you feel uncomfortable? I mean, \$13 million seems like an awful lot of money to be off by.

COMMISSIONER ANDERSON:

If you do it -- I mean, if you do an overall percentage, it was about 10, 12%; that's not an unheard of, you know, percentage.

LEG. D'AMARO:

So our standard in our DPW is if you're off by 10 to 12%, you're okay.

COMMISSIONER ANDERSON:

No, not necessarily

LEG. D'AMARO:

Well, that's what you're telling me.

COMMISSIONER ANDERSON:

Again, if there are extenuating circumstances, which in this case there were, you know -- we've had it -- you know, again, if -- and our contracts all state this; if the contract or if the consultant was found to have done an error and the error caused the increased cost, we can mandate that the consultant make revisions to the contract, to bring -- to rebid the contract and bring it within the amount of funding that's available.

MR. ZWIRN:

And the only thing I would add is the fact that this is a unique facility, it's not your normal, run-of-the-mill office building or something else, it's like a boiler plate. This is a little bit -- everything is specialized in this particular, so it's harder to compare, you know, one project to another because this is such a unique one. That's the only reason I think we have decided at this time to move forward.

LEG. D'AMARO:

Yeah, I appreciate that.

MR. ZWIRN:

But we understand everything you're saying, and the County Executive shares the frustration. You know, we don't want to be here at this time doing this as well. It was after --

LEG. D'AMARO:

Well, I think the cost estimator should share some of the frustration. I mean, there's four people up here or three people up here defending them right now, I think they should be here and answer these questions, to tell you the truth. I mean, I relied on their cost estimate when I voted; where is the accountability for that?

P.O. LINDSAY:

Okay? Let me ask you something. The first three phases, what was the total value of that

DEPUTY COMMISSIONER CALDERONE:

It was approximately -- I'll give you approximately, I have the numbers right here --

P.O. LINDSAY:

Just a rough number.

DEPUTY COMMISSIONER CALDERONE:

-- but approximately about 21 million for all three.

P.O. LINDSAY:

For all three.

DEPUTY COMMISSIONER CALDERONE:

And two of the three happened to come below, one came in a little above.

P.O. LINDSAY:

And cumulatively, they're four million under, the first three phases.

DEPUTY COMMISSIONER CALDERONE:

Cumulatively, the bids were four million under, approximately.

P.O. LINDSAY:

Right. My point is that an engineering estimate is an engineering estimate, it's as simply as that.

DEPUTY COMMISSIONER CALDERONE:

Correct.

P.O. LINDSAY:

It isn't an expert science, especially on a job this big. You need some kind of number to go by on what range it is so that contractors can arrange their bonding, for one thing. And the usual rule of thumb in the industry was 10%; it's not just for this project, it's for any project. If an estimate is within 10%, you know, you don't look at it with two skewed eyes; if it's more than 10% then you start looking at it a little bit deeper, you know?

P.O. LINDSAY:

Yes, Legislator Barraga. Oh, wait, Gregory, I'm sorry, and then Barraga and then Alden.

LEG. GREGORY:

Just to piggy back on what -- oh, wow, I was going to promote you, I was going to say Senator D'Amaro -- Legislator D'Amaro has said.

D.P.O. VILORIA-FISHER:

That's the second time today.

LEG. ALDEN:

You called him Senator?

LEG. GREGORY:

Yeah, a lot of promotions going on here.

LEG. KENNEDY:

No, Bishop, it was Bishop.

LEG. GREGORY:

I totally think this is something that has to be done. I believe that we have to keep our employees and residents employed. You know, labor is a very important aspect of our community. As a -- I am one of the few, probably, here that has actually a background in procurement; I haven't done a job this size but, you know, 10, \$12 million. And I'm just curious, is it a normal procedure and policy to get three estimates? I have never done anything like that.

DEPUTY COMMISSIONER CALDERONE:

Actually, that's a good question. No. Usually on the smaller projects you get one or maybe two; we did three because of the complexity and the size of the job.

LEG. GREGORY:

Yeah, but what I'm seeing, we're paying probably in the neighborhood, maybe \$50,000, that's just a guess, for each consultant to get the same result. And what you're telling me here is on some, on the first phase they over estimated by 20%, and now here they underestimated by 10%. So what are we really paying for? I think we really need to look at that. I understand that this is a unique job and it has some complications, but I think, you know, the Suffolk County taxpayers are paying for their mistakes and we need to really maybe look at our policies. I'm not making a judgment on your staff and DPW, but I think as a procedure maybe we need to at least take a look at what we're doing.

MR. ZWIRN:

I understand? If I just might add, this is -- the market dictates this. We put out for bid and then, you know, we can take an estimate, but whatever comes in comes in. If we're not happy with the estimate that comes in, we have the option to rebid.

LEG. GREGORY:

I understand that? But Ben, if --

MR. ZWIRN:

We weighed that in this case, we didn't think that was the right way to go.

LEG. GREGORY:

But if we're paying for the expertise, why do we feel the need to get three separate proposals?

DEPUTY COMMISSIONER CALDERONE:

Again, because of the complexity of the jail. A jail -- believe me, because I've been living and breathing the jail -- is a hundred, thousand times more complex than any office building that anyone has ever seen, especially in this day and age with the security systems, special gates, special glass, special windows, special fixtures. It's a whole different animal. Most items in the jail are special order, sometimes a six month lead time, 13 weeks, 18 weeks. So it's very hard -- and those special order items, those prices in some case are not locked in at the time of the order. They actually can -- you know, they'll tell the contractor it's "X" amount of dollars and then by the time the fixture comes in, it's more than that. So it's kind of a whole different world, it's not normal construction.

LEG. GREGORY:

So you're telling me this is -- a lot of it's proprietary.

DEPUTY COMMISSIONER CALDERONE:

Absolutely.

LEG. GREGORY:

So then it should be a fixed cost then, we should understand that.

DEPUTY COMMISSIONER CALDERONE:

It's not a fixed cost because they can change the cost of that every 30 days if they so deem, depending on -- again, depending on the market

LEG. GREGORY:

Okay. I'm going to leave it there.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

This conversation reminds me of several conversations we've had on another bill concerning heating fuel and fixed prices and ceilings and that type of thing. Let me ask you a question. If you feel that 10% differential is because of an increase in commodity prices, commodity prices at this point are coming down; are there any negotiations with EF Howell Construction in terms of possibly reducing their bid a couple of million dollars to line up with current commodity prices?

MR. ZWIRN:

Those discussions were had. They have come down and made concession of \$750,000. But I think -- and I can't speak for EW Howell, but they're looking at it -- their bid is \$9 million below their closest competitor. And, you know, I think they're probably thinking, "Maybe we came in too low, you know, if our next competitor is \$9 million up." So I think that they're being very careful when

they make concessions. And I know the County Executive has been very aggressive with all the parties that will be involved with this to try to get concessions made and we think we've, at least at this particular stage, have gone as far as we can before the clock runs out.

LEG. BARRAGA:

So as I understand it, they're willing to come down about three-quarters of a million?

MR. ZWIRN:

That's correct.

LEG. BARRAGA:

Okay. They feel they have -- they know what the other bidders -- I guess it went public, everybody knows everybody's bid at this point, right?

MR. ZWIRN:

Right. And they also have other projects pending and one of the reasons we're trying to move now is one of the other projects that they have in the hopper is a very large project and they don't want to be in a problem where they would exceed their bonding, their performance bond capacity. So we're -- you know, we know we have a good vendor, you know, the price is higher than we had anticipated, but we still think it's the right thing to do and to move forward at this time.

LEG. BARRAGA:

Now, the job is worth 134 million. In terms of the bonding capacity they have to put, up how much does that cover?

MR. ZWIRN:

Do you guys know what the percentage is?

DEPUTY COMMISSIONER CALDERONE:

Hold on.

P.O. LINDSAY:

It's usually 10%

LEG. BARRAGA:

Ten percent?

DEPUTY COMMISSIONER CALDERONE:

Yeah, it's approximately 10%, yes.

LEG. BARRAGA:

I'm taking this for granted; when they win the bid, they have to submit their current financials as a corporation, right?

DEPUTY COMMISSIONER CALDERONE:

Correct. And they have to maintain the bond throughout the whole -- you know, as they're going throughout the whole project.

LEG. BARRAGA:

Yeah, because the reason I ask, economically, the way things are happening, I mean, just this Bernie Madoff, I mean, I don't even know what's out there and neither does anybody else. He stuck people for \$50 billion and some major companies and corporations and charitable organizations on the Island have been hit pretty badly. I just don't want to find a situation where, you know, even Howell Construction, at some point, you know, because somebody really look in-depth at the financials they're looking at bankruptcy, and we're stuck.

P.O. LINDSAY:
Legislator Alden.

D.P.O. VILORIA-FISHER:
You have a question?

LEG. MONTANO:
If I may, Cameron. They didn't finish going through the offsets, right?

P.O. LINDSAY:
No.

LEG. MONTANO:
So -- all right, I'll wait until after they're done.

P.O. LINDSAY:
Go ahead, Legislator Alden.

LEG. ALDEN:
Just so I understand. This resolution is \$13 million worth of offsets to be applied for the cost overruns, or the estimated cost overruns?

MR. ZWIRN:
It's for the estimate. We have to have enough money appropriated to award the contract.

LEG. ALDEN:
Okay. Ben, what happens -- because some of these projects are under way, half-way finished, three-quarters; what happens next year, do we have to amend the Capital Budget to include new funding or other offsets for these projects?

MR. ZWIRN:
Some of them that we want to go forward with next year, we might need some offsets. Some of the other larger projects --

LEG. ALDEN:
Some of them have Federal.

MR. ZWIRN:
Some of the larger projects like, I think, County Road 67 where there's Federal money involved, when it's 50% or more Federal funds, we don't need an offset, we can go forward.

LEG. ALDEN:
Okay. Approximately how much are we going to be looking for additional funding next year out of this 13 million?

MS. CORSO:
A lot of these projects are ongoing, say for the fencing or the marinas; there's already money in 2009 that can be appropriated and, you know, there's money left in the project now. So come next year, they're continuing funding so there's funds available and we won't need an offset. So if you looked --

LEG. ALDEN:
Thirteen million, that's a large adjustment, though.

MS. CORSO:

But that's not one project, it's a series of projects.

LEG. ALDEN:

No, for all these projects, cumulatively that's a large adjustment.

MS. CORSO:

Yeah, and some of them -- like we said, the road projects that need Federal funding, we will not need an offset because we'll have the Federal funds.

LEG. ALDEN:

No, I know, I just heard that. But I also asked the question about the other projects.

MS. CORSO:

Right, and I'm telling you --

LEG. ALDEN:

So how much?

MS. CORSO:

-- as far as the fencing, the fencing I have money; I won't need an offset because I have funding.

LEG. ALDEN:

So none of this 13 million, you're not coming back next year.

MS. CORSO:

I didn't say none of it.

LEG. ALDEN:

Okay, that's what my question was, how much?

MR. ZWIRN:

We'll see if we can figure it out for you right now.

LEG. ALDEN:

Yeah, okay. And going on from there, let me just go back a little history. In late '05, and it was a week later than it is right now because it was, I think, the day before Christmas, we had a Special Meeting; I was corrected, it was held here. The Presiding Officer at that time was Joe Caracappa, he's sitting out there. But anyway, we had a \$22 million cost estimate or overrun that we had to approve and appropriate the funds for that year. And that was to put people to work that Christmas, which unfortunately it didn't happen for another two and a half years or three years. Actually, it didn't happen yet. Is this project under way?

COMMISSIONER ANDERSON:

Yes, it is.

DEPUTY COMMISSIONER CALDERONE:

Yes, we finished A, B and C.

LEG. ALDEN:

And that totaled how much, 10 million?

DEPUTY COMMISSIONER CALDERONE:

The cells, about \$21 million.

LEG. ALDEN:

Right. Well, that was already appropriated prior to '05 and us doing the amendment in '05.

DEPUTY COMMISSIONER CALDERONE:

Correct.

LEG. ALDEN:

When we changed the appropriation in '05, we kicked it up to 135 million. That was in addition to about 30 or 40 million that was already appropriated for the work that was being done, or as you claim has been done already. So what happened to that 135 million? And that's the testimony. And Gail, maybe you want to answer that because that's what you testified to on the record; 135 million was the adjusted amount in '05. And my count, if you're coming to us for 134 million, we already appropriated 135.

And while you're looking, you know, just for the record. That was '05, and my statement and Legislator Kennedy's statement was that we weren't putting people to work in '05, we weren't putting them to work in '06, so now we are three years later and we still didn't put them to work and this is Christmas time again, three years later.

MR. ZWIRN:

We did put them to work. With all due respect, Legislator Alden --

LEG. ALDEN:

No, no, no, that 30 million was already appropriated, Ben. That 30 million, we knew that that part of the construction, that was appropriated. I'm talking about for Phase I and how we had to change it, in December of '05 we had to add \$22 million to it to bring it up to 135. That 30 --

MS. CORSO:

No, but I think at that point we lowered the total cost of the project. Because the project, the whole total cost of the project was \$234 million.

LEG. ALDEN:

No, 253 million, that was the testimony.

MS. CORSO:

Okay, so now it's \$229 million. So what happened was we -- what happened was the COC allowed us to advance certain aspects of that project so we would get more bed capacity, but the total cost of that program went down.

LEG. ALDEN:

Good.

MS. CORSO:

So really, what we needed to do was just advance \$15 million forward at that time.

LEG. ALDEN:

No, that was 22 --

MS. CORSO:

But the total cost of the project is still lower than it was at that time.

LEG. ALDEN:

Then how do you account for the testimony on that day, 135 million was the total for that first phase, of A, B, C and D?

MS. CORSO:

That's why I'm --

DEPUTY COMMISSIONER CALDERONE:

Can I just interject something? You might be right. In 2005, A, B, C and D did not exist.

LEG. ALDEN:

No, I know. That was Phase I.

DEPUTY COMMISSIONER CALDERONE:

I know that for a fact. We came up with A, B, C and D a year ago.

LEG. ALDEN:

And you know what? I apologize for mixing Normanclature here, because it was Phase I.

DEPUTY COMMISSIONER CALDERONE:

Right.

LEG. ALDEN:

It was Phase I.

DEPUTY COMMISSIONER CALDERONE:

Right.

LEG. ALDEN:

Then you just came to us with A, B, C and D.

DEPUTY COMMISSIONER CALDERONE:

C and D, correct.

LEG. ALDEN:

I'm trying to keep it straight.

DEPUTY COMMISSIONER CALDERONE:

That was only a year ago, a year and a half, I could tell you exactly.

LEG. ALDEN:

All right, but it still didn't expand the amount of money that was appropriated. It couldn't, because you didn't change any appropriations, it was still the 135 million that we kicked it up to on that day.

MR. ZWIRN:

Let me just --

LEG. ALDEN:

And I'm not trying to argue, I'm just trying to get at, you know, what happened to the money, that's all.

MR. ZWIRN:

I just want you to know that if you desire to have this project rebid, the County Executive will understand that. He won't take it --

LEG. ALDEN:

I hope you're not addressing my question, because that's not what I'm saying.

MR. ZWIRN:

No, no, no, just in general. I'm just saying, we just want you to know that we take everything you're saying -- we won't think there's any mallace.

LEG. ALDEN:

Oh, you're just making a statement. Good. Fine, Ben.

MR. ZWIRN:

We don't attribute any malice to any of the comment. I'm just saying that if you find --

LEG. ALDEN:

Because otherwise, this time I am going to have you shot. Are the Deputy Sheriffs still here?

MR. ZWIRN:

At least in the leg, I hope.

LEG. ALDEN:

I don't care where they shoot you, just shoot you.

MR. ZWIRN:

I'm just saying, that's always an option.

LEG. ALDEN:

What, shooting you?

MR. ZWIRN:

We're ready to move forward, but if you desire that you think it should be rebid, then we'll do that as well.

DEPUTY COMMISSIONER CALDERONE:

And Ben, let me just -- while Gail is looking for the money, you know, one last thing. We met with the COC right after bids were awarded, the DPW staff and the County Exec staff, and we really did our due diligence to see if we can bring the project less than what it is and we came up with ideas, but all the ideas would just cost us more money down the road. So I just want you to know that, we did meet with the Commission of Corrections, they were very understanding that, you know, we didn't have enough money, but any changes we made would just cost us more money in the long run.

LEG. ALDEN:

Maybe while Gail is looking for the numbers, isn't there still a Phase II?

DEPUTY COMMISSIONER CALDERONE:

Correct, yes.

LEG. ALDEN:

To bring it up to a total of, what, 200 and --

MS. CORSO:

Twenty-nine.

LEG. ALDEN:

Now, you said it's not 253, it's 241 or something like that?

COMMISSIONER ANDERSON:

I think -- yeah, Connie said it was 229.

DEPUTY COMMISSIONER CALDERONE:

Two twenty-nine.

P.O. LINDSAY:

Could we -- I mean, I have a couple of people on the list yet.

LEG. ALDEN:

Yeah, I'm just waiting for numbers.

P.O. LINDSAY:

On this particular offset, if you want to question this offset I'll recognize you. If not, why don't we continue through the offsets and by then Gail will have the other data that you're looking for. You have a question on this offset, John; no?

LEG. KENNEDY:

No, that's okay.

P.O. LINDSAY:

Okay. And Legislator Montano?

LEG. MONTANO:

No, I'm going to wait for the offsets.

P.O. LINDSAY:

Okay. Would you guys continue, just in the interest of time?

COMMISSIONER ANDERSON:

Okay. The next item to be used as an offset is *Project No. 6413, Incubators for businesses in distressed areas*. We haven't used the money. I don't believe they have any --

MR. ZWIRN:

It's too late now.

COMMISSIONER ANDERSON:

Yeah, it's too late now?

LEG. MONTANO:

I have a question on that.

COMMISSIONER ANDERSON:

The next one --

P.O. LINDSAY:

Legislator Montano, you want to ask about that?

MS. CORSO:

We had no requests.

COMMISSIONER ANDERSON:

Okay, I guess there were no requests received for these incubator areas?

MS. CORSO:

Nobody else came forward.

COMMISSIONER ANDERSON:

Nobody came forward.

LEG. MONTANO:

Okay. I don't have -- do you know where these incubators were going to be located? Because I understood that one was going to be located in Central Islip; am I incorrect?

LEG. HORSLEY:

No, that's correct.

MR. ZWIRN:

I'll check. We did one --

D.P.O. VILORIA-FISHER:

That is correct, I remember that.

MR. ZWIRN:

I think we did one, we did one in Huntington. But Economic Development will come back next year and be looking to do these again.

LEG. MONTANO:

So what you're saying is that the program, the incubator program is not necessarily dead, it's just that it's not going to fly this year.

COMMISSIONER ANDERSON:

Right.

MR. ZWIRN:

This year, correct

LEG. MONTANO:

May I get -- but you're going to have to find more money next year or appropriate it somehow or put it into the Capital Budget; am I correct in that?

MR. ZWIRN:

There's \$500,000 already appropriated that has not been --

LEG. MONTANO:

For next year.

MR. ZWIRN:

Yes.

LEG. MONTANO:

All right? If I may --

MS. CORSO:

No.

MR. ZWIRN:

It's already been appropriated, but we haven't spent it yet.

LEG. MONTANO:

Okay. While I have the mike, if you don't mind, if you can indulge me. I want to go back to one of the projects that you referenced earlier, 5172, that's Motor Parkway. Last week we X'd out the money for the bridge over Exit 55.

COMMISSIONER ANDERSON:

Right.

LEG. MONTANO:

But you gave assurances that it would be commenced next year.

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

And you also gave assurances that this project will commenced next year; am I accurate in that?

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

Now, but that's contingent upon Federal money being received.

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

Where do we stand with respect to the Federal money; is it something that is speculative or it's something that we know we're going to get? I mean, how does that process work? Because I guess what I'm getting at is if you don't get the Federal money, we don't get the project anyway.

COMMISSIONER ANDERSON:

Correct. But at this point, all the -- as long as you meet the milestones that are established by the Federal process, by the Federal Highway Authority, the monies are in place. Similar to what happened with County Road 80, similar to what's happening with 16 right now.

LEG. MONTANO:

All right. So the money is there, we just need to perform certain conditions prerequisite before we can actually start the project.

COMMISSIONER ANDERSON:

Right, correct.

LEG. MONTANO:

And you've committed that both of these projects are not being eliminated, they're just being delayed for one year.

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

Okay. Thank you very much.

P.O. LINDSAY:

Legislator Romaine has a question on the incubators.

LEG. ROMAINE:

The other locations of the incubators, besides Central Islip, are?

MR. ZWIRN:

I'll get those for you. I don't have them in front of me, but I'll -- but remember, there's also \$500,000 that's already been appropriated for that program. So there is money available. I'll get

the locations for you.

LEG. ROMAINE:

Okay. If the Executive's Office would be so kind, as in the next day or two, to e-mail to me the locations of the incubators where the \$500,000 had been appropriated and the incubators where they're being cancelled to fund this, I'd appreciate that, as well as a brief explanation of what that money is used for in terms of incubator.

LEG. ALDEN:

There are no projects.

MR. ZWIRN:

This was one, I think, that was funded.

LEG. ALDEN:

In Huntington, yeah.

P.O. LINDSAY:

Okay. Continue on.

COMMISSIONER ANDERSON:

The next project is *No. 7007 which is fencing and surveying of various County Parks*. The one after that is *7109, Improvements to County Marinas*. After that we have *7510, Historic Restoration and --*

P.O. LINDSAY:

Wait a minute. Legislator Browning.

LEG. BROWNING:

County Marinas?

COMMISSIONER ANDERSON:

I'm assuming it's planning and construction. I'm assuming, and I can get you that information. I'm assuming we are not ready to use those funds, probably most likely because the permits aren't ready, but I'll find out and get you that.

MS. CORSO:

And there's money in the '09 budget.

LEG. BROWNING:

Okay. Because I know you were working on the Smith Point Marina.

COMMISSIONER ANDERSON:

Correct.

LEG. BROWNING:

Is it still moving forward?

COMMISSIONER ANDERSON:

Yes.

LEG. BROWNING:

Okay.

MR. ZWIRN:

And you have to understand, this is December 16th. We're not going to be -- this is the last meeting, if we haven't appropriated it, that money is not going to be spent this year and that's why

we're using it as offsets now. There's no time left to move toward on these projects.

P.O. LINDSAY:

Continue on.

COMMISSIONER ANDERSON:

7510 is the next one, *Historic Restoration & Preservation Fund*.

LEG. KENNEDY:

Mr. Chair?

D.P.O. VILORIA-FISHER:

He wants to know where.

P.O. LINDSAY:

Well, let -- are you done explaining that?

COMMISSIONER ANDERSON:

Yeah, I don't really have an explanation for that.

P.O. LINDSAY:

All right. Legislator Kennedy.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair. Obviously with this, we're looking to move this over because we've not had this expenditure this year on these historic structures, now at the same time I know we have an inventory that's being prepared and a hierarchy of the most critical historic structures and that the state of degradation that they're in. Rather than looking at this number -- because Mr. Zwirn is right, nothing is going to happen with this money this year -- what's left in '09 that may be able to be accessed to meet what clearly everybody is talking about, historic structures that are falling into the ground?

MS. CORSO:

I actually do have a little information on this one. We have a million forty-five thousand in the 2009 Budget to address these structures. And a little while ago you asked me if any of these offsets would be coming back to us in '09 and there are three projects, this potentially being one of them where we may have to come back for \$700,000 in an offset. So this is one project that we're really going to keep an eye on and make sure that we are doing what we said we were going to do as far as those historic structures.

LEG. KENNEDY:

Let me make --

MS. CORSO:

So you have a million forty-five that I can appropriate next year.

LEG. KENNEDY:

Yes.

MS. CORSO:

Okay?

MR. ZWIRN:

And Blydenburgh.

MS. CORSO:

Right, Blydenburgh.

LEG. KENNEDY:

However, we acknowledged that we have several historic structures at this point that are at the point where they're going to fall in on themselves

MS. CORSO:

Right, but we're just really beginning to review that report and, you know, get reports on that. I mean, these were things that we really were unaware of before the report. So we are going to -- there is a committee looking at it and we will, like I'm telling you, we're going to keep an eye on it. And I do have money that I can appropriate next year, if there is a possibility that this would be one of those projects where we may have to come back for a small offset.

LEG. KENNEDY:

I understand what you're -- okay,

MS. CORSO:

I'm agreeing with you.

LEG. KENNEDY:

Okay, I understand what you're saying. And again, my ultimate objective is to support what we need to do going forward with the jail.

MS. CORSO:

Right, and we --

LEG. KENNEDY:

But I think we've got to do it cognizant. And if that means that we need an offset, the one thing that I'll say to you -- and our Parks Commissioner is here in the audience. I know for a fact that that inventory has been more than halfway completed and we've got a good idea. Because I know the Blydenburgh Historic District is number one on that list of 200 properties that are in most jeopardy. So all I'd say is as

MS. CORSO:

Right, and that's why we appropriated the money. And I will tell you that I did not personally have a copy of that report prior to putting the '08 budget together. So we had no -- you know, we had no way of knowing what was the priorities and what weren't the priorities. But we will be cognizant going forward that the --

LEG. KENNEDY:

All right. So let me just conclude the colloquy the same way I did with the other one; is there a commitment to go ahead and address this in '09?

MS. CORSO:

Yes, there is money in the '09 Budget.

LEG. KENNEDY:

Fine. Thank you

P.O. LINDSAY:

Okay. You want to continue on?

LEG. BEEDENBENDER:

Bill, you have Romaine over here.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Lindsay.

LEG. ROMAINE:

Two points. One, this report on historic structures, I'd like to receive a copy of it. You say it's not complete yet; is this report complete or is it not complete?

MR. ZWIRN:

I think it's in draft, but we'll get it to you right -- as soon as we can, we'll get copies to all the members.

LEG. ROMAINE:

When do you anticipate that it would be in final completed form?

MR. ZWIRN:

I don't offhand.

COMMISSIONER ANDERSON:

I don't know offhand, I can get you that information.

LEG. ROMAINE:

Okay. And the second thing, it might behoove this Legislature, when we appropriate a Capital Budget, obviously we vote on these things, but the Executive determines in what order and which of these projects get done, if they get done at all. We might be good as a Legislature, might be good as a Legislature if we asked for a time schedule for each Capital Project that we approved so we could see whether things were on schedule or not. Because we, once we've voted a Capital Budget in, lose total control currently and don't exercise any power over which projects get done, what priority and order they get done in and which projects aren't done, and so at the end of year, if something else comes up they can be moved into it. And that's something that really doesn't speak well of our financial oversight responsibilities. Every Legislator has three responsibilities; write legislation and vote on it, do constituent service, but most importantly, exercise oversight over County government. We are lax in that responsibility when it comes to monitoring the progress and priority of Capital Projects that we approve; something we should think about for 2009. Thank you.

P.O. LINDSAY:

Okay. You want to do the last one, and then we're going to go to Budget Review.

COMMISSIONER ANDERSON:

That's the end of the offsets, the last line.

P.O. LINDSAY:

Well, the last one is the jail itself and you're using the 4,500,000 in furniture.

COMMISSIONER ANDERSON:

Correct, the FHA which --

MS. CORSO:

No.

P.O. LINDSAY:

-- that was appropriated this -- was in this year's budget that --

MR. ZWIRN:

That's not using an offset, that was budgeted and we're just appropriating that money in this resolutions.

COMMISSIONER ANDERSON:

Right.

P.O. LINDSAY:

Right, but if we didn't appropriate it for this year it would die.

MR. ZWIRN:

That's correct. That's correct, yes, sir.

COMMISSIONER ANDERSON:

Right.

P.O. LINDSAY:

Right. So it isn't an offset, but you have to -- this resolution appropriates it as well.

MR. ZWIRN:

You are correct; yes, sir.

P.O. LINDSAY:

Okay. Gail, you want to get back to Legislator Alden's question.

MS. VIZZINI:

Yes. Just in response to Legislator Alden's questions, what happened at the end of 2005. The situation was very, very similar, you're absolutely correct. The 2005 Adopted Capital Program only had \$53 million for Phase I of the jail. It was a very preliminary estimate, it was prior to a lot of the renovations in lieu of construction. I remember myself and a member of the Budget Office went up to talk to the Commission of Corrections, a very, very preliminary. By the time we got to the end of '05, there were some pretty drastic things going on, including consideration of rescinding \$22 million in prior appropriations for the Riverhead County Center to address the fact that the estimate was more than what was in the adopted Capital Program. Fortunately, we did not move in that direction, but what we did do was we rescinded the Children's Shelter, we did several, several things in order to provide an additional 18 million. So we had 71 million and then what we did was at that Special Meeting we needed another 22 to come up with -- which we did do, \$93 million. So we did cobble together because of a change in the scope of the project, a change of a number of things, to come up with an appropriation of \$93 million

LEG. ALDEN:

Okay. But Gail, your testimony on that day was that when we add the 22 million in, Phase I would be 135 million and the total project for the Capital Program was 253 million; that was your testimony as of that day. So did that include the 30 million that was already appropriated and that we're actually going to spend in '06?

MS. VIZZINI:

The -- I'm also looking at the testimony on that day. That was the best estimate of what Public Works had provided to us and my best explanation of the Capital Program. At that time, prior to, you know, the current Sheriff changing some of the new construction to renovated construction, both phases were in the area of 253 million.

LEG. ALDEN:

Okay. But it's clear, your testimony said that, "So at this point we're looking at Phase I, 135 million." And then the question was, "Does that include the 22 million?", and yes it did include --

MS. VIZZINI:

Yes, it does.

LEG. ALDEN:

-- the additional 22 million for Phase I.

MS. VIZZINI:

Yes.

LEG. ALDEN:

So where's the difference?

MS. VIZZINI:

Between?

LEG. ALDEN:

Well --

P.O. LINDSAY:

It can't be 135, Cameron, because we already spent 20, that's a part of Phase I, too.

LEG. ALDEN:

No, the additional money that we -- that was --

MS. CORSO:

No, I think this is the problem. I think we were -- we didn't have money in that particular year, so we were advancing the 15 million forward so we could do some of the renovations that the COC allowed us to do. So the total --

LEG. ALDEN:

Advancing 15 million from where to where?

MS. CORSO:

The total cost of the project actually went down and what we did was we needed offsets because we needed to advance the project.

LEG. ALDEN:

What year are you talking about?

MS. CORSO:

In 2005 we needed to advance the project, we didn't have the money in that particular year.

LEG. ALDEN:

It was 22 million, though. It wasn't 15, it was 22 million.

MS. CORSO:

I think at the end we only ended up appropriating 15.5; Gail, I don't have the numbers in front of me. You know, I don't have the numbers in front of me, but --

LEG. ALDEN:

Well, that day the testimony --

MS. CORSO:

If it was 22 or 15, what I'm trying to tell you is we just advanced it so we could advance the project.

LEG. ALDEN:

Right, and what was the total? The total that --

MS. CORSO:

But we didn't -- we lowered the total of the project.

LEG. ALDEN:

The total that was testified to that day was 135 million that included 22 million.

MS. CORSO:

And what was the -- wait. What was the total cost of that project?

LEG. ALDEN:

Two hundred and fifty-three million

MS. CORSO:

And what is it now?

LEG. ALDEN:

Two hundred forty-one.

MS. CORSO:

Two twenty-nine.

LEG. ALDEN:

All right. You tell me, then, why you need 13 million more.

MS. CORSO:

So we were able to advance the project and get more beds. We're still coming in underneath the total cost of that project. I'm asking you for more money today because the bids come in higher. This has nothing to do with -- we changed the scope of the project and we advanced the project and we actually are going to get more beds than we originally planned on. So my point here is that we advanced the project.

LEG. ALDEN:

That's all very nice, but I'm talking about appropriating money.

MS. CORSO:

We didn't ask for more money because we had a cost overrun, we asked for more money because we needed to move the project forward to do the renovations.

LEG. ALDEN:

Very good, very good.

MS. CORSO:

And totally, the project went down.

LEG. ALDEN:

That's nice, but I'm talking about appropriating money. In 19 -- or 2005 we had 135 million appropriated for this phase, now you're telling me it cost less than that but you want 13 million more appropriated today; what happened?

MS. CORSO:

For construction. And actually, the money that was in 2005 was for not just for construction, it was for planning as well.

LEG. ALDEN:

Okay. So the 35 million or whatever you want today, the 13 million goes to Phase II for the total of the project.

MS. CORSO:

No, it goes for -- okay. How about we say it goes for Phase I-D, the other portions of the project were A, B and C.

LEG. ALDEN:

Okay.

MS. CORSO:

So that particular amount of money went to A, B and C.

LEG. ALDEN:

What's the total for Phase I, A, B C and D? No, you got it, go ahead.

MS. CORSO:

I don't have the budget in front of me.

LEG. ALDEN:

Go on a roll. You're on a roll here.

DEPUTY COMMISSIONER CALDERONE:

Yeah, one fifty -- about 150, 153, somewhere around that.

LEG. ALDEN:

And does that include the 30 million that already appropriated in '05 and that was spent in '06?

DEPUTY COMMISSIONER CALDERONE:

I can't answer that.

LEG. ALDEN:

Well, somebody was -- and then I have one more question. How much more that was actually in the '08 budget, Capital Budget, that didn't get appropriated, how much more is there in that '08 budget? That it hasn't been appropriated.

MR. ZWIRN:

It can't be much.

MS. CORSO:

Oh, you mean hasn't been appropriated for all projects?

LEG. ALDEN:

Yeah, for the whole '08 budget, how much more is there?

MS. CORSO:

I'd have to get -- I have that it in my office, so I have to get back to you.

LEG. ALDEN:

Is it a big number, a little number? And Gil, when is this actually supposed to start, when are we putting the shovel in the ground and going to spend some of this money?

DEPUTY COMMISSIONER CALDERONE:

If we award --

MS. MAHONEY:

Lou, can you use the microphone, please?

LEG. ALDEN:

Grab the microphone. Yeah, because I want it on the record. Thanks.

DEPUTY COMMISSIONER CALDERONE:

If we use -- you know, once we award the project? Hopefully a shovel in the ground somewhere in the March/April timeframe, you know.

LEG. ALDEN:

Of '09.

DEPUTY COMMISSIONER CALDERONE:

Of '09.

LEG. ALDEN:

Oh, that's a big difference than '05 when the guys came down here and threatened to kill me because I wasn't going to appropriate the money because I didn't feel it was going to be spent for a couple of years, but whatever. I almost feel vindicated. Joe's laughing; thanks, Joe.

D.P.O. VILORIA-FISHER:

But they have been doing something.

LEG. ALDEN:

No, we already appropriated that money. There was \$30 million that we appropriated prior to that.

P.O. LINDSAY:

That was the day we had to get Allen a Police escort.

LEG. ALDEN:

He didn't walk home either that night. Actually, his three minutes turned into three hours and he drove home, so that was a little bit of a mis -- a miss whatever, misdirection.

D.P.O. VILORIA-FISHER:

We all remember that.

MS. CORSO:

Are you done with your questions for me?

LEG. ALDEN:

Well, whenever you wanted to answer. We're having fun, we're filling in the time while you're looking up the question.

MS. CORSO:

I mean, I almost want to go back to what Ben said. We can rebid this project if you guys aren't happy, we'll -- we could rebid the project.

LEG. ALDEN:

Excuse me, that's not what I asked. I asked a simple question.

MS. CORSO:

I could tell you this, all -- with the \$13 million it would bring the total project to 242 which is still less than 253.

LEG. ALDEN:

That's still no answer to the question I asked. Now, can I have an answer to the question I asked?

MR. ZWIRN:

Which one, which question?

LEG. ALDEN:

The one where you didn't have the number, you had to look it up. How much of the '08 --

MS. CORSO:

I still don't know. I still only have the total number of the project. So I'm sorry --

LEG. ALDEN:

'08 Budget.

MS. CORSO:

-- I can't answer you at this time; I only have the total number. I'd have to go back --

P.O. LINDSAY:

No, the question he's asking is how much money was in the Capital 2008 Budget that is not going to be appropriated?

LEG. ALDEN:

This is not rocket science.

P.O. LINDSAY:

Even after all these offsets.

LEG. ALDEN:

This is simple stuff.

MS. CORSO:

No, you asked me two questions. Because first you asked me what the total of Phase I of the jail was and now you're asking me what's --

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Wait a minute, I've got 15 different answers, so I'm on a roll here.

P.O. LINDSAY:

He talks a little bit funny, I have to interpret for him.

LEG. ALDEN:

Thank you. I appreciate that, Bill.

MS. CORSO:

I have to get back to you because -- I don't have a total, but I have the projects here, I'm more than willing to go over them with you, but I don't have the total.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

But this is the last day of the year, the last day to appropriate, so those projects are done.

P.O. LINDSAY:

They're done.

MS. CORSO:

Well, if you want me to go in the back with a calculator, I'll do it for you.

LEG. ALDEN:

No, but I'm just really -- I'm terribly disappointed and surprised that you came over here, you're asking for 13 million to be changed and you don't have a simple answer. That is a simple -- pretty much a simple thing at the end of the year. That's kind of, whatever you want to call it, end-of-year bookkeeping, clean-up. You know, it's sad.

MS. CORSO:

It's not --

MR. ZWIRN:

Well, it's not a question --

LEG. ALDEN:

Not you, Ben, because you're going to get shot if you go where I think you're going, you're going to get shot.

P.O. LINDSAY:

Okay. Just --

MR. ZWIRN:

Well, it's better than being banished. Last time I got banished, now I'm just going to get shot.

P.O. LINDSAY:

Ms. Vizzini has some answers to your earlier questions; go ahead.

MS. VIZZINI:

Yes. Budget Review also tracks what is remaining in the Capital Program. Our total is 38.8 million, but that includes the four and a half million which we would be appropriating for the equipment for the jail.

P.O. LINDSAY:

Okay, so down 33 and a half.

MS. VIZZINI:

You know, less the 13.1 million in offsets that you would be appropriating today.

LEG. ALDEN:

But does the 13 include -- is that a double count on the equipment?

MS. VIZZINI:

No, that's 17, the 13 plus the four.

LEG. ALDEN:

It's really 17.

MS. VIZZINI:

Yeah, so it's 38 million less 17.

LEG. ALDEN:

Seventeen; who's real good in math here?

P.O. LINDSAY:

Twenty-one

LEG. ALDEN:

Twenty-one.

P.O. LINDSAY:

Twenty-one.

LEG. ALDEN:

That's a good number.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

See? That wasn't that hard.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

All right.

P.O. LINDSAY:

All right, what other questions do we need answered?

LEG. KENNEDY:

I've got a question.

LEG. ALDEN:

Well, I didn't get an answer.

LEG. D'AMARO:

I didn't get an answer either.

P.O. LINDSAY:

Which question -- which answer are you looking for now, the one from Gail?

LEG. ALDEN:

Well, still that Phase I that bothers me because --

P.O. LINDSAY:

I'm just trying to get him and then I'll finish.

LEG. ALDEN:

The testimony that Phase I, when we increased it by 22 million, was 135 million, and that was '05. And it didn't include those, you know, whatever you want to call it that's going on right now or when --

DEPUTY COMMISSIONER CALDERONE:

It didn't include the phases, correct.

LEG. ALDEN:

Right, that was A, B and C or something?

DEPUTY COMMISSIONER CALDERONE:

A, B, C and D, it did not include that; that's correct.

LEG. ALDEN:

That didn't include that.

P.O. LINDSAY:

Well, it was all a part of Phase I.

LEG. ALDEN:

But the testimony didn't include it in there. If the testimony did include it in there, then I got my answer, but --

P.O. LINDSAY:

Okay. What are you looking for now? Now you've got me confused.

LEG. ALDEN:

What happened to the 135 million that we appropriated --

P.O. LINDSAY:

I don't --

LEG. ALDEN:

-- at the end of '05?

P.O. LINDSAY:

I'm just going to take a guess at it; we appropriated the money, we haven't spent it yet, we need more of an appropriation to do the job.

LEG. ALDEN:

No, but they just testified that it's only one twenty something, so it's a 10 or \$15 million decrease on the project.

COMMISSIONER ANDERSON:

No, no.

DEPUTY COMMISSIONER CALDERONE:

That's an engineering estimate.

COMMISSIONER ANDERSON:

Of the phase.

MS. VIZZINI:

Also, what we appropriated at the end of '05 was 93 million, that's why we were cobbling together 53 plus 18 plus 22.

LEG. ALDEN:

Okay, I'm just going by your testimony; your testimony said 135.

MS. VIZZINI:

Yes, and that was Public Works' best estimate at the time for what Phase I would involve.

LEG. ALDEN:

But your testimony was that the 135 included the 22 million and the prior appropriations, so that's why we had to come in on a Special Session to bring it up to 135 at the end of '05, the appropriations. And if we're not spending the 135, you said it's less than that; it came in under, right? That was the testimony before --

COMMISSIONER ANDERSON:

No, no.

P.O. LINDSAY:

No.

LEG. ALDEN:

-- before from Budget.

DEPUTY COMMISSIONER CALDERONE:

It was one thirty --

LEG. ALDEN:

It's more than 135?

P.O. LINDSAY:

Yeah.

DEPUTY COMMISSIONER CALDERONE:

Yeah, because it's the one -- I'll just use the 133 for even numbers now, plus the 21 for A, B and C, so that's --

P.O. LINDSAY:

And plus the design --

LEG. ALDEN:

No, no, no, no, no, the 135 didn't include that. So if you added 135 and A, B and C, that brought it up to about 165, 170.

DEPUTY COMMISSIONER CALDERONE:

Right.

LEG. ALDEN:

So you're more than 170 or you're under 170?

P.O. LINDSAY:

No, no.

DEPUTY COMMISSIONER CALDERONE:

No, no, we're under 170.

LEG. ALDEN:

Then my question still remains, where's the difference? Where did that money go? We appropriated 135 plus 30 something --

P.O. LINDSAY:

No, no, 20; A, B and C cost us 21 million.

DEPUTY COMMISSIONER CALDERONE:

Right

LEG. ALDEN:

No, but then we appropriated that before this Special Meeting in '05. That money was appropriated and it had nothing to do with that Special Meeting

P.O. LINDSAY:

I don't know, you've got me confused.

D.P.O. VILORIA-FISHER:

Me, too.

MR. ZWIRN:

I'm completely confused. But look, this is a --

LEG. ALDEN:

No, I'm confused. I'd like to find that money; what happened?

MR. ZWIRN:

I don't know what money --

LEG. ALDEN:

The money that I had to come in the day before Christmas to allocate, to actually appropriate.

D.P.O. VILORIA-FISHER:

John is not confused; can John answer it?

P.O. LINDSAY:

Okay. I think John Kennedy has the answer.

LEG. ALDEN:

I hope so.

LEG. KENNEDY:

I don't know if I have the answer, Mr. Chair. You know, I share the distinction with Legislator Alden of being one of two no votes at that Special Meeting, I remember it very well.

LEG. ALDEN:

That's true.

LEG. KENNEDY:

My questions go to not so much --

P.O. LINDSAY:

I thought you were going to give us the answer.

LEG. KENNEDY:

No, button/button, who's got the button? I want to know who --

D.P.O. VILORIA-FISHER:

No, wait a minute. You were going to answer something.

LEG. KENNEDY:

No, I think that the 93 was there and it was referenced to 135.

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

Where the money has actually come to now, I was just going to comment; we're left to try to figure this out.

P.O. LINDSAY:

I don't know, maybe I'm wrong, and then I'm going to go to Legislator D'Amaro because he's been waiting very patiently. Over the period of the last few years, we've appropriated different money for

the jail.

D.P.O. VILORIA-FISHER:

Uh-huh

P.O. LINDSAY:

And right now the first phase, if I'm right, is somewhere, with design, about \$154 million, or probably a little bit more than that.

DEPUTY COMMISSIONER CALDERONE:

I'm sorry, Bill; what?

P.O. LINDSAY:

Well, this bid is 131 is what we need now, right? We've already spent 21, that's --

DEPUTY COMMISSIONER CALDERONE:

No, it's 133

P.O. LINDSAY:

One thirty-three.

DEPUTY COMMISSIONER CALDERONE:

Right.

P.O. LINDSAY:

And we've already spent 21, all right?

DEPUTY COMMISSIONER CALDERONE:

We spent 21, correct.

D.P.O. VILORIA-FISHER:

That's 154.

P.O. LINDSAY:

One fifty-four, and plus --

DEPUTY COMMISSIONER CALDERONE:

Plus design, we spent money on design.

P.O. LINDSAY:

Which has got to be a healthy chunk to design this.

DEPUTY COMMISSIONER CALDERONE:

Well, I can give you the original numbers, I have them here. Total budget for Phase I was 171 million, which included planning money which is the design money, approximately 11 million for design; construction, again, budget estimates at the time, 151 million, and FF&E, furniture and equipment, 9 million. So those three numbers added up to 171.4 to be exact, those were the original budget numbers. When I say original --

P.O. LINDSAY:

All right, let me go --

DEPUTY COMMISSIONER CALDERONE:

I don't know about 2005, I'm going back like just a couple of years.

LEG. ALDEN:

For what years?

DEPUTY COMMISSIONER CALDERONE:
2006.

P.O. LINDSAY:
Okay. Legislator D'Amaro.

DEPUTY COMMISSIONER CALDERONE:
End of 2006.

LEG. ALDEN:
That leaves out a chunk.

LEG. D'AMARO:
Thank you. Just before we go ahead and vote, I just wanted to know what the -- was there any -- the bid came in the 13 million more than our estimate, which we don't hold anyone accountable for, but that's another issue. Can't there be a redesign to fit within our budget, was that explored?

DEPUTY COMMISSIONER CALDERONE:
Yes. As I said, we actually met with -- we met amongst ourselves many a times and we met with the Commission of Corrections, we brought them down from Albany. The Sheriff was on board with that, we laid out different scenarios, multiple scenarios. Because we value-engineered this right from the get-go, so there wasn't really much to chop. Could you save money on doing redesigns? Yes, but it's not in the best interest of the County. What will happen is as the Commissioner of Corrections said, you still have to do what you don't do now and it's going to cost us more money in the long run. And I'd be willing to sit with you and actually explain the details of that comment, but really that's what it boiled down to.

LEG. D'AMARO:
And what's the effect -- let's say we didn't pass this resolution today, you had to rebid; what's the effect on the project?

DEPUTY COMMISSIONER CALDERONE:
Well, you're looking -- you could increase costs. We could get, you know, less for our dollar. I don't know what will happen.

LEG. D'AMARO:
Well, we're already increasing -- but we're increasing by 13 million today.

DEPUTY COMMISSIONER CALDERONE:
Correct.

LEG. D'AMARO:
So would we use the same cost estimate to rebid the project?

DEPUTY COMMISSIONER CALDERONE:
No, obviously we would redo the cost estimate. What happens now is everyone knows the bid numbers. You're really going to -- if you rebid this, you're really looking at the same three people bidding on it again, maybe one other one, maybe one of the guys doesn't bid on it. So you're looking at the same players, they all know their numbers. We don't see how it's going to reduce the cost of rebidding it in six, seven, eight months from now. The collective bargaining agreements alone, labor will go up, even if commodities go down. You know, we hashed it around back and forth, we really believe it almost come in at a higher amount of money, not less.

LEG. D'AMARO:

Final question. You mentioned three firms that did the cost estimate in unison; are they cost estimating on any other County project right now?

COMMISSIONER ANDERSON:

One possibly.

DEPUTY COMMISSIONER CALDERONE:

Legislator D'Amaro, maybe one. I'm not sure, I'd have to get back to you on that. I mean, nothing is, you know, sticking in my head right now. Acutcost -- the main estimator which was Acucost is not, I know that. You're thinking of LiRo maybe? LiRo might be, I'd have to check.

LEG. D'AMARO:

Okay. All right, thanks for answering my questions. Thank you.

DEPUTY COMMISSIONER CALDERONE:

You're welcome.

P.O. LINDSAY:

Legislator Alden has a question.

LEG. ALDEN:

This Christmas as opposed to '05 Christmas where there was no jobs going to be actually created for '06, '07 and '08, but this Christmas I want to vote for this, but I'm also going to ask for something. I want to see a full-time line and I want to see a full accounting of money that was appropriated on this project going back to day one, coming through all the changes, what we did in '05, what we did in '06, '07, '08. I'd like to see a full accounting of it where I can understand what's going on, so it's got to be something fairly simple. If we can come up with that -- and I'd also like to see a timeline -- and by the way, Ben, I do have an accounting degree, that's why I'm asking for something simple. Because the answers I'm getting from Budget here are just a little bit shaky, as far as I'm concerned. So I want to see the full thing brought forward --

MS. CORSO:

Wait, wait, wait. If you look in the Capital Budget, okay, you could see that appropriated prior to 12/31/07 is 162,577,003, that's what was appropriated for A, B, C.

LEG. ALDEN:

And I appreciate that kind of an answer, that's quick and it's fast. The only problem that I have is before when I asked something very simple, I didn't get any answer.

MS. CORSO:

Because I didn't have the budget in front of me, that's what I was trying to tell you.

LEG. ALDEN:

And now you've got it in front of you. So poof, I don't have a magic wand.

MS. CORSO:

And I'm writing a little cheat sheet for you as we speak.

LEG. ALDEN:

You know, I like that. I like the response and I like that, but I really don't like the idea that I asked questions before and got no answers.

MS. CORSO:

I didn't have a budget.

LEG. ALDEN:

No answers. These are simple things, you know? But anyway, that's what I'm asking for.

MS. CORSO:

Well, there's your simple answer.

LEG. ALDEN:

I want to see guys working. I want to see these guys put to work. And this year it looks like we probably will be able to actually put a shovel in the ground, finally, after three years of promising and not delivering on the jobs. So I'm not going to stand in the way, but I do want full, full disclosure on all of it. Thanks.

P.O. LINDSAY:

Okay. Anyone else? Legislator Beedenbender.

LEG. BEEDENBENDER:

Okay. Just I just wanted to -- well, at the risk of speaking my own piece. And Legislator Alden, I agree with lots of the things you said and I understand the line of questioning, but there is a shovel in the ground. I mean, Legislator Losquadro and I went out there probably about five months ago and all the pods -- four months ago, all the pods were there, they built them up on the foundation, they did all the grading, they did all clearing. You're right about this Part D, they have not done any of that work yet, and that's as a result of this bid.

LEG. ALDEN:

Can I respond to you, just real quickly?

LEG. BEEDENBENDER:

Yes.

LEG. ALDEN:

That's money we appropriated in '02, '03 and '04, so that money was there, it was appropriated. I'm talking about from the beginning of this project all the way through, I want a full accounting. Because it looks to me like there's 10 to \$20 million that was appropriated that is unaccountable, or is unaccounted for.

LEG. BEEDENBENDER:

Well, the second part that I was going to say, the difference is, you know, the '05 resolution, I have it in front of me, there was \$71 million in '05 budget and we added -- well, excuse me, the Legislature at the time added 22 million to make it 93. So there may have been a discussion of 135 on the record and I believe you have that -- you have the transcript in front of you. But only 93 was appropriated at that time, so we didn't actually appropriate 135.

LEG. ALDEN:

Well, actually there was 30 or 40 or \$50 million appropriated prior to that, so that 93 was in addition to prior appropriations.

MR. ZWIRN:

When was that money appropriated?

LEG. ALDEN:

You know, Ben, I'd have to pull all those -- the minutes.

MR. ZWIRN:

It's a simple question.

LEG. ALDEN:
I can get it for you.

MR. ZWIRN:
It's a very simple question.

LEG. ALDEN:
Yeah, but I'm not the Budget Director, am I?

MR. ZWIRN:
Well, you've got an accounting degree.

LEG. ALDEN:
That's right.

MR. ZWIRN:
You told us you had an accounting degree. It's a simple question.

LEG. ALDEN:
Hey, Joe?

LEG. BEEDENBENDER:
Mr. Chairman, may I please have the floor?

P.O. LINDSAY:
Yes, yes.

LEG. ALDEN:
Joe, you've got a couple of Sheriffs here?

P.O. LINDSAY:
Yes, yes, yes. Go ahead, Legislator Beedenbender, you properly have the floor.

LEG. BEEDENBENDER:
I was just trying to clarify. I mean, you can go through '05, '06 and '08 and you can look at the money that we appropriated. You take out the money for the furniture and for the planning and we are roughly at the number that we're talking about today, and if you add them -- the resolution we're doing right now. So if you add that money up, we're at the point, the total construction number, that we're roughly at the point of the construction number that we've been given today.

So maybe I have incorrectly added that number, but it seems like that's the way you go. You had 93, 58, what we did today, you take away the furniture and the planning and we're roughly right where we're talking about today. So this is even more jobs than the ones we did before. We did the cells on-site, we manufactured them there, we dropped the -- the cranes were out there, they dropped them all down, the cells are ready, now we can put the walls around it, we can do the plumbing, the electricity and all that stuff and that will start in March, Lou, you said, March or April, we're hopeful? And we're hopeful to be completed some time in --

DEPUTY COMMISSIONER CALDERONE:
Two-and-a-half years.

LEG. BEEDENBENDER:
Some time in '11.

DEPUTY COMMISSIONER CALDERONE:
Correct.

LEG. BEEDENBENDER:

All right, so that's two years worth of jobs of plumbers, electricians, painters, carpenters and everything. All right, thank you.

P.O. LINDSAY:

Okay. Does anybody have any questions? Thank you very much.
Okay, we have a motion and a second, Madam Clerk?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

All right. We're going to have to vote on the Bond, it's a CN, we need 12 votes. Do you want a roll call or you want to do it just up and down? Roll call. Roll call on 2254.

*(*Roll Called by Tim Laube, Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

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.

MS. ORTIZ:

Eighteen

P.O. LINDSAY:

Okay, on the accompanying Bond 2254A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

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.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Moving right along.

If you go back to page seven, [Resolutions Tabled to December 16th, 2008:](#)

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

LEG. KENNEDY:

Motion to table

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1951-08 - Adopting Local Law No. 2008, A Local Law to ensure safe operations of helicopters (Romaine).

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Romaine.

LEG. LOSQUADRO:

Second, Mr. Chairman.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Second by Legislator Losquadro. We've got a motion to table by Legislator Cooper.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Any discussion?

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Briefly, rather than tabling, I'd appreciate an up or down vote on this. It really doesn't have to be tabled, it's been in front of this body before. Don't worry, if you defeat it we'll be back again, so you're only postponing the inevitable. My suggestion is without too much of a debate, most people know where they stand on this, let's just vote it up or down.

P.O. LINDSAY:

Do you want to --

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table. Okay. Any other discussion? Nope. Okay, motion to table takes precedence. All in favor of tabling?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. ALDEN:

Roll call.

P.O. LINDSAY:

Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

LEG. COOPER:

Yes to table.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No to table.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Pass.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

No.

LEG. D'AMARO:

Yes.

MS. ORTIZ:

Nine.

P.O. LINDSAY:

Okay, the tabling fails

LEG. ROMAINE:

Motion to approve

P.O. LINDSAY:

Motion to approve.

LEG. LOSQUADRO:

We had a motion and a second.

P.O. LINDSAY:

Right, to approve, I know. No other questions? Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yep.

LEG. BROWNING:

No.

LEG. BEEDENBENDER:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Abstain.

LEG. HORSLEY:

Pass.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. HORSLEY:

Nah.

MS. ORTIZ:

I'm sorry?

LEG. HORSLEY:

No.

MS. ORTIZ:

Eight.

P.O. LINDSAY:

Eight, nine, one.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

The project, it failed.

LEG. ROMAINE:

Yes, I know.

P.O. LINDSAY:

Go ahead. Yes, Legislator Romaine

LEG. ROMAINE:

I would ask Counsel to draft a similar legislation and have it ready for submission at the next possible meeting. This is not going to go away and the next time I'll bring the people. Thank you.

LEG. BEEDENBENDER:

It will still be illegal.

P.O. LINDSAY:

1987-08 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification No. Of District 0200 Section 726.00 Block 07.00 Lot 006.000 pursuant to Section 125 of the New York State Highway Law (County Executive).

LEG. ALDEN:

I'm going to offer a motion to approve. We were looking for --

P.O. LINDSAY:

Do you remember what this one was for?

LEG. ALDEN:

-- valuation. The owners thought it was less value and we appraised it -- not we, but Suffolk County appraised it for 45,000.

P.O. LINDSAY:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

I'm sorry, Mr. Chairman. This was me last time, I -- I'm going to ask for another motion to table. I've looked into it, we've talked to DPW and the information I have is still conflicting with what they have, so I still want to talk to him.

LEG. ALDEN:

I'll withdraw my approval motion.

P.O. LINDSAY:

Okay. We have a motion to table. Do I have a second?

LEG. ALDEN:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2029-08 - Directing the County Attorney to commence sales tax enforcement action against Poospatuck Indian Reservation Smoke Shops (D'Amaro).

LEG. D'AMARO:

Motion to approve

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Anybody on the question?

LEG. MONTANO:

What's the motion?

P.O. LINDSAY:

To approve. Legislator Browning.

LEG. BROWNING:

Yeah, I know the sponsor of the bill tabled this and we did discuss about the Shinnecocks. You the, same things are going on at the Shinnecock Reservation and I think it's unfair to target one Indian Tribe and not all of them. And I would like to make a motion to table and have this bill amended. I'm asking the sponsor to amend the bill and to include the Shinnecock Indians, because out of

fairness, what's good for one is good for them all.

LEG. D'AMARO:

Well, the problem with that is we don't have the same investigation that was done with respect to the Poospatucks. So I don't want to make an accusation and name the Shinnecock Nation in this bill or any other bill until we can confer with investigators to find out if it's warranted.

For the Poospatuck, however, there's been a seven to ten year investigation that's been done and it justifies bringing the lawsuit to ensure that our sales tax is collected. So I prefer -- if the investigation shows that any other entity, person, individual, nation, whatever it may be, is circumventing the payment and collection of our sales tax, certainly they should be named. But I don't have the factual investigation to support that at this time, but we will look into that.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator -- Legislator Browning, did you want to respond?

LEG. MONTANO:

Oh, I'm sorry.

LEG. BROWNING:

You know, and that's the point. You know, there wasn't enough investigation done and I think it's -- you know, it's important to look at both reservations and do the homework on both reservations to find out do we have that problem. I know for a fact, myself, and I know that I haven't spoken with members of the tribe, as did you, that yes, they have smoke shops, exactly the same things are going on, but they have been targeted constantly. You know, there's been a continuous problem of drug activity at the reservation, and since the smoke shops that has declined somewhat. You know, my concern is are we going to go back to drugs, which we can tax.

LEG. D'AMARO:

Well, you know I've been blamed for a lot of things here today. Certainly I don't want anyone doing drugs, should my bill pass, that's for sure.

All I can tell you is that if the County Police, FBI and the Federal investigations show that any other entity is circumventing the collection of our sales tax, we can always amend this suit, which I anticipate will be brought in Federal District Court, it's a very simple thing to do, or we can commence a separate suit and join the two actions together.

So it's really -- I appreciate Legislator Browning's position and I'm encouraged by the fact that she wants further investigation, I think we should do that as well. But it's not a reason to hold up going forward for the collection of our sales tax which is being circumvented as we speak.

P.O. LINDSAY:

Legislator Montano

LEG. MONTANO:

Yeah, I have a question with respect to the investigations. What investigation are you referring to, because I'm not aware of them.

Who conducted -- you know, that kind of information; if you would expound.

LEG. D'AMARO:

Yeah, sure. The City of New York has done an extensive investigation and, in fact, already commenced a lawsuit for collection of the city's cigarette tax which is different than our sales tax. But that investigation shows, and it's based on affidavits that are public documents filed in the Federal District Court for the east end district, shows a vast quantity of cigarettes and cartons of cigarettes that are being moved through this reservation without the collection of not only the

cigarette tax but also the County and State sales tax as well

LEG. MONTANO:

Which stage is that litigation at with respect to -- because your bill seeks to intervene in ongoing litigation?

LEG. D'AMARO:

This bill gives the County that option. It also gives us the option to commence a separate action which I think -- I think the way it will play out is we'll commence our own action and the courts would probably see them as similar, but not join the two together. Because one is seeking enforcement of a cigarette tax which we don't have the authority to collect. Our action would be seeking enforcement of the collection of the County's sales tax, which we certainly have the authority to bring that action and to seek enforcement of the collection.

So the answer is that there's been a lot of disinformation out there about the County joining the City of New York and its lawsuit. I think the better way to look at it is that we would share the underlying investigation which would -- we would pool our resources in that respect because it's similar types of proof for either action. However, they're not the same action. The City of New York is seeking to collect its cigarette tax which we don't have, and we are seeking to collect the Suffolk County sales tax which the City of New York obviously doesn't have.

LEG. MONTANO:

So this is a separate suit as opposed to an intervention of an existing suit.

LEG. D'AMARO:

That's -- I think that's the way it should go, yeah.

LEG. MONTANO:

And who is going to conduct the litigation; is it going to be done in-house or are we going to farm this out to outside Counsel?

LEG. D'AMARO:

Totally in-house.

LEG. MONTANO:

And you're going to rely on the investigation that's been done in New York City as your basis to commence the litigation?

LEG. D'AMARO:

Well, from what I -- yeah. Some of the investigation that I've seen, yeah, I'm convinced that at least there's reasonable grounds to bring the action. It's widely reported, there are being -- there's raids that are going on Statewide to fight against the failure to collect taxes on cigarette sales.

But in addition to that, I'm also -- I don't have direct -- I haven't had a sit-down yet with our own District Attorney's Office, but my understanding is that the Suffolk County Police Department as well as the District Attorney's Office here in Suffolk has also been cooperating with the Federal and State investigations or the City investigation and expects to continue doing so and that's going to help us in both litigations.

LEG. MONTANO:

It seems to me -- and I'm not privy to the investigation and I would imagine that a lot of the investigation is really -- isn't it confidential? I mean, this investigation that you referred to, is a report that came out, is it a Grand Jury investigation? Is it information that you were able to get from people in New York? I'm just trying get a handle on --

LEG. D'AMARO:

Well, the Indian Nation, the Chief was here today telling you that we're not collecting sales tax. They publicly state that they believe that they should not have to collect any taxes on the sale of cigarettes; the law is directly opposite and contrary to that position. So that's why we have judges and juries, because they need to make that decision. If Suffolk County taxpayers are entitled to have this tax collected, then we're going to find that out.

LEG. MONTANO:

If they're not -- just so I'm clear, with respect to the collection of sales tax. This investigation, is it a civil investigation or is it more in the nature of a criminal investigation? Because it's my understanding that if they're not collecting sales tax, that would be a violation of some criminal State law.

LEG. D'AMARO:

You're absolutely right, Legislator Montano, it's both. It's both; there are criminal violations as well as civil violations. You have damages and you have criminal -- you know, violation of criminal statutes.

LEG. MONTANO:

Right. Then generally, the criminal would proceed the civil because once the proof is established at the criminal level, the civil, you know, case really revolves around the damages. So are there any criminal prosecutions pending as a result of the non-collection of sales tax as you understand?

LEG. D'AMARO:

Not as far as I know in Suffolk County. I don't know the answer to that question.

What I do know is that the State -- I'm sorry, the City has been very aggressive in pursuing the imposition and the collection of the cigarette tax and that is a civil proceeding, as this would be, for the County sales tax.

LEG. MONTANO:

And last question, I think it's the last question. This morning I read or heard last night, I forget which one, that the Governor's office was moving on this issue in some fashion. I think that there were -- he signed the bill. How does that effect, if at all, this civil action that you contemplate?

LEG. D'AMARO:

Yeah, that's a great question and I appreciate you asking it. What happened yesterday is Governor Patterson signed the bill that would require collection of the City and State Cigarette Tax from the distributors of cigarettes, okay? So that's well and good for the State and the City that have that tax. So if you're a manufacturer of cigarettes and I'm a distributor, I'm going to sign a certification that says when I resell the cigarettes that the manufacturer sells to me, I am going to swear under oath that I will collect the cigarette tax on those cigarettes. The problem is when those -- and that's great and that's more money to the City of New York and more money to the State of New York, and that's appropriate and it's been upheld and it's what should happen and that's why the Governor signed that bill.

The problem is we don't share in that revenue, that's not our tax. When those cigarettes reach the retail or smoke shop outlet on the reservation, there's also the imposition and the requirement that you collect sales tax. Just like if you went into a convenience store and bought a pack of cigarettes, and that's a separate issue than what we're trying to do here in this bill than the bill that the Governor had signed yesterday.

LEG. MONTANO:

One last thing. Obviously, Legislator Browning referred to the Shinnecock Tribe, there are other tribes in New York State. Does this issue also relate to all the Indian Nations, or is it something particular to this particular tribe?

LEG. D'AMARO:

My understanding is that it's happening throughout the State and the Indian Nations are taking the position that they don't have to pay a cigarette tax and they don't have to collect any sales tax. All of the case law that I've seen is contrary to that and that's why you're seeing more raids and you're seeing more legal action such as this.

And I want to point something else out. This morning we heard testimony about the sovereign nation status of a reservation; I respect that. The fact of the matter is any resident member of any reservation has a right to buy cigarettes and anything else free of tax, okay. We're not impinging upon the sovereign nation status of any tribe, let alone the Poospatuck. What we are doing, though, is saying that if you are going to sell cigarettes to the general public who come on the reservation and are not resident members of that Indian Nation and don't have that sovereign nation status, then they should go ahead and pay that sales tax. And you know, there are all the arguments for it, it levels the playing field. You know, all the other retailers in all of our districts are collecting a sales tax but yet me, as a member of the general public, I can go on the reservation and buy it tax-free; well, that's an unfair, competitive advantage to all the retailers across Suffolk County.

And we also heard testimony at the Public Hearing, that these cigarettes, by not collecting the appropriate taxes, are so cheap that they're hurting our smoking cessation efforts. I mean, the statistics show that when you increase the price of a pack of cigarettes or a carton of cigarettes, it has a tremendous impact on compelling people to quit smoking, and that's just good public policy.

LEG. MONTANO:

If I may continue. One of the things that I had heard, or one of the claims was that this tribe was being singled out. And I guess the point I'm making is that if, in fact, this issue is germane to all the tribes and there's an issue of sovereignty, wouldn't the -- generally these type cases are handled in unison with the Attorney General's Office, maybe a Federal agency that has jurisdiction and the localities. Wouldn't it be -- or what about the possibility, or has there been any consultation with the State Attorney General's Office in terms of bringing an action that pertains to all of the tribes throughout New York State as opposed to piecemeal litigation that we're going to be paying for here in Suffolk County.

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

LEG. D'AMARO:

No, there's been no discussion with the State Attorney General. What I can tell you, it's my understanding that the State -- of all the jurisdictions involved, the State was the least interested in pursuing the collection of any tax. I don't know why that is. There was a policy of forbearance out there for a little while issued by the State Department of Taxation, which it's a fancy name for saying we're not going to enforce our own law.

When former Governor Spitzer was former Attorney General, he publicly stated that there is no policy forbearance, and he was prepared to go forward to start collecting the State taxes that were due on the sale of cigarettes. That -- obviously, that effort came to an end, to a screeching halt, for obvious reasons.

So, I don't know. I can't answer for the State of New York. I don't know why they would not be seeking to collect these taxes prior to today. However, Governor Paterson, who's relatively new to his position, realizes that this is black letter, there's no gray area here. These taxes are due when they're sold at retail, they're due when they're sold within the distribution stream, you have to pay a cigarette tax. And the Governor signed that bill because the State, like the County of Suffolk, has

every intention of collecting the taxes that are due, and that's in fairness to every other taxpayer.

LEG. MONTANO:

But I think the Governor would have the power to just mandate that. The Attorney General's Office commenced the litigation, I think he has that power.

LEG. D'AMARO:

Probably.

LEG. MONTANO:

Do you agree with me?

LEG. D'AMARO:

Yeah, sure, I do.

LEG. MONTANO:

Yeah, I believe that's the way it works. So I guess the point I'm raising is that I don't know enough about the litigation, I don't have enough information about the underlying investigation. Obviously --

LEG. STERN:

Well, you don't really need that much information to know that the Chief was here today saying, "When I sell cigarettes on this reservation, when these" -- not when I, because it's not about the Nation --

LEG. MONTANO:

Right, I understand, yeah.

LEG. STERN:

-- it's about the smoke shops. "When I sell -- when the smoke shop sells cigarettes, we don't have to collect any taxes." And we say, "Well, yeah, you do," so there's a dispute there and that's why it goes into court. I mean, that benefits Suffolk County taxpayers. You don't really have to know that much more, only because the Poospatuck Chief was here today telling us that they're not going to collect the tax.

LEG. MONTANO:

Actually, what I thought he said was that --

LEG. D'AMARO:

So that's conceded.

LEG. MONTANO:

Right.

LEG. D'AMARO:

Yeah.

LEG. MONTANO:

What I thought he said was that all the tribes do not collect, because, "We have a certain protected status under our treaty, under our sovereign nations, that we're not required to do this, and, if you bring the litigation, that is going to be the defense." And that seems to me to be a defense to all -- either they do have to collect it or they don't. It's not that one tribe has to collect it and another doesn't. To be fair and consistent, there should be a uniform effort to go after all of the tribes that are doing the same conduct, because it seems to me that we're not disputing a factual issue, we're disputing a legal issue, and that legal issue pertains to all the tribes.

LEG. D'AMARO:

Yeah. Well, I don't necessarily disagree with you, that the scope, the litigation or the action, if it's commenced, should be expanded if it turns out that there are other reservations or Indian nations that are circumventing a tax that should be collected. I don't -- I take no issue with that. What I do know, however, is that the Poospatuck Chief was here telling me they're not doing it, and I do know that I've seen the underlying investigation conducted here and this is a starting point. If it turns out that the litigation needs to be expanded in scope, then no opposition here to that.

LEG. MONTANO:

Have other tribes been investigated, to your knowledge, or this is the only one that's been investigated?

LEG. D'AMARO:

Yeah. To my knowledge, I don't know if there's been other investigations, but, certainly, I would like to find that out.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This is, obviously, a complex section of the law. And even as Legislator Montano talks about, you know, all tribes, one tribe, it should affect all the tribes. They're not treated equally, and some are State-recognized, some are not, some are Federally-recognized. Some are considered sovereign, some are BIA-recognized. They're different, even though they're all Indian reservations.

LEG. MONTANO:

Right.

LEG. SCHNEIDERMAN:

Legislator D'Amaro, in his resolution, takes the position that this is -- seems to take the position this is pretty clear-cut, that they owe us -- they're supposed to collect the sales tax. The Poospatucks, obviously, take the position that they're sovereign and don't have to. I'm wondering, first of all, whether our own Counsel has rendered an opinion on this and feels that we are entitled to sales tax collection on this, because that seems like that ought to precede any resolution that we pass to commence or, you know, to move forward with any kind of litigation in this matter.

MR. NOLAN:

Well, I've not rendered an opinion, nor have I been asked up to this point about this, but everything I've read, and I've read a lot the last couple of days about this is that the Indian tribes are supposed to collect the sales tax on the reservation when they're making sales to people who are -- don't live on the reservation, they are supposed to do that. The hang-up, generally, is, though, or has been in some of the court cases, that even if they're supposed to collect the sales tax, they can claim sovereign immunity, which means we can't sue them successfully to get the money. And, as you mentioned, this is a tribe that's recognized by the State of New York, but not by the Federal Government. So we might have more trouble bringing a case in the State of New York, but might be able to make the argument in the Federal Court that we can go after them, that -- those are the issues. The sovereign immunity issue is going to be a big one. I did speak to the County Attorney about her opinion. She believes they can successfully initiate the lawsuit, that they can get past the sovereign immunity issue.

LEG. SCHNEIDERMAN:

Well, if you can initiate a --

MR. NOLAN:

What's that?

LEG. SCHNEIDERMAN:

Yeah. I mean, it would make sense that you could initiate the lawsuit, but can you prevail?

MR. NOLAN:

Well, she believes that they can prevail on the issue of sovereign immunity.

LEG. SCHNEIDERMAN:

And you could initiate in the Federal Courts for the collection of the State sales tax? That's --

MR. NOLAN:

You can bring State causes of action in the Federal Court. I don't know exactly --

LEG. D'AMARO:

Well, you have to bring it in the Federal Court here. You're dealing with a sovereign nation, you're not -- you know, I think the jurisdiction exclusively lies -- without getting into all the legalese, but I think the answer is yes, and --

LEG. SCHNEIDERMAN:

But they're sovereign statewide, but they're not Federally-recognized as sovereign.

LEG. D'AMARO:

Yeah. Well, the point of the matter -- the point is --

LEG. SCHNEIDERMAN:

I think the point we're making is it's not as clear as your resolution seems to make it. I mean, I think there are some fundamental questions.

LEG. D'AMARO:

Well, I completely disagree with you. All the case law that I've read -- first of all, there has been time after time recent suits that have maintained exactly on the tax issue that have never been dismissed and go right to final judgement.

LEG. SCHNEIDERMAN:

Has anybody actually seen that money?

LEG. D'AMARO:

Seen what money?

LEG. SCHNEIDERMAN:

Well, you know, because Counsel said, basically, that you can -- I think you were saying you can win the lawsuit and still not be able to collect the money, because of --

MR. NOLAN:

What I said is -- no.

LEG. D'AMARO:

Oh, I don't agree with that either, and the reason --

LEG. SCHNEIDERMAN:

Well, maybe I misunderstood that.

LEG. D'AMARO:

Go ahead, George.

MR. NOLAN:

What I said is it's pretty clear they're supposed to collect a tax. The courts have said that over and

over again, that the Indian tribes are supposed to collect that tax and remit it to the government. The problem has been in the past in trying to -- the Courts will say you have that right, they're supposed to do it, but there's a problem with actually bringing the lawsuit because of the sovereign immunity. So I'm not saying --

LEG. SCHNEIDERMAN:

See, I'm a little bit --

MR. NOLAN:

-- that they are supposed to pay the taxes, supposed to collect it and pay it back to the governments.

LEG. SCHNEIDERMAN:

I'm a little bit concerned about jumping into legal action against indigenous people from, you know, Suffolk County.

P.O. LINDSAY:

So then don't vote for the issue.

LEG. SCHNEIDERMAN:

Well, no.

LEG. D'AMARO:

Yeah, that's fine, because, you know what, what I'm interested in -- I want to just -- I just want to say this. I'm not doing anything to anybody. All I'm asking is to get a fair hearing to determine whether or not this sales tax should be collected at a time when we're talking about later today raising park fees to bail out the Vanderbilt Museum. So, if you want to not roll the dice to find out whether we should be getting tens, if not hundreds, of millions of dollars in revenue to this County every year, then vote against it.

LEG. SCHNEIDERMAN:

No. But, if you're assuming they're doing something wrong, and we're not clear and we're jumping into --

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

-- what could be considered an aggressive action against indigenous people, I want to make sure before we do that we're on solid legal grounds.

LEG. D'AMARO:

Jay, you know that's --

P.O. LINDSAY:

Okay, okay.

LEG. D'AMARO:

-- that's almost borderline insulting to me --

P.O. LINDSAY:

All right. Legislator D'Amaro.

LEG. D'AMARO:

-- to say an aggressive action against indigenous people.

LEG. SCHNEIDERMAN:

Well, it's a lawsuit.

LEG. D'AMARO:

I mean, come on.

LEG. SCHNEIDERMAN:

It's a lawsuit.

P.O. LINDSAY:

I've let the back and forth conversation go. Come on, are you finished with your statement?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Just to jump into this a little bit, I -- the Chief spoke this morning and he spoke about, you know, the injustices that have happened to the Native Americans in this country and he is certainly correct, but what he was not correct about is to suggest that this lawsuit says anything about the Nation itself. What it says bad things about is the owners of the smoke shops, which, to my understanding, are not members of the tribe. And they do not use the gross profits that they make to enrich the reservation, nor make improvements or assist the other people on the reservation.

Now, I understand there was some discussion here about whether or not, you know, we were sure about -- we can make this action, or whether or not, you know, we knew anything was doing -- going on wrong here. There was testimony at the Ways and Means Committee, 12% of all the cigarettes sold every year in the State of New York are sold by the three -- three smoke shops or four?

LEG. D'AMARO:

At least seven.

LEG. BEEDENBENDER:

Or seven smoke shops on the Poospatuck Indian Reservation. That means a little more than one out of every ten cigarettes sold in the State of New York comes from this place, so --

LEG. ROMAINE:

It's a small reservation.

LEG. BEEDENBENDER:

It's a small reservation. So, my point is that, you know, there's a point where it becomes clear that something has to be wrong here. There's no possible way to sell that many. And I will repeat again, you know -- you know what, you make a joke about chain smoking. I actually did the math. You couldn't actually light enough cigarettes in the day, never mind smoke them, to get it all, so -- because I have too much time on my hands.

But the point -- the point is that, you know, this doesn't say anything about the Poospatucks themselves. This is a criminal enterprise that is -- and there was other testimony at Ways and Means that one of the owners of the smoke shop was brought in another case and posted a 56 million dollar cash bond, 56 million dollars in cash. What would the County do for 56 million dollars right now? So, my point is, if they have that kind of cash, something -- something is amiss here. And New York City has done a phenomenal amount of work here and investigation, and I think it is incumbent upon us to not -- we're not saying anything bad about the Poospatucks, we're saying that

there is a problem, that there is no way to sell 12% of the cigarettes and not paying any sales tax when you're only legally allowed to sell cigarettes without sales tax to the members of your reservation and your tribe. So I think we should approve this.

P.O. LINDSAY:

Okay. Anybody else?

LEG. BROWNING:

Bill.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, I've had many conversations with the people who are members of the tribe, who don't live in the reservation, and, you know, we all agree. And I'm not saying that I don't agree that we shouldn't be collecting the taxes, and we'll most likely vote for this. However, I am talking to George to introduce a resolution to go after the Shinnecock Indians, because, again, what I say is what's fair is fair. You know, you say that, "Well, there's no investigation done." You know, it's not going to take a whole lot to find out --

LEG. D'AMARO:

I agree with you, Legislator Browning.

LEG. BROWNING:

-- if they are paying taxes or not.

LEG. D'AMARO:

Absolutely, absolutely.

LEG. BROWNING:

So the bill is coming for January.

LEG. D'AMARO:

If I could just very briefly...

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

Two things. One, Legislator Browning, I would immediately cosponsor that resolution if it turns out that the same transgression is occurring anywhere else. It doesn't have to be a sovereign -- anywhere. We are entitled to that tax. It's a question of fairness to everyone who pays that sales tax every single day using their hard-earned dollars. Well, you know, what's fair, it's got to be a level playing field.

Mr. Presiding Officer, the last point I'd like to make on this bill, because I've been listening to some of the testimony, especially here this morning, and I just want to make it very clear that this is not about the Poospatuck nation. Okay? I, individually, personally, respect the sovereign nation status of the Indian culture, their history, it's a rich history. This is about smoke shops not collecting sales tax that are not owned or run by members of that Indian reservation or nation, and that's a wholly different beast. So I would appreciate if you'd consider this resolution and pass it here today. Thank you.

P.O. LINDSAY:

Okay. Mr. Clerk, we have a motion to approve and a second, and we have a tabling motion as well?

MR. LAUBE:

Oh, wait. You have a tabling motion with Legislator Browning, but no second.

LEG. SCHNEIDERMAN:

I'll second.

MR. LAUBE:

And you --

P.O. LINDSAY:

Seconded by Legislator Schneiderman. Okay. Tabling goes first. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No to table.

LEG. HORSLEY:

No.

LEG. NOWICK:

No to table.

LEG. KENNEDY:

No to table.

LEG. BARRAGA:

No to table.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Four.

P.O. LINDSAY:

Okay. Motion to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. D'AMARO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

MR. LAUBE:

Seventeen.

LEG. ALDEN:

Our next meeting isn't at the Little Big Horn, is it? Because I'd have to change my vote, then.

P.O. LINDSAY:

You've got a healthy head of hair there. I'd watch out going out tonight.

LEG. ALDEN:

I hear you.

P.O. LINDSAY:

Okay. ***2033 (2032) Establishing a Home Heating Cost Information Program for Suffolk County Consumers.*** I'm going to make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

LEG. HORSLEY:

That's 32.

P.O. LINDSAY:

32, 32. 2048 -- did you call the vote?

MR. LAUBE:

No. Eighteen.

P.O. LINDSAY:

2048 - Appropriating funds in connection with the construction of noise abatement structures on County Road 83.

LEG. BEEDENBENDER:

Motion to approve, Mr. Chairman.

LEG. EDDINGTON:

Second. Second.

LEG. LOSQUADRO:

Joe. Joe.

LEG. EDDINGTON:

Caracappa.

LEG. ALDEN:

Didn't we approve this a couple of years ago?

P.O. LINDSAY:

It's your wall, Joe, it's your wall.

LEG. LOSQUADRO:

Sound wall?

MR. CARACAPPA:

My sound wall?

LEG. LOSQUADRO:

That's your sound wall.

MR. CARACAPPA:

My sound wall?

LEG. BEEDENBENDER:

On the motion, Mr. Chairman.

P.O. LINDSAY:

Okay. We have a motion to approve and a second. Go ahead.

LEG. BEEDENBENDER:

Just for the very brief history, Legislator Alden is correct, this was approved in a Capital Budget in '07, it was vetoed and it was overridden. Now, it is in -- excuse me. It was done last year for the '08 budget. It is in the budget. This is to appropriate the money to move forward in.

Just very briefly, a bunch of my constituents were here this morning, but I didn't anticipate the multiple football teams and the chorus, so we ran out of time this morning, so they couldn't stay. But this is about -- you know, there's no other option. The right of way in this area is, you know, seven feet, eight feet, you know, no more than that, and there's not really much else to do. And this about -- you know, there's a couple, Jackie and Dennis Hendrickson, they live right by the road. They've lived there for 32 years. Their house was one of the original in the area. They've gone through two sets of windows in their house, trying to keep the noise down. They both sleep with noise-dampening headphones. It's about people who have construction trucks that drive down the road like twelve feet from their back doors, and the noise is unbearable. And I've been in these backyards and I wish there was another way to move forward, another plan, another option.

There was a study done by the Department of Public Works that indicated this is the only way to do it, that it was in gross violation of the noise ordinances. And I would ask my colleagues, almost all of which were here, actually, all of which were here during my predecessor, Legislator Caracappa,

who did almost all the work, and I'm glad that he's here today, did almost all the work in getting this forward, and I'm just picking up the end part. I would ask you to approve it and give some people who have no other option and no other recourse, whose houses were there 32 to 39 years ago, which was the -- County Road 83 was a vastly different beast at that time, to give them some relief.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just I have a question of the sponsor. Was it you that came over and beat up on this project?

LEG. BEEDENBENDER:

No.

D.P.O. VILORIA-FISHER:

No, it was before his time.

LEG. ALDEN:

It was somebody else from the --

LEG. BEEDENBENDER:

Legislator Alden, if you remember, at that time I was running for the Legislature, so I severely doubt I would come here and argue against my constituents.

LEG. ALDEN:

This actually -- it goes back a long way, though.

LEG. BEEDENBENDER:

I remember talking to Legislator Caracappa about a pig on the last -- at the Legislature, but I don't remember talking about a sound wall.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

You should remember those things, because I have the transcript and stuff.

LEG. ALDEN:

Next time I will have the transcript on that.

P.O. LINDSAY:

Okay. We have a motion and a second.

MR. LAUBE:

Legislator Lindsay, could you just repeat the second?

LEG. EDDINGTON:

Me.

P.O. LINDSAY:

Legislator Eddington.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All right. I'm going to -- let's see if we can do this without a roll call. Motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

All right. The accompanying bond, we don't have a bond in place, so we can't vote on the bond, so we'll have to address the bond next year, all right? But, if we didn't appropriate the money tonight, the money would die.

2049 - Establishing the Suffolk County Drug Mapping Index (SDMI), and a Countywide Heroin Activity Alert Program (Natalie's Law).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Seconded by Legislator Nowick.

LEG. LOSQUADRO:

On the motion.

LEG. BARRAGA:

On the resolution.

LEG. BROWNING:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro and then Barraga.

LEG. LOSQUADRO:

Again, just to Legislator Horsley, you would not be disagreeable to seeing this expanded to certain other key high risk harder drugs? I just would not want to see Districts or areas be led into a false sense of security if this one particular problem has not pervaded their community, which we know is on the rise and there's, of course, a terrible scourge.

LEG. HORSLEY:

Right.

LEG. LOSQUADRO:

But some areas may be impacted, you know, by other drugs, be it methamphetamine, cocaine, you

know, some of the other hard drugs. So I would like to see this expanded to a point, but, obviously, not have Districts overburdened with excessive information at the same time. So, if we could come up with just sort of a core list of those high-risk factor chemical compounds, so to speak, I think that would be an excellent addition to this very worthwhile legislation.

LEG. HORSLEY:

Which would be an amendment to this law.

LEG. LOSQUADRO:

Yes, exactly.

LEG. HORSLEY:

Yes, that's fine.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Thank you. Certainly, I wish to commend the sponsor for making an effort in this challenging area. But, frankly, other than pinpointing the location of the arrest, what purpose does this bill serve? It will not remove one drug pusher or drug addict from the streets. It's basically, from my perspective, a "feel good" bill, and that's fine. Some people have to feel that way predicated on the circumstances surrounding the initiation of this bill. But, unfortunately, this bill may well exacerbate the problem. It is a bill that will only benefit two major groups, the drug pusher and the drug addict. These are principally the two groups that will really use the website. They will find out where the drug arrests are taking place and make sure they do their buying and selling at some other location. Drug dealers are not dumb, they are shrewd. Drug addicts are shrewd and desperate for a fix.

The question is what parents would really use the website? Parents, based on my experience, are usually in a state of denial until cash, jewelry, or other valuables are missing in the house, and then, and only then, do they realize that their child has a problem. Up until that time, they feel that the drug problem is out there, but it's somebody else's problem, and certainly not my child, never, never my child on drugs.

Over the years I've seen over a hundred parents in my District Office in dealing with this issue, often seeking help for their 15, 20, 25, 30-year-old son or daughter. They still in many cases cannot deal with the truth. I've learned to say you never tell them that their son or daughter is a heroin addict, or a crack addict, or a full-blown alcoholic. The word addict is crushing to them, they still can't take it. They like the term "problem", because, in their minds, their sons and daughters are just hanging out with the wrong crowd and they need some help, but, if they can get the help, everything will be all right. But these parents will never go to a website, and others like them will never go to a website, because they will never think in their fondest dreams that their child, the child they gave birth to, the child they brought up would ever possibly, possibly take drugs. That's somebody else's problem, somebody else's kid. But the drug dealers will use the website, and the drug addicts will use the website.

With reference to the information that will be on the website, what happens when a drug arrest takes place in a place of business, a local pizzeria, a local restaurant, an Applebee's, a McDonald's? Some business owner who's working his heart out to have his business succeed and then an arrest takes place, a drug dealer, or a drug buyer in his establishment and it appears on the site, and the word gets out, "Don't go to that pizzeria, don't go to that restaurant, they sell drugs there"? Then you get into the whole legal question of commercial disparagement, where a third party, nonpartial, sets in motion something that has a real negative effect on a business. This kind of a bill could have that effect, where someone loses 25 or 50% of their clientele and they turn around and sue the deepest pocket, and the deepest pocket is Suffolk County.

I think this drug (sic) makes it more difficult for undercover cops to arrest drug pushers. I've spoken to them. They find a drug pusher, they make a buy. They come a week later, they make another buy. At some point, they bring out other cops with them and to look for that person and they nail them. With this website that drug pusher is on the move and his customers are on the move. Just pick up the cell phone, that's the interaction. This particular bill I think makes it more difficult for the police to function.

The bill, although well-intentioned, fosters a false sense of security, and works, in my judgment, in favor of the drug dealers and the drug addicts, and makes it more difficult for narcotics officers to do their jobs. It is well-intentioned, but it's not going to work. And I know it's going to pass, but, with all due respect, I cannot, based on my own history in dealing with parents and listening to them, this is not going to solve anything and may make things worse.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, I'm still the parent of a thirteen-year-old and, as a parent, I will check that website when it comes up. And in my District, I can tell you, parents in my District, they look at Megan's Law website very frequently for good reason, and I know they will check this website.

And again, like Dan said, I spoke with the Seventh Precinct about arrests in my District for heroin. We're not getting the arrests for heroin, it's Oxycontin and all the prescription drugs. And so I am a sponsor on this bill, I will support this bill, and I hope it does -- yes you're always going to have parents who will put their head in the sand and not admit "my child", but I think we need to make sure that the public is informed, that parents are informed that there is the potential that their child could be, you know, in contact with some of these drug dealers.

So I do want to see that this bill is expanded to show more than just heroin. You know, like I said, Oxycontin is so easy to come by with these kids these days, and we have -- we have to do something so that the parents are educated, and, again, going into our schools. We need to do more education with our kids in our schools. So I congratulate you on this, and I'm supporting it, and let's expand it.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I do support this bill. I just want to address some of the concerns that my colleague, Mr. Barraga, had just mentioned.

I share your concern, that parents, being a parent of a 14-year-old and an 18-year-old, that parents tend to forget, or to ignore, or turn a blind eye to problems that may be in their own home or even in their communities, but I think this is a mechanism that will alert the community as a whole. Someone in the community will be watching, and that person, or people, or organization will work with the authorities, ensure that any problems that are out there will be addressed, and I think that's the benefit of this.

You had mentioned about sales that are going on and, you know, innocent business owners' establishments. We have laws already that address that, it's called the Public Nuisance Law. If we have two -- if there are two arrests, I believe within 12 months, of a business establishment or a home, we have the right to take their property from them. As a property owner, you have -- you are supposed to be held responsible to people at your establishment. We have those laws already on the books, we need to enforce that. This is just another mechanism to fight a battle that needs to be fought, because our children are losing.

We have children out there buying heroin at the price of a movie ticket. It's too -- you know, it's cost-effective enough for them to get into trouble. We need to address it, and this is a mechanism that will help us all to help alleviate this terrible problem.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. I just need to address a few things. And it might be true, that drug dealers will go on the website and find out where drugs are being sold, but, you know what, if we continue to do what we've always done, what's the expression, we'll still get the same results we always have. We have to be proactive.

I don't believe that parents anymore say, "Not my child." I know for myself, I always look at my kids cross-eyed and say, "Uh-oh, maybe, I have to check." I don't believe any of them, and I think more and more parents are taking -- as Kate said, are taking that attitude, we're always concerned.

As far as businesses, poor businesses that get caught in the middle of a drug bust, I don't think there's a drug bust at that business unless the police have been watching those particular places for a very long time, which means to me that the businesses know something is going on, but don't do much about it, and that's -- I see that in some of the local places. There's something going on. Please don't just say, "Ooh, let's just take a shot at it this one time." It's been going on and going on, and maybe -- and that's fine with me.

Any way, I can make a parent aware, or if this bill makes our -- makes Suffolk County parents and school administrators aware, then it's doing a little something. So I'm going to vote in favor of this, and it's my pleasure, and congratulations.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Presiding Officer. You know, every family, of course, is so very different in how they deal or don't deal with problems behind closed doors. And with this information, I'm sure some parents will be able to combat that problem, whether it is through seeking guidance from law enforcement, or just having that all-important conversation with their children, and other families won't, other families will continue to put their heads in the sand. But I think more information is better than less, and I think this is an important effort that we can make in helping, you know, parents throughout Suffolk County -- you know, they're going to deal with their problems in their own ways, but at least this is an important step in hopefully preventing -- as the parents who appeared before us said, that they didn't know. Families are going to do what they're going to do, but to -- hopefully, they won't be in the position where they say that they didn't know.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

With all due respect to my colleague, I have to take exception to the thought that people will not look at this website. Picture in your own mind, and this went to the argument which we -- when we drafted the bill, picture in your own mind a PTA lady or PTA man who is concerned about -- hears that there probably is a heroin issue in the community. Do you think they're not going to look up this website? Do you think they're not going to call their School Board member? Do you think they're not going to call the Superintendent and say, "Listen, there was a drug arrest on this corner. How big a problem is this? Do we have it in school?" It is going to open windows, it's going to bring sunlight into a problem that has been here before quiet.

So this, in my mind, is the first step in tackling a scourge, it is the first step in making sure that we address an issue that we can no longer stick our head in the sand. And I think that working with the police, working with churches, synagogues, and the entire community, schools, etcetera, this makes a lot of sense as a first step. And I, too, agree with Dan and my colleagues that this could be broadened in the future. Let's get it on the books now so that we can work to the future and work cooperatively with all levels of government.

P.O. LINDSAY:

Anybody else? No? Seeing none, we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. Oh, there he is. Oh, 17.

LEG. GREGORY:

Tim, cosponsor.

INTRODUCTORY RESOLUTIONS FOR DECEMBER 16, 2008
MEETING OF THE SUFFOLK COUNTY LEGISLATURE

P.O. LINDSAY:

Okay. Introductory Resolutions. ***2106 - Amending the 2008 Operating Budget to provide funding for the Long Island Two Day Walk to Fight Breast Cancer.***

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2148 - Apportioning Mortgage Tax by: County Treasurer.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2162 - Amending the 2008 Operating Budget and appropriating funds in connection with bonding settlements for general and bus liability cases.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Vilorio-Fisher.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Do we reserve any funds, because we're self-insured? And this is to Budget Review.

LEG. LOSQUADRO:

Bill.

LEG. ALDEN:

This is an expensive way to pay these settlements. And the other question is, do we take out a super-cat type of policy?

LEG. LOSQUADRO:

Bill, can I follow up on that?

LEG. ALDEN:

Yeah, go ahead.

P.O. LINDSAY:

Do you want to -- go ahead. You can explain?

LEG. LOSQUADRO:

Well to follow up, I know in the past we had sought reinsurance policies, overage policies. Have we had any success? I know in the past we lacked bidders for a -- for a price structure that was -- that made economic sense us. But there's been discussion Legislator Alden and I have been having for quite sometime, being self-insured, that we do not have reinsurance policy to cover -- what they call an excess policy to cover, you know, large claims, not even smaller ones like this, that we do leave ourselves open to excessive liability exposure. Have we --

MS. BIZZARRO:

I believe on the bus cases we have a 3 million SIR on that. So anything over 3 million, there's coverage.

LEG. LOSQUADRO:

Okay.

MS. BIZZARRO:

Other than that, we do not.

LEG. LOSQUADRO:

Okay, thank you.

MS. BIZZARRO:

You're welcome.

LEG. MONTANO:

Mr. Lindsay, anyone next?

P.O. LINDSAY:

Budget Review, do you have an answer?

MS. VIZZINI:

Well, just that there's a small amount of money included in the Operating Budget for various categories of liability insurance, which we're totally not now. But it does not -- it falls short of when we have major cases. And this is not the first time that we've resorted to bonding in order to address the concerns.

LEG. MONTANO:

Could you repeat, how much are we bonding on these, these three settlements?

MS. BIZZARRO:

This is 1.4 million for the three matters.

LEG. ALDEN:

My point is this isn't the most economical way to go on these.

MS. VIZZINI:

There's a total of 4.3 in the '08 estimated budget for various categories of general liability.

LEG. ALDEN:

To expend it?

MS. VIZZINI:

That's what we estimated to have spent.

LEG. ALDEN:

We've already spent.

MS. VIZZINI:

According to the '09 Operating Budget that has the column for the '08 estimates.

LEG. ALDEN:

There's nothing left to spend on this?

MS. VIZZINI:

It's pretty much what we adopted in '08, we are estimated to expend it.

LEG. MONTANO:

Gail, if I may.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

The 4.3 million that you're referring to, that wasn't settlements that we bonded, that's money that we paid out.

MS. VIZZINI:

It's cash from the Operating Budget.

LEG. MONTANO:

Okay. And we had a column for that?

MS. VIZZINI:

Well, you know, we budgeted that in '08, and when the new budget, the '09 budget comes out, there is a column in the '09 budget that says how much we're spending in '08. So the --

LEG. MONTANO:

Well, what is that category, is that liability payments or --

MS. VIZZINI:

General liability, yes.

LEG. MONTANO:

General liability? All right. And how much is in '09?

MS. VIZZINI:

We've adopted 4.45 for 2009.

LEG. MONTANO:

Okay. And then we had adopted 4.3 for '08 and that's what we spent.

MS. VIZZINI:

We expect to spend it, yes.

LEG. MONTANO:

Gotcha now. Thanks.

P.O. LINDSAY:

Legislator Romaine, did you --

LEG. ROMAINE:

Yes, just a general comment, Mr. Presiding Officer. There were years that I did sit on the Ways and Means Committee, would go into Executive Session, we'd discuss settlements. And the one thing that I found in all of those discussions is, at the end of the day, there was never any follow-up sometimes the County was at fault and there was nothing that could be done to prevent the County from being at fault. But at other times we were presented with cases that I would scratch my head and I would say, "What are we doing to minimize our liability exposure?" And this Legislature has not taken the actions that are necessary, I believe, to examine when we have large settlements, if there was a way that our exposure could have been prevented, and certainly should be prevented in the future. And I just point this up now, because here we are at the end of the year, we're out of money, spent all the money in that line, and now we've got to bond 1.4 million dollars for a settlement. I just make that point, Presiding Officer, that maybe next year there should be a special committee of this Legislature for a very brief time to sit, if necessary, in Executive Session, to examine cases where we have been found liable, and to determine if there is a way that we can reduce our liability. Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
That committee might already -- don't we have a Risk Management Committee?

LEG. ROMAINE:
No, no.

LEG. ALDEN:
We do or we don't?

LEG. ROMAINE:
The Legislature doesn't.

P.O. LINDSAY:
There's a Department of Risk Management.

MS. BIZZARRO:
Right.

LEG. ALDEN:
Right.

MS. BIZZARRO:
There's a Department of Risk Management, I don't know that there's a committee.

LEG. ALDEN:
All right. But what would they be doing? They would be analyzing some of the things that happened to us in the past and trying to predict what might happen to us in the future and what our liability might be and making reports to us, right?

MS. BIZZARRO:
I think they give you once a year, or I think it's once every six years, a mitigation report.

LEG. ALDEN:
Then we might have to -- we might have to do that on a, you know, like more frequent basis. That's all. Okay. Thanks.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Like Mr. Romaine, I, at one point, was on the Ways and Means Committee as well, and I recall hearing some of what would go on with the compromise, and the settlement offers, and the litigation, and we'd be asked to go ahead and approve settlements. And I look at these two with the bus operator injuries in particular, and I'm wondering if there's not some way that we can look at some type of an insurance factor, or something that even goes to our bus operations bids.

We have a multi-year management evaluation that's going on with our transportation programs right now, and, yet, sadly, this seems to be something that we deal with, at least a couple of times a year, where there's some kind of tragedy with a motorist or pedestrian, or there's some issue associated with our operations of our County bus system. And I personally find it somewhat frustrating to hear definitively -- is there no way to build in some kind of an insurance factor associated with either procuring it, or having the operators secure it, or looking at some kind of a

pool, so that we don't -- so we're not subject to the random spikes, like we're looking at at this point, when the legislation concludes? I don't know what the answer is either, Mr. Chair. I don't know if it is --

P.O. LINDSAY:

I think the answer is simple, is, you know, find 10 million dollars somewhere and put it in a fund to pay for lawsuits. Either that, or else get a price on a premium from an insurance company, what it would cost to insure our fleet, but I guarantee you, it's going to be more money.

LEG. KENNEDY:

Well, maybe that's the case, Mr. Chair, but then maybe I need to do it by letter. Maybe I need to do it by letter to Insurance and Risk Management, asking them to procure what a policy might be, because I don't know.

P.O. LINDSAY:

Okay. Any other questions about this? We have a motion and a second?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

On the accompanying bonding resolution, **2162A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Not Present)

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

Okay. *2205 - Amending the 2008 Operating Budget to provide funding for the Long Island 2 Day Walk to Fight Breast Cancer.*

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

2033 - A Local Law amending the Suffolk County Code to prevent deceptive practices in the home heating oil industry. I'll make a motion to approve.

LEG. GREGORY:

Second.

LEG. LOSQUADRO:

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

P.O. LINDSAY:

Second by Legislator Gregory. I have a tabling motion by Legislator Losquadro.

LEG. BARRAGA:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. On the --

LEG. LOSQUADRO:

On the motion, Mr. Chairman.

P.O. LINDSAY:

On the motion.

LEG. LOSQUADRO:

I believe enough concerns have been raised with this, especially given the legal ramifications and the testimony that we heard showing how these contracts are made verbally, and that the time period in which it would take for documentation to be sent via regular ground mail to come back to the business, that market fluctuations that take place during that time period simply can't be accounted for, and I don't know how we get past that. It just seems a fundamental flaw in trying to account for these businesses, to try to account for that. I just don't see how it works legally with the way that business takes place in a market that has, unfortunately, fluctuations such as this commodities market.

P.O. LINDSAY:

Well, I'm going to -- does anybody else want to say anything before I say my piece. Go ahead, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You and I have had conversations about this. As I've said throughout the last couple of months, many of us have dealt with this with constituents in our office, and I find it particularly troubling trying to understand the legal issues associated with this verbal contract. Nevertheless, I do know that we had a new Consumer Affairs Commissioner appear before us this morning, and I would respectfully ask for one round of tabling, if for no other reason, to be able to get his input on what the legalities are associated with this current contracting process, and what he might be able to bring forward to us. To this point, I've only heard anecdotally that apparently the Attorney General's Office had confirmed this. As a matter of fact, Mr. Rooney and I had conversation to that effect.

I was somewhat concerned when I spoke to Mr. McElligott this morning and he had no particular knowledge of that.

I would like to see, if possible, just one tabling to ferret out some more information on this before we reduce this to law, that this process must be completely in writing from the first instance.

P.O. LINDSAY:

Well --

LEG. KENNEDY:

I'll yield.

P.O. LINDSAY:

The only thing that I can say is there was an accompanying bill about listing prices of home fuel oil that Consumer Affairs had a great deal to do with. And I agreed to table that, because we're in an interim period where we don't have a Commissioner of Consumer Affairs. And I intend to talk to him extensively about that legislation on how this can be practically done.

This bill is really a very simple bill. The bill simply says that you have a right to look at the fine print before you're committed.

LEG. KENNEDY:

I agree with you.

P.O. LINDSAY:

And I don't see -- a number of you people around the horseshoe are attorneys. I don't see how anybody, as an attorney, could object to that.

In the testimony, the extensive testimony that we heard from the industry and Mr. Rooney, they played us tape recordings, but very kind of fluffed over, was that isn't -- all the terms and conditions of the contract isn't said verbally. And I asked, and I wouldn't object to, and I said this to the industry, if -- I'm not against modernization. If this could be done online, where the people could read the terms of the contract and agree to it electronically, I wouldn't have a problem with that, but they say they can't do that.

LEG. KENNEDY:

Mr. Rooney said that?

P.O. LINDSAY:

Well, they said that they deal with a lot of older people that don't have computers. And somebody replied, well, a lot of older people have trouble -- hard of hearing, too, and you're talking about an oral contract.

As far as the issue of it affecting the market dramatically, you know, about a month ago, when we started this, I had staff here do an informal poll. We called 40 oil dealers in Suffolk County, and all kinds, COD dealers, full-service dealers. Of the 40, we actually got to talk to 38. Of the 38, 16 of them provided lock-in contracts, and that's the issue we're talking about here. Of the 16, 11 of them used a written contract. So my question is, how do those 11 operate with a written contract and the other 5 say they can't?

LEG. EDDINGTON:

Bill.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

I spent sometime on the phone with my oil company, and they pretty -- they were pretty straight with me, saying that, you know, this is only a current practice, this -- ten years ago they didn't have this. And that what it really is, and they don't do it, because it's really like gambling, because you're betting -- you're trying to hedge your bets. You're trying to say, "Oh, I'm going to get it now while it's a keeper." And, you know what, we didn't hear anything until it went in the other direction, and then, all of a sudden, we're hearing it, but it is an issue. And to me, my company says they just

don't do those oral contracts, because it can cause problems and misunderstandings, and with the market the way it is, it just proves their point, that it shouldn't have been done, and it's caused the problem that they foresaw five or seven years ago.

So I think the people do need some protection, and this is an example of where we could go back. And my answer to the industry was that the moment this is enacted, somehow they'll figure out how to do it through the computer, or a way that's equitable, they're not going to lose. So my company recommended your bill.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I have to tell you, I've been sitting in this Consumer Protection Committee and going back and forth with this, and one minute I understand the bill and I'm in favor of it, the other -- the next minute I'm not. On one side, I think of elderly people on the telephone that can't hear and maybe do misunderstand. On the other side, there are people who want to lock in, almost like buying stock or buying on eBay. But, if they need to go to a written contract, they're not going -- from what I'm understanding, they're not going to be able to lock in at what they think is the lower price, so that is a problem there.

We did hear testimony from both our Counsel and I think representatives from -- it might have been Petro, I'm not sure who was here, I forget right now, that even though a follow-up written contract does arrive at someone's house after a telephone contract, the customer is only liable for exactly what was said on the phone. That's what our Counsel had apprised us of.

So I would be in favor of tabling and talking to our new Consumer Department. I think that we have not had much of a Consumer Department in the last few months. Maybe we could -- I would like to come to a decision where I really felt comfortable, and right now I'm not comfortable. So I would be in favor of a tabling motion.

P.O. LINDSAY:
Anybody else?

LEG. LOSQUADRO:
Bill.

P.O. LINDSAY:
And my objection to it is simply this, is if you table it, now you're not going to address it until February. If you should pass it in February, by the time the Executive signs it, it will be March. And you'll be in spring and there'll be no relief for our consumers this winter.

And somebody said something before, which is absolutely correct, and which is the genesis of this whole problem. I got it in my head, because of oil prices dropping, that the retail price isn't dropping as fast as the retail price went up last year when it was in a rising market. And I believe there's a little excessiveness in the market, and I'm looking to clean it up a little bit and to clarify it a little bit. We can't regulate it, it's a free market, but it's a commodity that we absolutely need. I mean, fuel oil probably heats the majority of the homes in Suffolk County. Legislator Losquadro.

LEG. LOSQUADRO:
Listen, I agree with you. I think it is certainly well-intended, but I don't think we get past the fact that the way that businesses have to lock in the rate with the wholesale supplier that they're dealing with, when they quote someone a price --

P.O. LINDSAY:

How does 11 out of 16 companies do it the old-fashioned way, send you a contract in writing?

LEG. LOSQUADRO:

Then they have -- then they don't go out to the wholesaler until they get that contract back, which means the price may vary by the time they actually lock it in. If you do --

P.O. LINDSAY:

You call up a company --

LEG. LOSQUADRO:

-- an oral lock-in --

P.O. LINDSAY:

You call up a --

LEG. LOSQUADRO:

Unless I'm mistaken, that's the way I understood it to work.

P.O. LINDSAY:

But what I'm telling you, in our -- again, it's not a scientific survey, but we found, out of the 40 dealers, 16 of them have lock-in contracts. Eleven of them make a deal with you over the phone, send you a written contract. When it's signed and go back with the price, with the penalty stipulation, it's into effect. Is there a time limit on how long you have to get the contract back? Yeah. But 11 out of 16 still does it the old-fashioned way.

LEG. LOSQUADRO:

But did they stipulate that given fluctuation in the markets, even in that period it can change?

P.O. LINDSAY:

They give you the contract with the amount in the contract.

LEG. LOSQUADRO:

And no stipulation that that rate can change in that time period?

P.O. LINDSAY:

No.

LEG. LOSQUADRO:

That I haven't heard before. I mean, they -- yeah, they may -- they may hedge that price themselves even further.

P.O. LINDSAY:

Well, see that's the whole point. The lock-in contract, the markup is there already. You know, I mean, again, informal survey, just last week, we called one of the companies that came here to testify. The difference between the COD delivery price --

LEG. LOSQUADRO:

Oh, of course.

P.O. LINDSAY:

-- and the lock-in price is 60 cents a gallon.

LEG. LOSQUADRO:

Absolutely.

P.O. LINDSAY:

Which I kept asking the same question. If you're buying fuel oil that day that you have to lock in, why are you marking it up 60 cents? If you're buying it today to deliver it to my house, why are you marking it up 60 cents? I mean, they have a right to do that, but they're hedging their bet.

LEG. LOSQUADRO:

I'm not trying to defend the industry, I'm trying to --

P.O. LINDSAY:

I'm not either, I'm just telling you what's going on.

LEG. LOSQUADRO:

I'm trying to defend how these businesses are going to be able to continue to do business, especially in this economic environment. I don't want to see them put into a position where, if they're being held to a certain standard by the wholesalers they're buying from, that they can't offer the same product to consumers.

P.O. LINDSAY:

Again, the oral contract is something, as far as we can tell, is only a practice of a small amount of the larger dealers. Okay. Let's -- you want to talk again? Go ahead.

LEG. KENNEDY:

Just one other item. And, you know, you make the point that if we do go into February, we lose the opportunity to have any kind of effectiveness with this legislatively. But, if you look at this bill, this is a Local Law, isn't it?

P.O. LINDSAY:

Yeah.

LEG. KENNEDY:

Right. And it won't take effect until it goes through --

P.O. LINDSAY:

Then, John, what can I tell you? Table it, but I'm moving to approve it.

LEG. KENNEDY:

Okay. All right, Mr. Chairman.

P.O. LINDSAY:

Okay. We have a motion and a second to table. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes to table.

LEG. BARRAGA:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes to table.

LEG. KENNEDY:

Yes to table.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

Yes to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Seven.

P.O. LINDSAY:

Motion to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

No.

LEG. MONTANO:

Yes.

MS. ORTIZ:

Thirteen.

LEG. BARRAGA:

How many nos on that vote?

MS. ORTIZ:

Two.

LEG. BARRAGA:

Two?

P.O. LINDSAY:

2153 - Appropriating funds in connection with Capital Project 5738 Master Plan for Gabreski Airport.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

The accompanying bond resolution, **2153A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

2154 - Appropriating funds in connection with renovation and construction of facilities at Gabreski Airport.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

All right. *2166 - Creating the Suffolk County Gaming Task Force.* I make a motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden and then Viloría-Fisher.

LEG. ALDEN:

My question is to Legislator Horsley. Would you just put on the record the --

LEG. HORSLEY:

Oh, yeah, sure.

LEG. ALDEN:

-- assurances that you gave me that will include a couple of people that are on your Task Force.

LEG. HORSLEY:

Yeah. Legislator Alden mentioned that there are several categories of people that he'd like to have included on the Task Force itself, and I told him that we were going to -- we're going to be making amendments in January, because we had one -- we had one recommendation that one person -- they had one group on and they said they didn't want to be involved with it, so we are going to be picking others. So we're going to looking at several other members.

I've spoken with George Nolan about this and feels that there's no -- that there's a scrivener's error, whatever, however you want to put it, that we can make changes in January on who is exactly on the committee itself or on the Task Force.

LEG. ALDEN:

Good. Specifically, I'd suggest --

LEG. HORSLEY:

Yeah.

LEG. ALDEN:

-- the DOT, New York State DOT, and somebody to speak to the social effects. And George is a

member of the committee, he can speak to the legal aspects, because that's one of the things you're looking at. Is that the way you were going to do it?

LEG. HORSLEY:

We hadn't -- yeah, that sounds -- yeah, we're going to put it through as an amendment; is that correct, George?

LEG. ALDEN:

Those are the three concerns that I had.

P.O. LINDSAY:

Yeah, but Counsel isn't on the Commission, and it doesn't -- it doesn't endorse or promote the idea, it's a matter of siting, that if -- the Federal Government is the ones that are going to decide this issue, we absolutely have no jurisdiction, and then the State has to agree to a compact with the Indian Nation once they become a Nation. All we want to do is to have some input that -- where it's located, is accessible, and doesn't cause a major problem for our communities.

LEG. ALDEN:

My concern is, though, we're -- you know, and they were outlined in the bill.

LEG. HORSLEY:

Yep.

LEG. ALDEN:

The issues to be addressed, appropriate sites, traffic issues.

P.O. LINDSAY:

Right.

LEG. ALDEN:

Availability to public safety enforcement, buffer zones, economic impact, legal feasibility, social effects. So there's a couple of those issues that you don't have experts on there to even address, so that's what --

LEG. HORSLEY:

Someone to handle the sociological issues, to check on it.

LEG. ALDEN:

Or even New York -- most of the roads, the main roads are New York State. So, you know, those are my suggestions.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I understand that the purpose of this is for the siting of -- you know, looking for an appropriate site. But this morning I felt that I became very sensitized to something that is my own mea culpa that I hadn't thought about enough, which is the underrepresentation of the Shinnecock Indians and the other Indian Nations that are here in Suffolk County, and our interaction with them. So I would like to see an invitation to the other Indian Nations to speak. Even though this only involves the Shinnecoaks, I would like to see a greater conversation with us, an interaction with the people, the representatives who were here this morning. And the woman who was here and was so articulate about having spoken, you know, across the country regarding Indian issues. You know, I'm just feeling that we --

LEG. HORSLEY:

I understand what you're saying.

D.P.O. VILORIA-FISHER:

-- haven't expressed that kind of outreach to the people whose name we have on the bill, you know, and I would just like to see a greater outreach to the people who are involved in this.

LEG. HORSLEY:

Maybe what we could do is have representatives of theirs come in and discuss it with the Committee, that type of thing.

D.P.O. VILORIA-FISHER:

Yeah.

LEG. HORSLEY:

Yeah, that sounds reasonable.

D.P.O. VILORIA-FISHER:

Somebody who has a broader view --

LEG. HORSLEY:

Yeah.

D.P.O. VILORIA-FISHER:

-- not just one -- you know, there are 11 representatives here and there's one representative of the Shinnecock Indian Nation.

LEG. HORSLEY:

Right.

D.P.O. VILORIA-FISHER:

And I just thought it would just be more sensitive, after everything that we heard this morning, to try to be more inclusive and try to bridge that kind of cultural gap that we seem to have here.

P.O. LINDSAY:

Legislator Barraga, then Browning, then Romaine.

LEG. BARRAGA:

Just very quick, I think that the Presiding Officer is really keyed in. I'm not so sure what authority, if any, the County has with reference to an Indian tribe that achieves Sovereign Nation status at the Federal level. I think there's probably nothing wrong with putting together this sort of a Task Force so that it's ready and available to give some sort of input, public input, if a particular location is picked to generate the construction of a casino.

In reference to Mr. D'Amaro's comments a little while ago with reference to the State of New York and why they haven't really gone into either State or Federal Court to challenge some of these Sovereign Nations with reference to sales tax or cigarette tax is that because there were other things going on during those years, especially as it pertained to casino gambling. Many of these Indian Nations, like the Senecas, for example, and the Mohawks, they had achieved Sovereign Nation status, and if they were to build a casino on their property, the State of New York gets absolutely nothing, zippo, other than the State tax that would be paid by the employees working at that particular casino. So the State of New York knew that and wanted more and didn't want to alienate these Sovereign Nations by going into court fighting on one front.

What the State of New York was really trying to do was to achieve the construction of a casino on

property the State owned that now would be put in trust under the name of the Indian Nation. This way there's something in for both. The Indian Nation, in this case the Mohawks are the Senecas, they cut their deals with the State of New York on slot machines. The State received, you know, for the first four or five years, maybe 20, 25% of the profit, then maybe 30%, and then maybe 40%. So the State of New York was getting a revenue source, and the State of New York gave them the land, they gave the State of New York the money. So the emphasis was more in that direction.

These Shinnecocks, I understand, have four pieces of property, and I was reading the other day they want to build a casino within 75 miles of whatever, I guess their reservation. The Town of Southampton is against it, but they won't even be a player; I'm not sure the County will be, but the State of New York will be there. And they had a piece of property up at the West End here, could be part of a State park or anything that they know, 30, 40, 50 acres, they could cut a deal with the Shinnecocks, it goes into trust, and then the State of New York gets a portion or a cut of the slots or something else that goes in that casino.

It's not a pretty picture, it's not a pretty picture, because even though you have infrastructure in the western portion of Suffolk County, you know, I think, if a casino ever opened up in those areas, it would be unbelievable in terms of the cultural negative impact for three, or four, or five miles within that casino area. But that's the deal. It's complicated, but in every case the State of New York is looking for the money, and they're always in there with a piece of land.

Like, for example, Monticello, it's being built up there by the Mohawks. They don't own that land. That land was put in trust by the State and the State's going to get a piece. Niagara Falls has a casino up there, and Buffalo has a casino, and they fought that like hell up there. But the casino exists today, and the State of New York, they get a piece of the action in both casinos. So that's what you're in for as you go down this route.

And as long as these Shinnecocks don't get Federal status, well, I wouldn't be too concerned, but, as soon as that happens, they're going to want to build a casino and they're going to want to build it -- probably the State of New York will not want them to build it on their land, and everybody will be happy that they're not, probably on the East End, then the State of New York will probably come up with a nice piece of land somewhere on the western portion of Suffolk that's by the highways and offer that up for a deal for the money. That's what they've done in the past.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay. So you want to -- the property, most likely, it's going to be in is Brookhaven, and I can tell you exactly where they'll be looking at.

Vivian made it very clear. She talked about the Shinnecock Indians are in Southampton. We've read Newsday, Southampton Press, they've said, "Not in our backyard." The Shinnecock Indians are in Southampton, so where are they going to go next? They're going to go to Brookhaven.

And I look at this and this Task Force does not consist, again, of the Poospatuck Indians. And I think that they -- many of the Shinnecock Indians are married to the Poospatucks, and vice versa. I think that the Poospatucks should have a place in this, especially if it's going to be in their backyard.

And, again, I think Legislator Barraga said it very clearly. I don't think we're going to see much out of this, I really don't. And, again, what community is going to be burdened by it? Because we can see already Southampton saying, "Absolutely not." So it's either going to go to Riverhead or it's going to go to Brookhaven. And, at this time, I can't support this. It doesn't have the Poospatucks say in it. And my constituents do not want a gambling casino in their backyard either.

P.O. LINDSAY:

So vote against.

LEG. BROWNING:

Yes, I will.

LEG. ROMAINE:

Legislator Romaine.

LEG. ROMAINE:

Yes. Just a legal question. As it stands now, and maybe Mr. Nolan, as our Counsel, can answer that, although it may be outside his expertise. The Shinnecocks had Federal recognition once upon a time at the turn of the last century, lost it, and don't -- currently don't have Federal recognition now, they're a State-recognized tribe. Are they legally capable of building a casino, if everything else went right for them, right site, popular support, blah, blah, blah, blah, blah? Do they have the legal authority to build a casino in the State of New York on Long Island in Suffolk County?

MR. NOLAN:

You are outside my area of expertise, but my understanding is this a -- there is like a belief that they would have to get the Federal recognition, that they're in the midst of working towards that. So that would be a necessary piece before there would ever be such a thing as a casino in Suffolk County.

P.O. LINDSAY:

There's a second step, too, is they have to negotiate what's called a compact with the State of New York.

LEG. ROMAINE:

With the State of New York --

P.O. LINDSAY:

Yep.

LEG. ROMAINE:

-- not the County of Suffolk.

P.O. LINDSAY:

Not with the County of Suffolk.

LEG. ROMAINE:

By creating this Task Force, is it your hope that the County may get a piece of the action, Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

That's the reason you're creating this Task Force?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Among many other reasons.

P.O. LINDSAY:

And as far as siting is concerned.

LEG. ROMAINE:

As far as siting is concerned.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

Okay. Do you think that would be a -- this Task Force could ever recommend a referendum to see if the people of Suffolk would support a gambling casino within the County?

P.O. LINDSAY:

I don't know. And I don't know who the referendum would be binding on. It wouldn't be binding on the Indian Nation.

LEG. ALDEN:

No. It doesn't get recognized.

LEG. ROMAINE:

No.

LEG. ALDEN:

It doesn't matter.

LEG. ROMAINE:

And I understand, and I'll direct this to Legislator Horsley, in the article that mentioned this Task Force, there was some discussion that it would not be on the East End; is that correct?

LEG. HORSLEY:

Yeah. We've had --

LEG. ROMAINE:

And I assume that's because a lack of transportation infrastructure.

LEG. HORSLEY:

Absolutely.

LEG. ROMAINE:

Which would absolutely rule out EPCAL.

LEG. HORSLEY:

Absolutely.

LEG. ALDEN:

Except on Dick Cavett's property.

LEG. HORSLEY:

We agree that that would be unenviable and political suicide for the -- for this to move further. And there's also, and as you know Ed, there are all sorts of caseload against -- you know, that they are fighting each other in court, and stuff like that. And I know that the Congressman is as much concerned about how those cases are moving forward, too. And a lot of those things will have to go away before any solution to where this casino would go would be settled.

LEG. ROMAINE:

One last question. I don't want to --

LEG. HORSLEY:

So they don't want to -- they don't want them in -- no one wants them on the East End, because it doesn't make sense because -- for traffic purposes.

LEG. SCHNEIDERMAN:

Including the Shinnecocks, they say they don't want to be on the East End.

LEG. ROMAINE:

Right, right.

LEG. HORSLEY:

They're agreeing with us, as being part of this thing, that this is under consideration in that matter.

LEG. ROMAINE:

Just one last question. This Task Force takes a look at casino gambling in Suffolk County. It issues a report.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Is that report going to be put before the Legislature for approval, to be accepted by the Legislature? I mean, just doing a report, usually a report of this nature you bring back to the Legislature and ask for a vote, we accept the recommendations of this Task Force, we reject recommendations of this Task Force, or we accept some and we reject others.

LEG. HORSLEY:

Right, right.

LEG. ROMAINE:

I mean, is that your intention, to bring it back to the Legislature?

P.O. LINDSAY:

The resolution doesn't say that.

LEG. HORSLEY:

It doesn't say that.

LEG. ROMAINE:

No, but I'm asking what's your intentions?

P.O. LINDSAY:

And most of the Task Forces we create in this Legislature doesn't require that it come back for -- to issue a report.

LEG. ROMAINE:

They just issue a report.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

Okay. And then, depending on public reaction, we'd go from there. Okay. Thank you.

LEG. HORSLEY:

Yeah, pretty much.

P.O. LINDSAY:

Okay. Any other questions on this issue? Legislator Gregory.

LEG. GREGORY:

I just wanted to make a brief statement, given my background in the racing industry. I would like the Task Force to take a look at, should the Shinnecoaks get a casino, the impact that it would have on our OTB operations. You know, with the OTB and their pursuit to get VLTs, the County would be a direct beneficiary of any profits from that. But, if the Shinnecoaks were to get a casino, we would not necessarily be a beneficiary, unless we form some type of pilot agreement. And, therefore, I would like to look at what pilot agreement would be -- would it be cost-effective, as opposed to just profits from VLT operations for OTBs.

P.O. LINDSAY:

You know, probably going back five years ago, I passed legislation here asking the State to allow us to have VLTs in one of our OTB sites, and I haven't changed my opinion on that. Unfortunately, the State hasn't moved in that direction. I would still much prefer for the State to move in that direction, because in terms of revenue relief, we'd get a heck of a lot more revenue relief. Instead of money going to the Indian Nation, it would go to the County and to the State for education purposes, but they have been reluctant to do that thus far. And, you know, if that's not the case -- you know, I'm convinced there's a lot of money to be -- you know, a lot of revenue to offset taxes that could come out of gambling, and I think that we're sticking our head in the sand by not looking at that revenue.

LEG. HORSLEY:

May I add, also that --

P.O. LINDSAY:

You're not on.

LEG. HORSLEY:

Yeah. One of the stories that came out in testimony, when we did have the Shinnecoaks in front of us, and they produced a study to us about the amount of monies that could be made on Long Island and this kind of -- and that kind of talk. And one of the things that they said, that the locality around Foxwoods and Mohegan, they didn't want to get involved with it, and then the State came in and took all the revenue. There's no revenue going to the locality where a casino is placed in Connecticut. And, as Tom fears, that's the reason why we're saying, "Well, we better get in the game early and see if we can figure this out, look at pilots, that type of thing, as possibilities. Otherwise, we're losing upwards of 234 million dollars that are from -- that are being brought into those casinos in Connecticut that are from places like Long Island. And so that's -- we're looking at this as revenue enhancement.

P.O. LINDSAY:

Okay. Is everybody talked out? We have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed?

LEG. BROWNING:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
All right. Legislator Beedenbender, did you want to make a motion?

LEG. BEEDENBENDER:
Yes. Thank you, Mr. Chairman. I'd like to make a motion to take 2241, it's in the CN packet, out of order. Our Undersheriff and our former colleague is sitting in the audience waiting for this.

P.O. LINDSAY:
I thought he was sitting here because he really enjoyed this dialogue.

UNDERSHERIFF CARACAPPA:
I do, Bill.

P.O. LINDSAY:
I thought it was a slow day in Riverhead.

LEG. BEEDENBENDER:
It's I.R. 2241, it's in the CN packet. It's a grant for the HOV Lane.

P.O. LINDSAY:
2241 - Accepting and appropriating a grant in the amount of \$742,630 from New York State Department of Transportation for the Long Island Expressway High Occupancy Vehicle Lane Enforcement Program in Suffolk County with 100% support.

LEG. GREGORY:
Mr. Chair.

P.O. LINDSAY:
Yeah, DuWayne.

LEG. GREGORY:
I thought that there was testimony, or maybe this is a different grant, that this couldn't be transferred to the Sheriffs, it had to be -- go directly to the police?

LEG. BEEDENBENDER:
Is it before us yet?

P.O. LINDSAY:
Well, you're making a motion to take it out of order.

LEG. BEEDENBENDER:
Yeah.

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

LEG. GREGORY:
Oh, okay. All right.

LEG. BEEDENBENDER:
I just didn't know if it was before us yet.

P.O. LINDSAY:

Second.

LEG. BEEDENBENDER:

Okay.

P.O. LINDSAY:

We have a second.

LEG. GREGORY:

I apologize if I'm out of order.

LEG. BEEDENBENDER:

No, I'm sorry.

P.O. LINDSAY:

So let's take that vote first. We have a motion and a second for 2241 to be before us.

MR. LAUBE:

Who was the second on that?

D.P.O. VILORIA-FISHER:

I was.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands before us now. Okay.

UNDERSHERIFF CARACAPPA:

Thank you, Mr. Chairman. Just Chief Sharkey had to leave already, and I have to leave as well, and we just wanted to make sure we answered some questions if you had it on this.

And to answer your question, Legislator Gregory, the grant has come to expire, so this is for the new grant. And seeing that we're the primary Law Enforcement Agency on the roadway, it would be flowing to the Sheriff's Office in the upcoming fiscal year. But it's also written this year it will flow to one or the other, depending on who was the primary at the time.

P.O. LINDSAY:

Joe, it doesn't say that in the resolution, though.

MR. BROWN:

The general terms and conditions of an agreement with the Department of Transportation were negotiated between the County Attorney and attorneys for the Department of Transportation, and it was agreed that it would be a two-year term, that the patrolling authority would be either the Sheriff or the Suffolk County Police Department, that's been agreed to. I don't know. Any other questions about it?

P.O. LINDSAY:

But shouldn't that have been in the resolution?

MR. BROWN:

Well, actually the resolution does say -- does give the authority to -- does grant the ability to enter into an agreement with the Department of Transportation, but it does not go into all of the details. I think it's the last Resolved Clause.

P.O. LINDSAY:

But it says the Sheriff's Office.

MR. BROWN:

Well the agreement is actually between the County of Suffolk and the DOT.

LEG. LOSQUADRO:

Bill.

P.O. LINDSAY:

Okay. Legislator Losquadro, and then Romaine.

LEG. LOSQUADRO:

Is that different from what the previous year's grant read? That seems like pretty boilerplate language.

LEG. ROMAINE:

He's got it.

LEG. LOSQUADRO:

Excuse me?

MR. BROWN:

I'm sorry.

LEG. LOSQUADRO:

Is that different from last year's language? This seems a bit like very generic language. It seems as though any resolution would say that the grant is executed between the County of Suffolk and the New York State Department of Transportation. What makes that different than last year?

UNDERSHERIFF CARACAPPA:

Well, last year, obviously, you knew the problem when the Sheriff Deputies took over the E-Way and the Sunrise.

LEG. LOSQUADRO:

No, I understand that, but last year we were told legally we couldn't switch it from one, because --

UNDERSHERIFF CARACAPPA:

And we didn't, that's why Suffolk Police are still doing the HOV enforcement on the E-Way.

LEG. LOSQUADRO:

Right. But what I'm asking is what's different about this year's resolution that's before us if last year's says the agreement was between Suffolk County and the New York State Department of Transportation, and this year it says it, except this year it says Sheriffs and last year it said the P.D. Are we going to run into the same problem this year if things change again?

UNDERSHERIFF CARACAPPA:

This year it says in the contract between the DOT and the County of Suffolk that it could be either/or. The primary law enforcement agency, right now, it's the Sheriff's Office, so it would flow -- the funds would flow to the Sheriff's Office.

LEG. LOSQUADRO:

Mr. Brown, could we --

UNDERSHERIFF CARACAPPA:

If we were to be pulled off the Expressway next month and the Police would be put back on, the funds would flow back to them.

LEG. LOSQUADRO:

Mr. Brown, could we get a copy of that portion of that agreement?

MR. BROWN:

Sure. We do not have it right now. Currently, the Department of Transportation has it. I was on the telephone with the Department of Transportation Attorney yesterday. They have it, they're still reviewing it. But the general terms and conditions, they've all been agreed upon, including this dollar amount.

LEG. LOSQUADRO:

Well, I don't see this as any different -- without seeing that language, I don't see this as any different, at least what's being put before us right now, as any different than what was put before us last year. And if things do change or if they don't change, I think that's the point, is we don't know at this point, and I just don't want to see us be put in a similar situation that we were last year. So --

MR. BROWN:

You may be correct, the --

LEG. LOSQUADRO:

I'm not comfortable without seeing that language.

MR. BROWN:

You may be correct, the resolution might be worded the same way. But what I can tell you, that the terms and conditions have been negotiated between the County Attorney's Office and the DOT.

LEG. LOSQUADRO:

I heard you -- I heard you the first, and second, and third times.

MR. BROWN:

You know, and I've worked on --

LEG. LOSQUADRO:

I just want to see that language.

MR. BROWN:

I've worked on the agreement with the attorney from the Department of Transportation, and as soon as I have it, I can get it to you.

LEG. LOSQUADRO:

Please.

MR. BROWN:

And get it to any other member.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Simply put, the switch in the patrolling of the Sunrise and the Long Island Expressway from the Police Department to the Sheriff's Office was accomplished by Executive fiat, without input from the Legislature. We are now at that moment where we will be asked to make a choice. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Gregory, did you finish what you were saying? I had you down.

LEG. GREGORY:

Yes.

P.O. LINDSAY:

You're done?

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. Dennis, I feel a looming debate coming and I'd like to short-circuit it.

UNDERSHERIFF CARACAPPA:

It's a grant.

LEG. MONTANO:

Wouldn't it be just as easy to delete the words "Sheriff's Office" from that sentence and you accomplish your purpose? Because the money is coming to Suffolk County for whatever agency is on the lane. So, if we just deleted those two words, wouldn't we avoid a -- and wouldn't that comply with the agreement that you worked out with DOT, and that would avoid maybe, you know, a lingering debate here? And it would avoid --

UNDERSHERIFF CARACAPPA:

It's a problem.

LEG. MONTANO:

Why is it a problem? Ben's in there, so let's go.

MR. ZWIRN:

I'll defer to BRO, but the money has to be assigned to a --

LEG. MONTANO:

Oh, it can't be assigned generically to the County?

UNDERSHERIFF CARACAPPA:

Exactly.

MR. BROWN:

Correct.

MS. VIZZINI:

Not really.

LEG. MONTANO:

It has to be designated to a particular department?

MR. ZWIRN:

Right.

MS. VIZZINI:

You want to show what budget line it's going to and --

LEG. ALDEN:

Just for now, bring it into the Legislature.

MR. BROWN:

And, in fact -- I'm sorry.

MS. VIZZINI:

And to pay it, you'd have to do a budget amendment.

MR. ZWIRN:

And it's a \$742,000 grant that goes to overtime to patrolling the HOV lanes, and that's -- in this particular time, I can't imagine giving that money up.

LEG. MONTANO:

Yeah, but that's not the problem, that's not the issue.

MR. BROWN:

I can answer your question further, Legislator Montano. The agreement does, in fact, contain a schedule that has all of the rates and personnel costs and -- for the Sheriff's Department as well.

LEG. MONTANO:

Well, then how does the agreement -- then I'm confused. Then how does the agreement give you the option of going to --

MR. BROWN:

The agreement contains the salaries and the rates of both the Police Department and the Sheriff's Department. The primary provider of the service is the Sheriff's Department, but the agreement allows discretion in --

LEG. MONTANO:

So it has a schedule for the Sheriff's Department and for the Police Department?

MR. BROWN:

That's correct, yes.

LEG. MONTANO:

All right. Well --

LEG. ALDEN:

Do you have that with you?

MR. BROWN:

No, the Department of Transportation has it.

LEG. MONTANO:

Someone asked for production of it. That's --

LEG. ALDEN:

You don't have the comparison?

MR. BROWN:

I do not have it with me, no.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I just have some procedural questions on this. Why are we doing this as a CN now?

MR. BROWN:

The effective date is December 19th.

LEG. KENNEDY:

No, no, no, no. That I read. I see that's like three or four days from now. When did the Sheriffs take over on the Expressway?

MR. ZWIRN:

Well --

UNDERSHERIFF CARACAPPA:

Second week in September.

LEG. KENNEDY:

Sometime in July, wasn't it?

UNDERSHERIFF CARACAPPA:

September.

MR. ZWIRN:

September.

P.O. LINDSAY:

September.

MR. ZWIRN:

After Labor Day.

LEG. KENNEDY:

It was September?

UNDERSHERIFF CARACAPPA:

The 11th.

LEG. KENNEDY:

Okay. So there was a desire on the part of the Administration at that point to go ahead and go

forward with policing by the Sheriffs, knowing full well that we were in conflict with this.

MR. ZWIRN:

Not necessarily, no.

LEG. KENNEDY:

Well, now can you say, "Not necessarily"?

LEG. LOSQUADRO:

We've talked about it.

MR. ZWIRN:

Yeah, we put the -- the Sheriffs were put on the highways, but that -- and the State Department of Transportation notified the County at that time that the HOV grant -- we didn't call them, they called us, so we assumed that there was some politics involved. They called us, that only the Suffolk County Police Department, which was on their list, would get reimbursed, so the Suffolk County Police Department was kept on patrolling the HOV, and also doing maintenance security for any DOT transportation crews that were on the highway.

LEG. KENNEDY:

So you knew it --

MR. ZWIRN:

That was State money for overtime, on overtime grants that were only for the Suffolk County Police Department, and that's who did the work. Now that the Sheriff's been on there since September, we're asking for that grant, which, at that point, was not designated for the Sheriff's Department, also be designated for the Sheriff's Department, which is doing the primary work on the L.I.E. and Sunrise Highway.

LEG. KENNEDY:

But the idea at this point, then, is that that's going to be the primary policing entity for the next 12 months. Is that what the Administration is seeking by naming them as the primary entity, policing entity?

MR. ZWIRN:

There's no indication that there's going to be a change in policy, because the State never gave us the funds that we requested. So we put those Police Officers back in the Precincts to do community policing, and the Sheriff's Department has been patrolling the LIE and Sunrise Highway, and, by all accounts, doing an excellent job.

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

LEG. KENNEDY:

Look, we agree to disagree on that one. That's the --

MR. ZWIRN:

You don't think they're doing a good job?

LEG. KENNEDY:

No, no.

MR. ZWIRN:

Oh.

LEG. KENNEDY:

I have never once suggested that the Sheriffs do not patrol the LIE in a proper way. And of all the Legislators around this horseshoe, I have the most number of exits on there; I have one of the highest stakes in safety and patrol.

I will tell you, by the fact that the administration itself has acknowledged, there are less officers there now than there had been when Highway Patrol was there, and I see it every day, I'm on the Expressway every day. My point --

MR. ZWIRN:

I ride the Expressway from Exit 70 into the Veterans and I see more Deputy Sheriffs than I ever saw Suffolk County Police Department, anecdotally speaking.

UNDERSHERIFF CARACAPPA:

Mr. Chairman?

MR. ZWIRN:

That's a fact.

UNDERSHERIFF CARACAPPA:

Legislator Kennedy?

LEG. KENNEDY:

Can I -- that's not the issue that we're going to as far as number. The issue is why are we here as far as a C of N and not being able to go through the committee process? And more importantly, Joe, what happens -- if we refer this to committee today, what happens?

UNDERSHERIFF CARACAPPA:

Well, you would have to ask the County Attorney that. But from the Sheriff's point of view, we want to be exceptionally sensitive to what you're discussing here tonight and how you feel about the entire situation.

LEG. KENNEDY:

Absolutely.

UNDERSHERIFF CARACAPPA:

That's why we wanted to have in place an either/or or a primary law enforcement agency it would flow to, knowing that it could change and not wanting to put you politically in a box. And with all due deference to Legislator Romaine, this certainly is not asking you to make a choice. There needs to be a grant, it's 700 and

MR. ZWIRN:

Forty-two thousand.

UNDERSHERIFF CARACAPPA:

Seven hundred and forty-two thousand dollars coming to the County of Suffolk. We understand the situation you're in politically and we just wanted to make it as palatable as possible for you while receiving the money and continuing the HOV patrols.

LEG. KENNEDY:

Joe, the problem goes to when you -- having been on the other side of the horseshoe, you know this. We're being asked to go ahead and adopt this, but we don't see it in front of us. And unfortunately, what happens is the implementation often times gets lost in translation. Something said here and in two months, three months, five months, seven months later we hear, "We can't do that, that's not the way it is in the contract."

UNDERSHERIFF CARACAPPA:

Well, we couldn't bring this forward without the agreement in place with the State DOT already there.

LEG. KENNEDY:

Have you seen the "either/or" language?

UNDERSHERIFF CARACAPPA:

I haven't -- I've seen the schedule that Mr. Brown is talking about as it relates to the officer's salaries and the overtime adjustments and the things that the grant will cover.

LEG. KENNEDY:

But have you -- have you seen that either the Sheriffs or the PD are --

UNDERSHERIFF CARACAPPA:

It's either -- the language states --

LEG. KENNEDY:

-- allowable entities for receipt of this money?

UNDERSHERIFF CARACAPPA:

It says "either/or".

LEG. KENNEDY:

You've seen that.

UNDERSHERIFF CARACAPPA:

The Sheriff's Office, Chief Sharkey has seen it.

LEG. KENNEDY:

He has.

UNDERSHERIFF CARACAPPA:

And the Sheriff.

LEG. KENNEDY:

You've discussed it with him?

UNDERSHERIFF CARACAPPA:

Yes. He was here earlier, he had to leave for a family event and that's why I stayed, and I have to leave and I wanted to answer these questions, too.

LEG. KENNEDY:

As long as you or he have seen that and you can say it's there --

UNDERSHERIFF CARACAPPA:

Like I said, we're really sensitive to it.

LEG. KENNEDY:

That's fine.

UNDERSHERIFF CARACAPPA:

And we wanted to make sure that there was that language in there --

LEG. KENNEDY:

Okay, fine.

UNDERSHERIFF CARACAPPA:

-- as well as the County as a whole to make sure that you weren't put in that political box.

LEG. KENNEDY:

Thank you, Joe.

P.O. LINDSAY:

Yes, Ms. Vizzini.

MS. VIZZINI:

I just wanted to comment that in terms of Legislator Kennedy's question, why is this a Certificate of Necessity? One reason, just at face value, it's amending the 2008 Operating Budget. So this would be pretty much your last opportunity to do that and we cannot amend the --

LEG. KENNEDY:

It had three months to get here, though, Gail.

MR. ZWIRN:

Yeah, but the contract expires in 12/18 and the new one would start on 12/19 and we've been negotiating it.

LEG. KENNEDY:

Ben, we knew about this issue from September.

MR. ZWIRN:

Legislator Kennedy, look, I know the hour is late. You don't want to vote for this, you don't want to get the grant money for the overtime, that's fine, but vote it up or down. You know, you can debate this forever.

P.O. LINDSAY:

Okay. Okay. That's it.

LEG. KENNEDY:

No, you're not --

P.O. LINDSAY:

Hey, come on, guys. Stop it, both of you. You weren't recognized, you keep talking and you keep interrupting; I'll never get out of here if you keep acting like that. Legislator Alden.

LEG. ALDEN:

Joe or to Mr. Brown, this new one goes from the 19th of December to the 31st of December, 2010?

MR. BROWN:

Yes.

LEG. ALDEN:

So that's --

MR. BROWN:

Yes, yes.

LEG. ALDEN:

Is that what the last one was, a two year period?

MR. BROWN:

I think they were two-year periods. I worked on this one, I can't -- I only know that anecdotally, I

can't speak to it from firsthand knowledge.

LEG. ALDEN:

Okay. I'm just surprised it didn't end at the end of the year then, that something would expire on December 19th.

MR. BROWN:

I don't know why it's on December 19th instead of December 31st or January 1st, I don't know why.

LEG. ALDEN:

All right. And the other thing is a request for -- I'd like to see the whole submission.

MR. BROWN:

The agreement?

LEG. ALDEN:

Including the schedule.

MR. BROWN:

Absolutely, no problem.

LEG. ALDEN:

The agreement, the comparison of --

MR. BROWN:

Absolutely. You know, all of those figures came from the Police Department, from the Sheriff's Department, they've all been reviewed by Budget, everything, you know --

LEG. ALDEN:

And can you give me the old one, too? I want to see the expiration date of it.

MR. BROWN:

Sure, no problem.

P.O. LINDSAY:

Okay. I'm just going to put it right where it is. Mr. Zwirn, nobody wants to turn down \$742,000. And I disagree with Legislator Kennedy, this Legislature has pretty much stayed out of this debate that's going on between the County Executive and the PBA and the Sheriff's Department because it's a mess, all right? And we want to stay out of it. This resolution to me looks like you drag us right in the middle of it. Why can't this resolution be worded, then, about the Suffolk County Sheriff's Department and/or the Suffolk County Police Department; why can't that be done, if it says it in the agreement?

MR. ZWIRN:

The money has to go into somebody's budget. You can't have it "and/or".

P.O. LINDSAY:

But the testimony we just got was that the agreement with State DOT says "either/or".

MR. ZWIRN:

That may be --

P.O. LINDSAY:

So why can't the resolution reflect that?

MR. ZWIRN:

Where would you put the money?

LEG. ALDEN:

I can make a suggestion

P.O. LINDSAY:

Put it in the Sheriff's Department, but put some language in there, you know, if the jurisdiction changes then it reverts back to the patrolling jurisdiction.

LEG. ALDEN:

In the event of --

P.O. LINDSAY:

Wait a minute, let me finish what I'm saying because I'm on a role now, all right, because you really got under my skin, the whole bunch of you.

But the point of the matter is, is right now we have Police Officers in the HOV lane, we have Sheriffs in the other three lanes and we all look like idiots, and I want to prevent that from happening in the future. And I don't know why this CN is worded the way it is, and forgive me but we're a little bit distrustful of it and, you know, maybe I'm speaking for myself, but it just make me a little itchy. We don't want to get in the middle of this fight.

LEG. SCHNEIDERMAN:

Time to get a new CN. Can the administration prepare a new CN?

MR. ZWIRN:

I don't think we could do it now. If you want to come back for a Special Meeting; I don't know what to tell you.

D.P.O. VILORIA-FISHER:

Why can't you do it now?

MR. NOLAN:

Why? We're going to be here for hours.

MR. ZWIRN:

Yeah, but I don't think there's anybody back in our office who can prepare it. I don't think anybody was prepared to stay that late, but we'll see.

MR. NOLAN:

We'll help you.

D.P.O. VILORIA-FISHER:

George will do it.

MR. NOLAN:

I'll be glad to help.

P.O. LINDSAY:

Legislator Losquadro.

LEG. ALDEN:

At least your heart's pumping; that's good.

D.P.O. VILORIA-FISHER:

You want more coffee, Bill?

LEG. LOSQUADRO:

A quick question. I apologize, I just had to take a quick phone call there. I didn't hear the last part of --

UNDERSHERIFF CARACAPPA:

Jeff Frayler.

LEG. LOSQUADRO:

-- that debate, and I was very upset.

UNDERSHERIFF CARACAPPA:

How is Mr. Frayler?

*(*Laughter From Audience*)*

LEG. LOSQUADRO:

Actually, it wasn't Mr. Frayler. I won't tell you who it was, but it wasn't Mr. Frayler.

UNDERSHERIFF CARACAPPA:

I'll never change.

LEG. LOSQUADRO:

The previous agreement for this, was it a one-year or a two-year term the one that's just expiring?

UNDERSHERIFF CARACAPPA:

I think that was asked by Legislator Alden.

LEG. LOSQUADRO:

Was it?

UNDERSHERIFF CARACAPPA:

We believe it was a two-year.

LEG. ALDEN:

They think it was two years, but they didn't know when the expiration date was.

UNDERSHERIFF CARACAPPA:

We believe it was a two-year.

LEG. ALDEN:

You want to hear the rest of it?

LEG. LOSQUADRO:

Yeah.

LEG. ALDEN:

Good, we'll do it again.

P.O. LINDSAY:

Isn't it a little unusual for an allocation from the State to start the last two weeks of the year? Wouldn't it be normal for it to start January 1; no?

MR. ZWIRN:

No, we get grants that come in, we've done CN's for grants, there will be CN's for grants that we have now, some that --

P.O. LINDSAY:

Mr. Zwirn, you can't add a sentence to this? I mean, you're the one that's signing this.

LEG. HORSLEY:

It's the last one going out of Albany.

MR. ZWIRN:

Yeah, I don't --

P.O. LINDSAY:

If you get fired, we'll employ you.

*(*Laughter From Audience*)*

MR. ZWIRN:

I won't say anything.

D.P.O. VILORIA-FISHER:

We've got a place for you, Ben

MR. ZWIRN:

I don't think it's even a question of that. I think it's a question that I think that the County -- this language was worked out carefully. I know that the County Attorney worked on this personally to make sure that the language would cover it so we wouldn't be in a situation like we were this past year. We can always do an amendment at some point, but I would ask the Legislature, this is a grant, I would hate to lose this for the wrong reasons.

LEG. LOSQUADRO:

Bill?

MR. ZWIRN:

And almost three-quarters of a million dollars in overtime to patrol the HOV lanes and provide safety and funding that we get from the State that is so hard to get right now.

P.O. LINDSAY:

Legislator Losquadro and then Romaine.

LEG. LOSQUADRO:

Ben, I just hate to hear you characterize it like that, because I was actually the one who asked you on the record when this issue first came to light about the loss of that grant money, and at the time you said to the best of your knowledge it could be switched to the Sheriff's Department, no problem, we wouldn't lose any funding. You said you look into it, you looked into it, we found out we couldn't do that, which was what I stated at that meeting, and now you're telling me that we -- "Oh, we can maybe make an amendment if it doesn't come to pass." We couldn't make an amendment in the past, I don't think we can make an amendment in the future. I'm just trying to protect us against the same sort of eventualities that we faced this last time around, which I think is what everyone here is talking about. Nobody wants to be put in a position where we wind up becoming pigeon-hold on something because we didn't foresee a future eventuality. And given the language in this resolution, I'm not comfortable, that's not going to happen again.

MR. ZWIRN:

Worst case scenario, both cases. To the best of my knowledge, I thought the grant and I thought the State would move the grant to the Sheriff's Department because it would have saved them some money on top of everything else in their tough budget climate; they would not. Worst case scenario, the Suffolk County PD maintained HOV lane patrols and got the overtime for it. Worst case scenario now, we can't amend it; I think we can, but say we can't. Worst case scenario, Suffolk

County Deputy Sheriffs patrol the HOV lanes and provide safety during the HOV hours of rush hour traffic. That's not a bad thing, and we still get the money. So I don't see -- there's no downside. Suffolk County Law enforcement officers will be patrolling that road.

LEG. LOSQUADRO:

Well, the downside as you put us in the middle of a situation where there's an ongoing labor dispute and we may wind up locking something in here that may or may not be struck down by a court or an arbitrator and we wind up voting on something that has not yet been decided; I think that's an untenable position for the Executive's Office to put us in. And without that language in this bill that it is truly -- you're telling me, "Well, that's the worst case scenario," like it's no big deal. No, it is a big deal because there's an ongoing labor dispute. I'm saying one side is right or one side is wrong; I'm saying it's an unfair position for us to be put in being that that situation has not yet been decided. So I'm not comfortable without seeing that language clearly, not just what's in this resolution because this resolution does not state that.

MR. ZWIRN:

I hear you, but I -- I hear your concerns, but I think this -- I think we're covered with this bill, I think we're okay.

P.O. LINDSAY:

You could change it, Ben. Legislator Romaine.

LEG. ROMAINE:

Yes, just a quick question for Mr. Zwirn. You say I am informed by you or people associated with the Executive Office that the language in the contract that you're about to sign with the State allows an "either/or" option; is that correct, Mr. Zwirn?

MR. ZWIRN:

I'll defer to the County Attorney who -- I didn't --

MR. BROWN:

Yes, that's absolutely correct.

MR. ZWIRN:

I was not privy to the negotiations or the contract, but I'll defer to the County Attorney's Office.

LEG. BROWNING:

Bill?

LEG. ROMAINE:

But the -- Mr. Brown then?

MR. BROWN:

It's absolutely correct.

LEG. ROMAINE:

Okay. So it allows either/or. Now, earlier this evening, Mr. Zwirn, you indicated that you felt there was some politics involved from the State in their decision to maintain the Suffolk County Police as the agency that was patrolling at the time the switch-over took place. Based on that, if there's an "either/or" provision, what's to prevent the State from recognizing the Suffolk County Police Department as the agency that would continue to patrol the HOV?

MR. ZWIRN:

I would -- I'll defer to the County Attorney's Office.

MR. BROWN:

Actually, I think what -- and I can't speak for Mr. Zwirn, but --

MR. ZWIRN:

Oh, I can tell you -- I'll speak to you why I thought it was political, it was before we could even talk to the Department of Transportation about the switch that had been made, they contacted us. They contacted the County Attorney's Office and said that they would not -- they would not recognize the Sheriff's Department taking the HOV lane.

LEG. ROMAINE:

So under those conditions, sir, under those conditions --

MR. ZWIRN:

But then -- but part two, I would defer to the County Attorney's Office.

MR. BROWN:

That's right, that's a preexisting arrangement between the DOT and the County with pertaining to HOV patrols which is by the Suffolk County Police Department.

LEG. ROMAINE:

But under those conditions with an either/or option, why would the State not do the same thing that they did back in September and insist that the money go to the Suffolk County Police Department?

MR. BROWN:

Because here they're going to be signatories to an agreement where they're pledging that they're going to give us this money and that the patrols can be implemented by the Police Department or the Sheriff's Office.

LEG. ROMAINE:

And who will make that decision under this contract?

MR. BROWN:

Well, Mr. Zwirn can answer that question.

LEG. ROMAINE:

Who is authorized under the Charter to make that decision, sir?

MR. ZWIRN:

The County Executive.

LEG. ROMAINE:

Solely and alone?

MR. ZWIRN:

Correct

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Well, it's a quarter to seven, the temperature in here is just about where I like it so I'll stay all night, but the rest of you are not going to last, I'm going to tell you right now. So I'm going to ask two questions, or maybe just one. Is there a time limit -- if we send this back to committee, and committee is not going to be for a while, is there a time limit at what we have to accept this grant or do we lose it if we don't do it tonight?

MR. ZWIRN:

It will lapse and we will certainly lose the time in between any time that a grant is agreed to, and that's not til February then we will lose whatever time is left after the 18th of December through --

LEG. NOWICK:

Does that mean that there's a portion of the money they'll withhold; is that what you're saying?

MR. ZWIRN:

Right, that's a portion of the money I would expect that we would lose.

LEG. NOWICK:

So it will be prorated.

MR. ZWIRN:

Yes.

LEG. NOWICK:

And we would lose a portion of the money, and I know none of us wants to do that. Now, Ben, I know my fellow Legislators want a small change and I don't know if you said yes or no or if that you could do it but there was no clerical work to do it; what was the --

MR. ZWIRN:

I'm not under, you know, any indication that we would change the bill than what we have. We think that we've got everything covered.

LEG. NOWICK:

Oh, okay. So it wasn't that there was nobody there.

MR. ZWIRN:

Well, that would be part two, but the main part was that there was not a policy change that would change the language in this particular resolution.

LEG. NOWICK:

So Gail --

P.O. LINDSAY:

If I could just interrupt.

LEG. NOWICK:

Yeah, sure.

P.O. LINDSAY:

What we're asking you to do is change the language as per the testimony of Mr. Brown. Mr. Brown is saying it's "either/or" in the State DOT contract.

LEG. LOSQUADRO:

Right

P.O. LINDSAY:

We just want some indication of that in the resolution.

MR. ZWIRN:

I have to defer to the County Attorney, I don't know. I don't have a copy of the contract.

LEG. LOSQUADRO:

I just asked for it.

LEG. NOWICK:

Oh, all right, then to the County Attorney.

LEG. LOSQUADRO:

Hold on. Can I just ask one question, Bill? Just a quick question of Mr. Brown. Everyone is still standing here, I requested that we see a copy of the language in the contract. Mr. Brown, is someone getting that for us; have you asked someone to go get it, or you just told us we'll see it eventually?

MR. BROWN:

Well, I certainly didn't mean to imply that you would see it eventually. But I could go back to the office and get a marked-up draft for you, if you would like to see it.

LEG. LOSQUADRO:

Is anyone over there?

MR. BROWN:

No, I would have to go back and get it; it's a quarter to seven.

LEG. LOSQUADRO:

Oh, I thought you guys worked 24-hours a day, Ben.

MR. BROWN:

We do.

MR. ZWIRN:

But not in Dennis' office if he's here.

LEG. ALDEN:

Have Steve bring it over.

P.O. LINDSAY:

Could I make a suggestion to my colleagues?

LEG. NOWICK:

Please do

P.O. LINDSAY:

That let us -- and I hate to do this to you, Joe, I know you have something to do. We thought we could dispose of this and get you out of here. But again, we don't want to get dragged into the middle of this thing, all right? So what I think what we want is we either want to see this contract with DOT or step in the back room and make some changes, Ben, to indicate what Mr. Brown is saying. We have clerical staff here, we'll be happy to help you out with a change.

MR. ZWIRN:

Okay, we'll come back to this one, then.

P.O. LINDSAY:

All right,

UNDERSHERIFF CARACAPPA:

Thanks anyway, Brian.

P.O. LINDSAY:

Is that all right with everybody, we skip over that?

LEG. KENNEDY:

Why make him stay? He said what he needed to say.

UNDERSHERIFF CARACAPPA:

Thank you anyway. I appreciate it. Thank you, Mr. Chairman.

LEG. ALDEN:

Joe said everything.

P.O. LINDSAY:

All right, Legislator Alden just has another --

LEG. ALDEN:

And Ben and for Mr. Brown; if you're going to look at it, this one is for a two-year period for approximately the same amount of money as the last two which were one-year, they're one-year contracts or one-year resolutions. And this one actually covers a two-year period which is different from what we did the last two years in a row

MR. BROWN:

Well, I can tell you that it's a two year agreement, it runs through the end of 2010, effective December 19th, and that this resolution covers the first year. DOT has represented it's approximately 1.5, \$1.51 million.

LEG. ALDEN:

But my point is that we only did resolutions that covered one-year to accept the appropriations.

MR. BROWN:

Prior to this resolution?

LEG. ALDEN:

Right. Last year and the year before --

MR. ZWIRN:

Then this is better.

LEG. ALDEN:

-- they were one-year accepting the appropriations.

MR. ZWIRN:

Then this is a better deal for the County, then; we're guaranteed two years.

LEG. ALDEN:

No, it is absolutely not because the amount in here is approximately the same as we got for a one-year period.

MR. ZWIRN:

If you read the -- heard the press release from the Governor today, I think the two-year contract with this amount of money is --

LEG. ALDEN:

No, but this actually cuts our contract in half.

MR. BROWN:

No, it's a two year contract. This resolution is only for the one-year.

LEG. ALDEN:

I haven't seen the contract. This resolution is for two years for the same amount of money, approximately the same amount of money we got last year.

MR. BROWN:

I understand your point. I understand your point, yeah.

LEG. ALDEN:

Okay?

P.O. LINDSAY:

But isn't it 700,000 annually?

MR. BROWN:

Yes, 742 plus.

LEG. ALDEN:

It doesn't say that. It doesn't say that. This resolution says that amount for two years.

P.O. LINDSAY:

Okay.

MR. BROWN:

You might be correct, I take your point. You're point's well taken and we could correct it.

LEG. ALDEN:

Just take a look at it.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Redraft

P.O. LINDSAY:

So we're going to skip over it and you guys are going to work on that, all right? I'm going to try and be a good guy again; it didn't work with Joe.

I'm going to make a motion to take 2178 out of order, it's the Workforce Housing Incentive Fund. We've had Commissioner Heaney here all day and we've had Jill here and I'm sure they want to go home.

LEG. ALDEN:

It's not a CN?

P.O. LINDSAY:

It's not a CN. It's on the agenda, page 10, fourth one up from the bottom. I'm going to make a motion to take them out of order.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It's before us.

2178-08 - Appropriating the 2008 Funds for infrastructure improvements for Workforce Housing/Incentive Fund (CP 6411) (County Executive).

And I believe we all have a booklet here listing the projects involved.

D.P.O. VILORIA-FISHER:

Yes.

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington.

Is there any discussion?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

We're all talked out, Skip, all right?

COMMISSIONER HEANEY:

This is good.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. Seventeen, check that (Not Present: Legislator Montano).

P.O. LINDSAY:

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

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

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

LEG. MONTANO:

Yes, yes, yes.

MR. LAUBE:

Make that eighteen.

LEG. EDDINGTON:

Tim, cosponsor.

LEG. BROWNING:

Cosponsor.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher is going to make a motion.

D.P.O. VILORIA-FISHER:

I'd like to take 2094, the override of the veto.

P.O. LINDSAY:

To take it out of order.

D.P.O. VILORIA-FISHER:

To take it out of order.

P.O. LINDSAY:

If you go to your packets, it should be in there.

D.P.O. VILORIA-FISHER:

It's the last resolution in the packet.

LEG. BEEDENBENDER:

It's in the manilla folder.

P.O. LINDSAY:

It's in the manilla folder, it's Veto of --

D.P.O. VILORIA-FISHER:

2094.

P.O. LINDSAY:

-- Resolution 1010 of 2008. It's -- no, it's Introductory Resolution 2094.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

The bill itself.

LEG. MONTANO:

Oh, this is the Vanderbilt?

P.O. LINDSAY:

This is the park fee increase. And again, the reason that we have this motion is because the Park's Commissioner is here, Carol Hart from the Vanderbilt is here, and we're trying to be good people and let people go home and let us suffer in quiet here.

All right, we have a motion before us. We have a motion to take this out of order by Legislator Viloría-Fisher. Do we have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor of taking it out of order? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, it's before us. Okay, on the veto, do I have a motion?

D.P.O. VILORIA-FISHER:

Motion to override.

P.O. LINDSAY:

Motion to override.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. On the motion, does anybody want to speak?

D.P.O. VILORIA-FISHER:

Yes, Mr. Chair. May I?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you. You know, we've heard a great deal about these rate increases. And, you know, this morning Mr. Gipp was here from Aces and Birdies and he said that the rate increases would be more palatable to players, I'm quoting him, "If the money went back into the courses." And he suggested that we raise taxes for everyone in Suffolk County by \$1 to save the Vanderbilt.

You know, it's human nature to have this, you know, sense of taking care of one's own self-interest and a sense of fairness. In fact, there was recently a study that showed even dogs have a great sense of fairness and fair play. But if we're going to talk about fairness, and you've heard campers come before us and say, "Well, the golfers are getting off too easy," and you've heard golfers come before us and say, "Well, we're carrying all of this on our shoulders." Well, if we're really going to look at this fairly, and I've given material out to all of you, but I'm just going to recap some things. Since 2002, the County has spent a considerable amount of money actually making the golf courses better and making our facilities better. We've spent on golf courses since 2002, \$1,867,000 in capital improvements. Campsites, \$4,795,000 in Capital improvements; marinas, \$1,065,000 in capital improvements, and that's because they're all part of what we present to the people of Suffolk County for their use and for their recreation.

But if you -- if you look not only at the capital expenditures, I'd like you to think about the fact that since 2002 to the present, we have not raised any fees in Suffolk County Parks, any user fees. And there have been inflationary impacts on the County's expenditure side, not only your cost of living inflation, but the fact that our energy expenses, the Park's Department expenditures for energy, from 2002 which was \$667,000 went to 2008 estimated 1,104,319 which is an increase of 65%.

If you were to look at a chart of what a golf fee would be based on inflation, our increase is just about where inflation would be. If you look at campsites, the resident campsites were actually \$2.26 below where a tent camper would be. We're 28 cents above where a campsite with electric and water and septic facilities would be if we had adjusted for inflation, we're 28 cents above that amount, and that's not counting -- that's not adjusting for the energy use.

Some of you may not have got -- may never have gone out to some of these campsites. I'm a camper, but I'm a tent camper, I'm not -- I don't drive around in something that's almost like a little house with a TV, air-conditioning and other appliances which have necessitated -- pardon me -- generators in the winter to keep them warm. This has necessitated the County having to increase

the service at these sites from 30 amp to 60 amp; that's a lot of juice that the taxpayers are paying for every one of these Rv's that are out there. And someone testified that he spends 40 days a summer in his RV on our beaches, and you're paying for his electric -- and we're paying his electric bill. And we're asking for an increase of \$4 a night.

You know, I've gone out to Hither Hills. When you compare Hither Hills with our County parks, and this is a State campground. Okay? At Hither Hills, for a New York State resident it's \$28 a night, that's more than our increase. With electric, that amount -- that goes up to between -- wow, with electric that goes up to between -- I'm trying to find my handwriting here -- between 35 to \$40 a night. For County -- for Suffolk County, an electric site is between 20 and \$25 a night with the rate increase. So we're still \$10 less than Hither Hills. For non-residents, it's \$56. And then Hither Hills -- by the way, has anybody ever tried to get a reservation at Hither Hills? They're booked all summer. I happened to camp there one summer, what we did was we just took a chance, we drove out there at six o'clock in the morning one morning to stand on a line to see if we could get a spot, okay. There's no problem booking Hither Hills; fifty-six dollars for non New York State residents. And then they have all extras; for a platform or a pad, it's an extra \$3; weekends and holidays, including Friday, by the way -- the State considers Friday part of the weekend -- an extra \$4; for electricity they add six to \$8; for a prime spot it's \$4 extra; for a waterfront spot it's \$6 extra; for an ocean-front spot it's \$10 extra; and for a full hook-up with water, electric, prime location is \$12 extra. So that means your basic goes to \$40 a night at Hither Hills and your non-resident goes to \$68 a night.

You know, I'm asking you to override this veto because of what all the people who have come to speak to us have asked for, which is fairness. I have been looking at these park fees ever since I became Parks Chair again at the beginning of the year, because the fees have not been raised in so long and we're in tough economic times, and these are optional expenditures for people. We're not telling people we're going to tax them on their milk or raise their utilities fees in their homes. These are optional expenditures for families and all of the Suffolk County taxpayers are bearing the burden.

Now, serendipitously I had been looking at these fees and when we came to the point where we were told what we would need to maintain the doors opened at Vanderbilt, there was a synergy here. We knew that we would be raising at least \$800,000 if we applied this rate structure, and we could raise as much as \$1.2 million. And I know that I've gone on and on about this, but just bear with me just a few more minutes, okay?

We've done a lot of work on this and it's really critical. We don't want to pit the Vanderbilt against the Parks, that's not how we should be looking at this. These are justified rate increases. Someone spoke here earlier and said, "You didn't sit and talk with us about it." Well, I'm going to be very frank with you. You saw in the narrative of the budget that the County Executive said he didn't want to entertain rate increases in our parks, and so it was very difficult for people in Parks staff to candidly become part of a conversation. But perhaps when we have overridden then veto and we have established these rate increases for this year, and you have my commitment on this, that I would be happy to sit with the user groups and the Parks staff and reexamine it and see where it might be off. But right now, we are going to have to spend \$800,000, whether the Vanderbilt is opened or closed, and we're going to have a hole in our budget. And there are other expenses that will be coming up, coming before us and this rate increase can give us over and above what the Vanderbilt needs; will give us another 400 to \$600,000.

So I ask you to try to look at this on the merits, try to look at this globally and see it as something that we're committed to for this year and something that we can continue to revisit. Thank you. Legislator Alden.

LEG. ALDEN:

Thank you. If we were going to raise park fees in this manner, I'd be opposed to that concept; we're not. We're raising park fees to support the Vanderbilt.

Just as a reminder, most of the people who use our parks actually pay property tax and sales tax in Suffolk County, so they're already supporting the operation of our parks and our recreational facilities; that's not the case with the Vanderbilt. These fees usually, and I've only been here eleven years but in the eleven years I've been here, we go to the Commissioner, we go to the user groups, we all sit down and then we try to find out what would be a balance, and it always is a balance. A user fee is a balance. If we raise it too high, we run the risk of decreasing the business. If we leave too low, I mean, what's the risk on the bottom side? Then we'll have more people using our parks which in some way, supply and demand, you might end up with a little bit more of a -- more revenue, and that was alluded to a couple of times, then what you would have had if you had a higher fee.

So, you know, in a sense, if we override this, it might be a bad business decision we're making, because we're making the assumption that everybody is going to come to our parks in the same number that they've been coming. When we raise fees, they have to make that decision. And Legislator Viloría-Fisher just said something that is key; if it is discretionary, then they have the discretion to take that money elsewhere and spend it. It's not just automatic that we're going to get that money.

And again, the comments were from the two pros that came down; we shouldn't kill the messenger. There's only a few people that are playing golf at this time. There's only a few people that are going to the parks and camping at this time, and just those few people are up in arms about these fees. They weren't consulted, there were no public hearings on them before they were actually proposed, they had no input into whether a fee should be raised, whether it should be lowered; they really feel disregarded.

And again, if you look at it, the fees were not raised across the board. Some were raised 35%, some were raised less than that, but there's other fees that weren't changed. For instance, we have over a hundred thousand people that go to Smith Point County Park; that fee was left alone. The people that come from outside the County that went there, all right, there's a slight increase, but that's probably a few people. When you're talking about the majority of the people that go to Smith Point, they're going to pay that same fee, that \$7. So this does not -- this fee increase did not look at all the fees, it only looked at a few that could be raised. And the people, rightfully so, will use those type of facilities, whether it be golf or camping or whether it just be the beach buggy permit which was raised from \$75 to \$100, that's a 33% increase. The green fee, the green card; we're just getting people to the point where they want to buy a green card and getting them to part with their \$20, because that green card is key, and it's an orderly progression of use of the parks. But if we're going to raise not -- and we are, in essence, raising the fee by cutting out one year. It's a three-year term right now, we're cutting one-year out of that, so that's a 33% increase if you left the number at the \$20.

So it's not across the board. It's not -- in any way, shape or form where you could say that it's been done with fairness or with a regard to everything. And like I said, the fee schedule is one thing, this fee is dedicated to going to the Vanderbilt Museum. This should have been looked at in our budget for the past couple of years. And now I just heard something very shocking, that the money that had built up over the \$8 million has been taken out. So that trustee or that trust -- whatever you want to call it, trust account is pretty much dormant at this point; we cannot do anything with it. We had a little bit of a play there of two or \$300,000 that were over the \$8 million, but now if that money has been sucked out of it, that account is pretty much dead for the next year.

And one other point I want to make. I have not seen the plan from the Vanderbilt. You're asking golfers, other people that use the parks, campers, you're asking them to take a fee increase. What's the fee increase going to be for the people that actually use the Vanderbilt? A and if it's raised enough

D.P.O. VILORIA-FISHER:

Between 10 and 60% increase; we're giving this out to you.

LEG. ALDEN:

Oh, I'm glad, because I haven't seen it. That was my point, I have not seen the plan, and I did not see a plan that would ensure survival into next year. Because in 2010, that's when the Goto Projector is scheduled to come in, I can see not only a huge difference in income, but I could see a slight increase in the revenues that will be generated by the Vanderbilt. But I can't see anything in the neighborhood of 1.1, \$1.2 million dollars.

So unless this is a multi-year plan that starts day one to raise over a million dollars in fees or a million dollars increase in revenue to the Vanderbilt Museum, we're going to put in \$800,000 and the majority of the people on this Legislative Body said they're interested in one year, that they might go along with it for one year; well, that does not ensure the survival because this plan will not generate \$1.1 million in time. That \$1 million that we're going to inject in there, that \$800,000 would be wasted because by next year they'll be out of business again if people stay to their original doctrine or original opinions, that they would only go along with one year.

So why wasn't this plan given to us before this? Why didn't we look at the Vanderbilt's needs in our budget cycle? When it would have been fair, we could have spread it out among everybody in Suffolk County, and maybe that's the way it should have been and maybe that's the way it should be in the future. But this is very unfair the way we are balancing the budget, and I'm going to say it, mismanagement on the part of Vanderbilt and on our part, and I said that originally, too. We did not have the oversight and we should have conducted more oversight into the operations of the Vanderbilt. We should not have let it get to point where it is now, where the \$8 million is frozen. They're in a terrible shape as far as their income, they cannot really survive, we might even have to mothball it and that would be a terrible loss for the people of Suffolk County. But it would be a terrible loss for the people of Suffolk County, so maybe that's who should be bearing the burden of the 800,000 or 1.1 million, not just one little group of people in Suffolk County. Because other people could say, "Why not this one, why not that one? Why not the guy that goes for a license to do construction work? Why not get \$800,000 more from those people?" No, we chose a couple of people that use parks. It's wrong.

D.P.O. VILORIA-FISHER:

Gosh, I hope it's more than a couple, Cameron.

LEG. ALDEN:

Well, when you bill this, we might only end up with a couple of people.

D.P.O. VILORIA-FISHER:

By the way, it doesn't go into a dedicated fund, you know it goes into the General Fund. Any monies collected go into the General Fund, it's not a dedicated fund.

LEG. ALDEN:

Right, I know.

D.P.O. VILORIA-FISHER:

Okay, I just wanted it on the record.

LEG. ALDEN:

But the purpose of it was to go to the Vanderbilt, to raise \$800,000 for them.

D.P.O. VILORIA-FISHER:

Okay. Legislator Eddington?

LEG. LOSQUADRO:

I thought I was on.

D.P.O. VILORIA-FISHER:

Oh. I'm sorry, I crossed your name off when you walked by. Sorry. Dan, you're next; sorry.

LEG. LOSQUADRO:

You're giving me a complex there, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Ah, sorry.

LEG. LOSQUADRO:

I'm very conflicted regarding this, and you know we've had a lot of discussions regarding this. And my intent, I was one of those people who was very adamant, and I spoke to members of my caucus regarding this, that this would be a one-year deal. Unfortunately, when it came down to the very last minute, when we discussed with Counsel, we couldn't actually put in a sunset provision as a portion of this bill. But as I discussed with you earlier, I plan on filing a bill repealing these increases as of December 31st, 2009. I firmly believe that our obligation in this should be for one year. And as I said on the record, if this comes down to the second half of 2009 being spent planning and closing, then that's what they have to do. Because I'm looking at a portion of this business plan and I see increasing the fees regarding the school trips. Well, guess what's happening to field trips with cuts in State education? They're being reduced drastically. My school district used to go twice a year, they're not going at all any more.

There are aspects of this plan that unfortunately I don't think are taking into account the current economic situation, and it is going to be a very, very heavy lift. I certainly want to give them every opportunity to succeed and I want to try to pursue other areas of revenue. This is one of the few that we had at our disposal in this short period of time. And I know the Presiding Officer and I and others are looking at other dedicated sources of revenue and if we can accomplish that and help offset these fees, great. But I don't want to see it done on the backs of fee increases to our parks users any longer than we absolutely have to because we'd wind up -- as we said before, we would wind up spending this money, closing this facility anyway. So I want to give them the opportunity to succeed.

This was one of the few years that we could find to do this money.

I am certainly not happy about it for 2009, but I do not want to see these particular fees continue a minute longer than the end of 2009.

I will be filing that bill with Counsel and have it come before us and I hope the members of this body will support that. And hopefully in short order, at least some time throughout the course of 2009, we can find a dedicated source of revenue that we can use to help our cultural and historic and our arts programs so that we don't have to be put into a situation to put a burden on to one particular user group. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Eddington.

LEG. EDDINGTON:

Thank you. I thought that Legislator Viloría-Fisher, you made a great argument for the increase in user fees, because you talked about how the expenses have gone up and using the facilities and it's been a good deal. And if you told me that the money was going to go to the Parks Department to kind of take care of that, I would normally have said, "Okay, do it." But in this tough economic time, what I'm hearing from people is, "Well, thank God we have the Suffolk County Parks. Thank God we have Smith Point. Thank God we have the other parks."

D.P.O. VILORIA-FISHER:

Fees are not going up there.

LEG. EDDINGTON:

Excuse me?

D.P.O. VILORIA-FISHER:

The fee is not going up at Smith Point.

LEG. EDDINGTON:

I appreciate you interjecting, but haven't we changed the green card from --

LEG. BEEDENBENDER:

The green key.

LEG. EDDINGTON:

The green key from two to three from three to two? So in fact, it does go up, doesn't it?

D.P.O. VILORIA-FISHER:

Well, not in the (Inaudible)

LEG. EDDINGTON:

Well, okay. Yeah, you know what? That's exactly -- that leads me to the next point, that I love -- I have learned in the last three years how what you say doesn't really mean what you're thinking, it's how you say it and how you play with the words and how you spin it. Because now I found out that Friday is no longer a weekday. Now, I don't care who's done it and why they've done it, it goes Monday, Tuesday, Wednesday, Thursday, Friday. You can call it a weekend day, it don't make it so. It's like when are we going to say enough of this? And if you want to raise the fees, I don't care, a hundred percent, 200% to fund the Vanderbilt, I will support it. And I think the people that go there probably will say, "You know what? It's worth it." But if you are going to raise the fees on golf and camping, these are the things that the people in my area are doing. I'm not going to support it and I will never vote for anything that makes Friday a weekend day.

LEG. ROMAINE:

Only if I get off.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

You know, when this passed last time, I voted for it, but I asked some questions before my vote, both to the Vanderbilt and to actually Legislator Cooper. And one of the things I had asked for was the plan that would indicate that the Vanderbilt would be able to use the \$800,000 and then the following year would be able to be self-sufficient.

Now, I was handed something earlier and it looks like a plan. The problem I have is that what I had asked for -- and the minutes weren't available, I looked -- but I remember what I asked for, I asked for an indication of exactly how they were going to raise the money and how much money they were going to raise, and I still don't have that information. I also looked at -- and I'm not going to be long on this. This I looked at the minutes of your Board of Trustees meeting and, you know, at this critical juncture, only half of your meeting -- half of your Trustees showed up. And in the minutes there's -- I don't know if anyone else has read them, but there's talk there about the Legislature weaning off the Vanderbilt by giving them \$800,000 this year and possibly \$400,000 last year; that's not what we had said when this bill came before us.

So I guess what I'm asking is where is -- either from the Vanderbilt or from any of the Legislators that support this, where are the dollar figures to show that this is a one-shot grant and that the Vanderbilt is going to be self-sufficient by next year; do you have that?

LEG. ALDEN:

This is their plan.

LEG. MONTANO:

I saw this plan, this plan doesn't tell me anything, that's the problem that I have with it. Now, I don't know how you want to work it out. I know it's a generic question, maybe Legislator Viloría-Fisher or Legislator Cooper.

D.P.O. VILORIA-FISHER:

Well, the resolution was a one-year -- it sunsets. The money that we're providing is for one year, that was in the resolution.

LEG. MONTANO:

Does it sunset, Legislator --

D.P.O. VILORIA-FISHER:

Excuse me, it was my -- I was the sponsor. It was a one-year, it was a sunset.

LEG. MONTANO:

Well, no, but I heard Legislator Losquadro say it doesn't.

D.P.O. VILORIA-FISHER:

No, the fee structure -- but you're confusing the resolutions. The resolution providing the help to the Vanderbilt had a sunset provision, it was a one-year money, transfer of money.

LEG. MONTANO:

Well, we only fund programs for one year anyway. We can't -- I don't think can fund -- well, irrespective of that, we're talking about the fees or we're talking about the funding?

D.P.O. VILORIA-FISHER:

Well, your question was about the funding and the funding was a one-year funding.

LEG. LOSQUADRO:

Through the Chair, since what I said was referenced?

LEG. MONTANO:

Why don't you guys talk about it?

LEG. LOSQUADRO:

No, no. I'm just trying to explain what I said --

LEG. MONTANO:

You know, I'll just listen.

LEG. LOSQUADRO:

-- to Legislator Montano. That Legislator Viloría-Fisher is right and that's what I think confused myself and a lot of other people, that the bill did only provide the funding for the Vanderbilt for a year, but when this bill came before us, that the fees, the increase to the Parks fees were in perpetuity. And that's what I don't -- I certainly don't want to see.

LEG. MONTANO:

Right, I don't want to see either. But the point is that if we give the \$800,000 this year, it was with the understanding that we would not have to fund them the following year because you had a plan that would make you self-sufficient. Quite frankly, I haven't seen the plan that to me tells me that you're going to be self-sufficient and that you're not going to be back here next year to ask for

additional money, and that's really the dilemma I think that, you know, I'm facing in terms of this particular bill. Do you have any -- you know, and I don't know why you didn't come forward with something more detailed that would tell us, listen, this is what we're going to do and this is what we anticipate raising. And I think was Legislator D'Amaro, if I'm correct, that said he had been asking for this and hadn't seen it; am I correct, Legislator D'Amaro?

LEG. D'AMARO:

You are.

LEG. MONTANO:

Have you seen the proposal or any proposal, has anyone reached out to you with that? And I'm not trying to put you on the spot, I'm just --

LEG. D'AMARO:

That's okay.

LEG. MONTANO:

Because I'm agreeing with you.

LEG. D'AMARO:

Yeah, I don't mind.

P.O. LINDSAY:

What I would prefer is to just go through the Chair and continue the debate, you know.

LEG. D'AMARO:

Absolutely.

P.O. LINDSAY:

You know, and I'll be happy to put you on the list. I've got a bunch of people, all right?

LEG. D'AMARO:

That's fine

LEG. MONTANO:

All right. Then you know what? We'll just let the debate roll on.

I don't think that the plan that I've seen really convinces me at this time that, you know, this is not a one-shot deal. I'd like to hear more on that.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I think my position on this is well-known, I've spoken a couple of times. I just wanted to indicate, you know, since the last time we voted on this, my instinct when this came out was that people would be upset about this and I believe they had a good point. But what I want to let everybody know is that in that interim, I don't know how many contacts people have gotten in their district offices, but I've gotten quite a few, a lot more than I would have anticipated, probably a couple of dozen, indicating from people. And it wasn't just in opposition, it was a pretty deep-rooted opposition that I got, at least in the communications from my constituents, that they were very against this.

And I know we've kind of indicated on the record a few times that many of these fee increases are nominal and while that might be true for many, there are a good deal of increases located in this bill that I would -- that are much more than nominal. I mean, there's a tournament application fee for

golfers, it goes from 25 to 50, so that doubled; an outer beach RV permit goes from 200 to 300; the fee for a camping club reservation goes from 35 to 75; the fee for a Smith Point boat ramp goes from 50 to 225. So while some of them may be modest and we may appropriately describe them as nominal, many of them are much more than that. I mean, 30, 40, 50, 100% and even more increases is certainly not modest.

So I think we have to look at all the fees that are included in there. And I know that there was an earlier point that, you know, camping had changed -- you know, that we provide a lot to our campers, but the nature of camping has changed and as a government, we respond to lots of things that change. I mean, the first thing that came to my mind was, you know, we never used to have computers, but we responded and we have to do that, we have to have a website. So we changed to make sure that the services we provide meet the demand of our consumers; in this case campers.

And I will not reiterate the arguments that Legislator Alden made regarding putting this on one particular group of people, but it's not just the fees, it's the particular use for them. And I just think that, you know, given that we can't describe all these as nominal fees and -- I would also disagree that this camping is an option. It is discretionary, of course you don't need to do it to live, but it is part of the every day activities and it's a service that Suffolk County has provided for many years that many of our residents use. And I just think it's incorrect to raise the price of that, especially at this time when demand will increase, and to do something that would actually decrease demand by raising the fees.

So I just think that at this point, this is the wrong way to go. I understand that the Vanderbilt is an institution, but in my personal opinion and the way that I see this, it does not override -- it does not require us to raise the park fees for it, it does not require us to increase the burden on the people that use our parks for whatever purposes, whether it be camping or golf or any other purpose. So I would urge my colleagues to sustain this veto. This is not an appropriate way to fund the Vanderbilt, it is not equitable and I think we should sustain the veto.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I am and remain in support of the Vanderbilt. My problems with the funding in the fees is that the funding is one year, the fees are forever. Like Legislator Losquadro and like I said at the last meeting, those fees should have included a sunset provision, and then if people wanted to adopt new fees for other things next year, I would have the opportunity to vote no. I don't have that opportunity; that's a problem. We need a sunset provision.

I have no problem taking a little heat to give the Vanderbilt one year to see if they can survive. I do have a problem voting for fees that are never going to go away. The funding may go away, the fees may never go away, so that's a problem. And I think Legislator Losquadro, our Minority Leader, spelt that out pretty clearly. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Romaine, Legislator Losquadro had said that he's introducing a bill to revoke these.

LEG. ROMAINE:

I'm with him on that.

D.P.O. VILORIA-FISHER:

And I've stated on the record that because of what I've heard regarding different fees, that I would be happy to sit with the user groups to work out. Because we do need to raise the fees, but I'll sit with the user groups.

LEG. ROMAINE:

You can do that separately.

D.P.O. VILORIA-FISHER:

We'll do it separately.

LEG. ROMAINE:

Next year

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Commissioner, I don't want you to feel left out. But just to ask you a question, do you agree with these fee increases and these fee schedule proposed?

COMMISSIONER PAVACIC:

No, I do not. At this point --

LEG. ALDEN:

I don't think your mike is on.

COMMISSIONER PAVACIC:

Thank you.

LEG. ALDEN:

There you go.

COMMISSIONER PAVACIC:

Thanks a lot. No, Legislator Alden, I do not. At this point in time -- and you've already seen the letter from the County Executive. But the concern I've heard from -- we've met with organized camping groups, golfers and so forth, is that one of the things was that it's not a one-time fee increase for these folks, many of them. It's the cumulative nature of the fee increase, the fact that many of these folks, they recreate in some cases exclusively in County parks in the case of campers and spend their entire summers, weekends, going to the campgrounds, so for them the fees add up. These folks don't go off the Island, they don't go Upstate, they don't fly, they recreate here. And particularly at this point in time when folks, again, are faced with, you know, extreme economic hardships, it's very, very difficult to support a fee increase at this time.

We are -- you know, it's -- I've heard it from, as I said, a number of user groups that time and again it's -- you know, they feel that they've paid enough taxes at this point and they'd like to be able just to recreate in their backyards and forget about their hardships, getting out of their homes for a while. So no, I do not support this

LEG. ALDEN:

Thank you. And I just want to put one more thing on the record, and this is from the Executive Director's draft for the Vanderbilt Museum & Planetarium Annual Business Plan. It's a step in the right direction, it needs to be fleshed out immensely, but this I find very interesting. Increased earned revenue, going down here to general admission remains the same, \$7, \$6 seniors and students, \$3 for children; that I just can't understand that. And then to seek an increase in other types of recreational fees when we're not even going to put a dollar increase on the hundred thousand or more people that go to the museum; that's just unconscionable. Thank you.

P.O. LINDSAY:

Legislator Cooper

LEG. COOPER:

First of all, I want to say that I saw this plan about the same time as everyone else did and I also, the first thing that I noticed was I felt that we should have had a general admission increase of about a dollar; so I would second that. Legislator Montano, though, I think that your expectations were --

LEG. MONTANO:

I'm here, I'm listening. I'm listening to you, Jon.

LEG. COOPER:

-- are somewhat unrealistic. I mean, we only -- we asked the Vanderbilt to come up with a plan at the last meeting, I think it was two weeks ago. And they're extremely short-staffed, they've tremendously offset the Vanderbilt in recent years, as we've heard the testimony before. So they've put this together relatively quickly.

You were asking for, I guess, more detailed and definitive projections for specific revenue increases, and I think BRO is trying to estimate this, I know the Vanderbilt was working on it, my staff has been, but it's really hard to come up with definite projections. For example, the increased revenues from the new museum admission fees. If everything else is in place and if we do amend this and increase the general admission by a dollar, which I would support, no one knows whether that's going to increase revenues by 50,000 or 100,000 or \$200,000; it would be a guess.

The installation of food service. As you can see, they've already installed two vending machines, but they're going to be -- they've initiated negotiations to expand food and catering services on the premises. But once again, whether that's going to raise \$100,000, \$150,000; honestly, it's got to be anyone's guess.

The outreach that they're doing for corporate sponsorships and naming opportunities and grants. I mentioned one corporate foundation that's talking about the possibility of giving 50 or 100 -- 50 or \$75,000 next year, two other corporate entities are likewise considering giving grants in the area of \$50,000, but it hasn't happened yet. So, you know, maybe it's \$150,000 there, some undetermined amount from the increased ticket prices, from the catering services, from the new programming. I think it's definite that once the new projector is up and running at the planetarium, that would definitely increase revenues. But again, I don't think anyone could come up with definitive projections, but the point is everyone is trying.

And yes, this should have been done years ago, and I'm the first one to have said that. And Cameron, you were with me at the Vanderbilt Board meeting where I said that I was disappointed that they hadn't taken action before this. But you can't unscramble a scramble egg, this is the situation that we've got. And if we don't act now, what are the other possibilities? This is at least going to give them a year breathing space. Vivian and I have made it very clear that we would not support giving the Vanderbilt a penny towards their operating budget in 2010. These plans are in place. I can't -- I honestly cannot tell you exactly how much money will be generated, I think it's in the area of several hundred thousand dollars, but I cannot -- no one can give you a definitive number, Legislator Montano. But I'm hopeful that with the naming opportunities, the new programming, the increased ticket prices, the food services, the Friends of the Vanderbilt which is doing -- is planning a slew of smaller fund-raising events, a couple of them already took place in December, but they have them planned throughout next year. Everyone is speaking from the same page now. There's a renewed effort on the part of the trustees. Someone had expressed disappointment in a couple of the -- the fact that nearly half the Trustees didn't show up at that board meeting; that's why we're embarking on an aggressive effort to replace some of the Trustees that have not been particularly proactive and replacing them with new Trustees that have particular expertise in fund-raising. And we're bringing about four new Trustees on board, some of them we'll be, I believe, voting on at today's meeting.

So we're moving in the right direction. But if we don't vote on this today, I haven't heard one credible alternative for another way to make up this shortfall. And if we can't make -- it's not going to be \$800,000, whether it's going to be 600,000 that we need or 500 or 400, I don't know. But if we don't decide today on a definitive route that we can take in that direction, we're going to have to mothball the Vanderbilt Museum, I'm concerned. And that's going to cost us \$800,000 or more just to the mothball it, they're going to lose their accreditation, and then for us to make up from that in future years I think is just not untenable. And when you consider the fact that we've poured upwards of \$20 million, I can ask BRO. Actually, BRO, how much taxpayer dollars have we put into the Vanderbilt over the past 20 plus years in Capital Projects?

MR. REINHEIMER:

That's in the neighborhood of about \$20 million.

LEG. COOPER:

Okay. So we've made a \$20 million investment in the Vanderbilt. We heard testimony at the last meeting that if we don't act, if the Vanderbilt is mothballed, if they lose their accreditation or if the endowment falls below the corpus of \$8.2 million, there's the chance that the heirs of the Vanderbilt, the State, can step in and reclaim this property after we've made a \$20 million investment. So I think that that's untenable.

So I ask that you take this leap of faith with me. Let's give them this opportunity over the next year to turn this around. It's a big challenge, but I think that they could rise to the occasion. It's the community, it's the new museum board, it's the new programming, I think that we can make this happen.

One other point I want to make is when you look at the parks fees, it's been pointed out that the marina fees, the golf fees haven't been raised for what, is it six years, seven years?

D.P.O. VILORIA-FISHER:

Since 2002.

LEG. COOPER:

So nearly seven years. Can BRO give me an estimate, what were the cost of living increases over that period of time?

D.P.O. VILORIA-FISHER:

Sixteen percent.

LEG. COOPER:

I actually think it's higher than that.

MR. REINHEIMER:

Actually, we relooked at that and the Consumer Price Index for New York, Northeastern New Jersey, was 23.27% during that period of time.

LEG. COOPER:

I believe that Legislator Schneiderman had a resolution that was put forth that would cap increases at 5%. I would perhaps consider supporting that if there could also be a base and that we would raise fees each year by at least the cost of living, so we won't have to deal with this problem again in the future. But thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

On that last point. I mean, ideally it's probably better to keep your fees in pace with inflation and not wait 10 years or 15 years and then adjust them and then it's a huge adjustment rather than a more regular, smaller incremental adjustments.

First of all, I want to say that I don't believe that the fate of Vanderbilt is resting on this veto override. We've already agreed in the budget that we're going to keep Vanderbilt going for a year. Fees, park fees certainly is one way to collect the money to do that. And in general, the fees in this fee schedule are reasonable and small increases. However, there are some fees, as has been pointed out, that are large. The non-resident outer beach permits going from \$200 to \$300, that is a big jump that's going to effect a lot of people, people who come into my district to go bass fishing in the fall, who spend money in the tackle shops and who go to the restaurants. That's going to hurt; it's going to hurt sales tax revenue generation and other areas for the County. That to me is the main area. If that could be revisited or eliminated, I would feel much more comfortable moving forward.

I've been trying to separate out the Vanderbilt issue and look simply at whether our park fees need to be adjusted, and they probably do. And in doing so, I don't think we would, in any one particular category, want to make a giant jump like we're doing with the outer beach permits. So my vote I think is going to come down to that one issue. If we can have some kind of commitment to either revisit those outer beach permits or, you know -- or, you know, get it out of it now, I don't know how we do that; this is a veto, so we can't really amend it. But that is too big of a jump in my mind.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Like everybody else around this horseshoe, I have been somewhat conflicted and troubled with this. I did support the resolution in the first instance and I'm inclined to support it again. However, I think one of the things that we continue to have missing here is it's almost as if we're wrestling with some of the things that the Federal Government is, yet we're seeing no new set of management coming to the helm. We have had some new Trustees who have come on board, I feel a responsibility to go ahead and support and empower those Trustees. But in essence, it's the same management that we're giving this bailout to and asking to trust them when they have brought us to this point in some very dire straits. I don't know how we can communicate, Mr. Chair, that we need a shake-up with the management there to come back to us. This is a wonderful beginning, but it's something that's taken us two months to ask for. And through the Chair, can I just ask Legislator Cooper a question, Mr. Chair?

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

Jon, what I don't understand when we look at this is if this was a business plan for Cooper Enterprises, you would know the precise cost of every component and every element and a cost shift of a cent or two because you're an extremely successful person, an extremely successful man. Yet we're struggling to find out how many adults or kids we have there or whether a buck or two is going to impact us 50,000 or 100,000, 10,000, 20,000? Who keeps count of who comes in there; is there a clicker? How do we do it? How do we measure?

LEG. COOPER:

Well, I don't know whether they use a clicker. But, you know, first of all, look, you're right. I mean, if it was my business, I've got 160 employees, I've got upper level management, they do all this for me. But the Vanderbilt --

*(*Laughter From Audience*)*

LEG. KENNEDY:

But you know at the end of day, Jon, you know when you make payroll, you do know.

LEG. COOPER:

I know what they tell me. But everyone at the Vanderbilt at this point, it's such a threadbare operation. There have been so many forced layoffs over the years, and Carol Hart can attest to this, they're all wearing three or four hats and they have three times as many volunteers working there. They've laid off paid staff, they have volunteers that are helping out. So for them to put even this together in the two week period, and also Carol ha -- she had a personal tragedy, and so I'm grateful that, you know, they were able to pull this together. But no, this is not a definitive business plan.

LEG. KENNEDY:

I don't mean to be critical, Jon, I'm really not, I'm not trying to be critical of it. What I'm saying is every one of us has got a responsibility to the taxpayer that here we are passing 800 grand over the helm. What degree of assurance, what degree of certainty do we have that we're doing it and it's going to be any better than what brought us to this now?

LEG. COOPER:

Well, there will be -- I mean, there is new leadership at the Vanderbilt. At the next Board Meeting there will be --

LEG. KENNEDY:

Is there going to be a new manager, is there going to be a new chair?

LEG. COOPER:

Uh, there --

LEG. KENNEDY:

You know what? Maybe that's not a fair question to ask you. I'll express in the rhetoric --

LEG. COOPER:

Yeah, I don't want to put discussions I've had on the record.

LEG. KENNEDY:

Okay. Rhetorically I would say that it seems that it's time for a new chair; I'll leave it at that. I'll yield.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Just very quickly. Gail, there is some question as to whether or not if we -- if this veto is sustained, is this the demise of funding for the Vanderbilt or is there another vehicle that can be explored? I mean, this is not finality, is it; or is it, you tell me. But give me an honest answer, a straight answer.

MR. REINHEIMER:

That's a difficult question, it's hard to give a straight answer.

From a technical budget perspective, no. The budget, the Adopted Budget includes an \$800,000 transfer for the museum. The way the budget is constructed, funds come into the General Fund, like you were saying, for parks, for other things. Some fees and revenues come in higher than we budget, some come in lower, some expenses are higher, some are lower. So to make the answer

short, the budget, the way it's constructed, there is an \$800,000 transfer. The increase of fees for parks, if you look at the budget, is not tied directly to the Vanderbilt. The increase for parks, from a budget perspective, was to ensure that when all the resolutions that we amended the budget, at the end of the day the budget was balanced. So this does not end, you know, the transfer for the Vanderbilt.

That being said, in the Veto Message, the County Executive said that if this veto is sustained that he was going to come across with a resolution to amend the 2009 Adopted Budget and eliminate -- right, to defund the museum and eliminate, I assume that means eliminate the Interfund transfer to the museum.

LEG. MONTANO:

But that would have to be passed by the Legislature.

MR. REINHEIMER:

Unless there's alternative funding. Correct, that's another resolution for another debate and another day.

LEG. MONTANO:

For another day, another debate. Let me -- you know, I don't want to -- I guess Legislator Cooper, is he here?

MS. GELLERSTEIN:

Yes. Jon?

LEG. MONTANO:

I don't want to debate the issue, but I heard what he said and this is a very difficult vote for me. But I am disappointed in -- and I've heard the reasons why the plan doesn't give the kind of information that I would have expected, the kind of information that Legislator Kennedy indicated that Cooper Enterprises would not accept; you know, I hear all of that. And, you know, as I said last time, you know, I think all of us want to see the Vanderbilt continue, it's just trying to get there that's the problem, particularly now.

You know, one of the programs in my district, a very important program was cut, I think it was, what, 80,000, Bob?

MR. MARTINEZ:

Seventy.

LEG. MONTANO:

Seventy thousand dollars this month, or this past week. And \$800,000 to me is a lot of money for a program, and I would be willing to do it if I felt that we could pay the \$800,000 and have this continue. And I'm not sure that you -- you know, I've been convinced that with all the stuff that's been out there, I mean, I read the minutes, you know, I've tried to be diligent in this. You know, half the Board Members don't show up for the most critical meeting of the year. The plan that's given doesn't meet, you know, what I would accept from any program, from any business, from any entity that I deal with as something that's acceptable. You know, I have to -- you know, I'm weighing what Legislator Kennedy said about, you know, here we are bailing out this guy and that guy and this person and there has to be a point where we say, you know, we really can't do it. And I'm not so sure that if we sustain this that, you know -- from what I'm hearing, is not the demise of the Vanderbilt, it's maybe going back to the drawing board and demanding more.

So, you know, without getting into a debate, without making it long, I'm just not that clear. And I wish that I had been given more information because I asked for it at the last hearing and it's in the record and when I ask for it, it's because I intend to read it, and if I don't get it, I can't make the

kind of decision that I think -- you know, I don't have the information to make the kind of hard decision that I want to make, particularly when it talks about \$800,000 and people in my district are losing money on other programs. That's the problem that I have, Jon. And I don't mean to -- you know, I'm not singling out the Vanderbilt, but I don't like so far what I've heard. I don't like the process, I don't like the fact that we didn't get the information and it makes it very difficult to support an entity that we have supported to the tune of \$20 million. You know, when I read that investors have lost 50 billion that they trusted with an organization, you know, and all the stuff that's going on, it's very difficult, Jon. You know, and I'll leave it at that.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

When I spoke before I said that I believe the fee schedule -- I said I believe that the fee schedule needed work. What I wanted to ask, you know, looking at the fee schedule and hearing what I think BRO or somebody said that they thought it would generate maybe, you know, over a million dollars, when we're hearing that Vanderbilt, with their new plans, may only need 600,000, we may be actually generating more fees than we actually need to keep Vanderbilt going. And also, there's this sense of urgency that we have to do something now.

So my real question really is to BRO, or to Commissioner Pavacic.

In terms of cash flow within the Parks Department, it seems to me that a lot of the park fees won't come in in January, February, but they probably come in later on in the year. So we probably do have some time if we're going to adjust the park fees, and I believe they certainly should be adjusted with your input, being the most knowledgeable person in terms of park fees. But if I could get a sense of the cash flow within the department so that maybe there is an opportunity to revisit these fees and come up with something that more Legislators would be comfortable with.

COMMISSIONER PAVACIC:

Well, part of the problem is planning. As you know, we put out a fair number of brochures. The Leisure News is our single largest and most expensive publication, we need a long lead time for that, and if we go too far into the new year, you're impacting that. We have one shot to get that right and we can't delay that because we have to notify the printer by a certain date as to what the fees are going to be. All that stuff has to be programmed also into the POS system as well. It's not something that -- and we still -- we do have fees coming in all the time. We do have camping going on year-round at several of our parks, so we do have activities that are going on year-round. There are group activities that are occurring year-round as well.

You're correct in that, yes, the level of activity over the winter is dramatically reduced from the prime time which is Memorial Day to Labor Day, but we still do have revenues coming in the door.

LEG. SCHNEIDERMAN:

When is that deadline for your publication?

COMMISSIONER PAVACIC:

I don't have that date with me. I would have to get that information.

LEG. SCHNEIDERMAN:

Do you know the month; is it March or April or is it --

COMMISSIONER PAVACIC:

I believe we have to -- the beginning of February we have to have the information ready to go to publication because the lead time.

LEG. SCHNEIDERMAN:

Beginning of February.

COMMISSIONER PAVACIC:

Yeah, I believe so. But I'd have to confirm that for you and get back to you.

LEG. SCHNEIDERMAN:

And do you put a proviso into the schedule that the fees are subject to change without notice?

COMMISSIONER PAVACIC:

Well, again, if we're changing -- you're talking about changing midstream, that's an additional cost because there's other brochures and other publications that we have to change, there's additional programming for the POS and Reservation System. We have existing agreements there, every time we do a programming change, that's a cost that we have to incur as well to program that.

LEG. SCHNEIDERMAN:

All right.

D.P.O. VILORIA-FISHER:

That's it?

P.O. LINDSAY:

Okay, we're done? Before we vote, I've been patiently sitting here and I have some things, and mainly for Commissioner Pavacic. We only charge \$16 for a campsite, right? And is it true that our energy usage at our campsites went up 65%?

COMMISSIONER PAVACIC:

I don't know the exact figure, but we do have -- obviously, as electrical costs go up, you know, that cost goes up to us as well.

P.O. LINDSAY:

I mean, just for one, don't you think that justifies -- I know you said it's not a time to raise fees. But aren't the rest of us now subsidizing the campers?

D.P.O. VILORIA-FISHER:

Uh-huh.

P.O. LINDSAY:

I mean, isn't this -- can't we reverse this argument?

COMMISSIONER PAVACIC:

Well, as one of the Legislators alluded to before, folks are already paying through property taxes and --

P.O. LINDSAY:

Sure, I'm paying property taxes, too. I don't go camping. Why should I subsidize you as a camper?

COMMISSIONER PAVACIC:

But fees are incurred for other things as well. You may not be a camper but you maybe be a golfer or you may be a fisherman or you might have a group event, a family picnic and there's a fee that's charged for that.

P.O. LINDSAY:

Okay. But don't you think after seven years it's time for an increase; really?

COMMISSIONER PAVACIC:

At this point in time, it --

P.O. LINDSAY:

I'll give you an example. I'm a golfer, right, I have a golf outing every year. I just got the new contract for my outing this year; it went up \$15, \$15 a round, and he said to me, "Because fertilizer went up so much over the year." I mean, we had to experience the same increases, no?

COMMISSIONER PAVACIC:

You're correct, our supplies, you know, our supply costs have gone up.

P.O. LINDSAY:

You know, I don't -- I don't know. You know, I'm going to vote for this bill, I voted for it the first time. I don't know whether, you know, this is the solution. We might have to do some more work on it. Because the fact of the matter, at the end, you're still down that dead end. If we don't pass this, we have a hole in the budget for \$800,000. The County Executive, in his veto message, says he's bringing across the resolution to repeal that \$800,000 to the Vanderbilt. Then we have a situation where they don't have enough money to operate and they have to mothball it and it's our responsibility. So where are we going to get the \$800,000 to mothball it, or maybe that's too much, maybe it's 600,000, whatever; where are we going to get the money to do that? And nobody's thinking this out, it's a deadened street.

I don't have a magic wand, but I know -- I've heard the uproar in my office as well, you know, the campers say we're balancing the budget on their back, the golfers say we're balancing the budget on their back, fishermen, the fly-casters or the surf-casters said that we're balancing the budget on their backs. You know, and I write back the same thing, we haven't raised fees in seven years, folks. You know, what do you expect of us? We're trying to be reasonable, we're trying to make things affordable. The General Fund Tax that funds your department hasn't gone up in five years. You can't -- you just can't keep doing this kind of stuff for nothing, unless we start cutting your department down to nothing and then the product you're producing is awful. So I myself would rather pay another dollar or two to play golf than to play on a course that's like a cow field. Maybe that's just me.

All right, let's vote. We have a motion and a second to override the veto.

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Okay, roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Legislator Schneiderman?

P.O. LINDSAY:

It doesn't make any difference, Jay, it isn't going to make it. Just pick one, you know, or abstain; it don't make a difference.

LEG. SCHNEIDERMAN:

You're not going to make it. No.

P.O. LINDSAY:

Okay, *the override fails.*

All right, let's go back. I appreciate, Mr. Zwirn, you changing the resolution, 2241. We have a

revised revision on accepting that money in the State grant and they have added the language. Everybody have a copy of that?

LEG. BROWNING:

Bill?

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I got a copy of it. I asked Mr. Zwirn, did Mr. Brown ever get a copy of that contract? Because I still have a couple of questions as to -- being that the first WHEREAS clause still only states "Sheriff's Department" and the RESOLVED clause still only states "Sheriff's Department," do the WHEREAS -- to our Counsel; do the WHEREAS clauses, as presented, change anything really in this?

P.O. LINDSAY:

Yeah, but I don't think -- I don't think it ever stipulated accepting the WHEREAS clause before that it was the Sheriff. There was never any mention of the Sheriff in the RESOLVED clauses.

LEG. LOSQUADRO:

Yeah, there was. In the first RESOLVED clause, the organization was the Sheriff's Office. What I was wondering was legally, could we do an "or" in the RESOLVED? I just, I don't want to see us be put in the middle of a labor action.

P.O. LINDSAY:

I don't either, Legislator Losquadro, but it's --

LEG. LOSQUADRO:

That's why I'm asking Counsel.

P.O. LINDSAY:

He really -- he did what I asked him to do.

LEG. LOSQUADRO:

That's why I'm asking Counsel.

P.O. LINDSAY:

Okay. I'm sorry, I'll shut up.

MR. NOLAN:

No, in terms in, you know, picking where the money is going to go, we have to amend the budget and it can't be on an "either/or" basis. If we're going to amend it, we've got to say where the money is going specifically, we have to pick one of the departments. Because that's what -- you know, it's amending the Operating Budget, to accept the money and the money has got to go somewhere. I think Budget Review would --

LEG. LOSQUADRO:

Through the Chair, as an aggrieved party, would it be appropriate to hear from a representative from the Police union? Being that they're part of a labor action which we could potentially get ourselves involved in here?

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Now we're just getting right in the middle.

P.O. LINDSAY:

I know, and that's just where I don't want to go.

LEG. ROMAINE:

Two feet, baby.

P.O. LINDSAY:

That's where I don't want to go.

LEG. EDDINGTON:

If they say yeah, it's fair, there's no argument, right?

LEG. ALDEN:

I'm sure that's what they're going to say, too.

P.O. LINDSAY:

They ain't going to say that.

LEG. ALDEN:

I'm sure that's what they're going to say, too; "We love this."

P.O. LINDSAY:

What do you want to do?

D.P.O. VILORIA-FISHER:

No.

LEG. BARRAGA:

No.

P.O. LINDSAY:

They don't want to do that.

LEG. LOSQUADRO:

That's why I was asking. To Counsel, does this -- does the resolution as amended give us the flexibility that if this were presented, if a PERB decision did come down or if going to PERB, could this be construed as the local Legislature -- they're taking this from an outside objective standpoint. Could this be construed as the local Legislature supporting or endorsing one law enforcement agency over another as the designated agency for patrol of these roadways?

MR. NOLAN:

I think we're just accepting a grant. I don't think you read more into it, that we're picking one over the other, and particularly based on the record that's been created here today with all the comments of the Legislators.

LEG. LOSQUADRO:

I don't think we're trying to do anything else, but could it -- could they attempt to present it that way?

MR. NOLAN:

You know, I don't know what somebody would try to do with this.

We've asked the County Executive --

LEG. LOSQUADRO:

You're saying the proceedings today would basically negate that argument?

MR. NOLAN:

If anybody read the minutes of this meeting, the fact that the resolution has been amended to have "either/or" language, that the Legislature insisted on that, I think it would be tough to make that argument that we've endorsed one law enforcement agency over the other.

LEG. LOSQUADRO:

And you're confident that the language as amended would give the County the ability to change that funding source, which we did not, obviously. The need for this being renewed and changed was because the State would not allow us to change from one agency to the other.

MR. NOLAN:

Just by the terms of the resolution, it says that the program allowance for the HOV patrol by the Sheriff's Office or the -- and/or the Police Department. If later it was -- let's say it went back to where it would be the Police Department patrolling, you'd have to do another resolution to have the money go into the Police Department, because right now under this resolution it's going into the Sheriff's Office because we have to have the money go somewhere. But I don't think we would be barred from doing that a later date because we passed this resolution.

LEG. LOSQUADRO:

Because we were barred from that last year.

MR. NOLAN:

Well, that was -- the resolution was specific to the Police Department. I'm presuming that the grant, that the contract we had stated that it was going to the Police Department. The County Executive and the County Attorney have --

LEG. LOSQUADRO:

So the resolution is only our internal language, so the question still remains what reads in that contract, which is what I asked Mr. Brown for earlier.

MR. NOLAN:

I think the contract would control --

LEG. LOSQUADRO:

Right.

MR. NOLAN:

-- to, you know, whether or not that has to be consistent with this.

LEG. LOSQUADRO:

That we have that -- that we would have that ability to switch it.

We would have to make that budgetary change internally, so long as the contract did allow that, is what you're saying.

MR. NOLAN:

As long as it allowed us to do that. The County Attorney is representing that that's what it's going to say, but don't have -- obviously we don't have that before us. But that's the representation by my good friend Dennis Brown.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Thank you. So let me just clarify what I just heard, that this language allows us, basically, if we decide or if the County Executive, in his wisdom, decides to go back to the way it was, and then we could change the funding as long as you have that agreement in writing with the State. And we don't have a copy of that, so what I'm hearing you say is, "Oh, trust me, we've done it." Is that what I'm basically hearing?

MR. BROWN:

I would agree with the first part of that statement.

LEG. LOSQUADRO:

Your mike's not on.

MR. BROWN:

I would agree with the first part of your statement insofar as we have an agreement with the Department of Transportation.

LEG. EDDINGTON:

You have an agreement with the Department of Transportation that says what?

MR. BROWN:

That says exactly what that WHEREAS clause says, that the patrol, HOV patrol can be performed by the Suffolk County Police Department and/or the Suffolk County Sheriff's Office at the County's discretion.

LEG. EDDINGTON:

Okay. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. I pretty much was going to ask the same question, because the contract the County has with DOT, you know, I'm a little uncomfortable because I don't see it; I don't see that it doesn't matter who has it. So if PERB -- if the Suffolk County Police Department win their labor dispute, say, six months from now, are we going to face what we've just faced when the Sheriffs took over and then we had to put the Suffolk County Police Department on the HOV because there was a contract? Are we going to see that, say, six months from now if they win their labor dispute? And another question is the previous grants were one year grants; why is this one two years?

MR. BROWN:

I don't think that the previous grant was for two --

LEG. BROWNING:

George?

LEG. ALDEN:

One year, we have copies of it.

MR. BROWN:

Okay. All right.

LEG. ALDEN:

It's one year.

LEG. BROWNING:

So if you can answer the first part of my two questions?

MR. BROWN:

I would have to agree with my good friend George Nolan. I cannot imagine any Administrative Law Judge or Judge construing the passage of this resolution as any type of statement by the Suffolk County Legislature that is taking sides over one particular department or another particular department in a labor dispute. Based on the fact that we made the changes, the fact that you have on the record, it's been stated many times very clearly that that is not your intent.

P.O. LINDSAY:

We're going for the record tonight.

LEG. MONTANO:

You're going to make it.

P.O. LINDSAY:

Are you done, Legislator Browning?

LEG. BROWNING:

Yeah, yeah.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Yeah. Just quickly, Dennis, to review. And I apologize, I was out of the room when this was brought back in. I think Legislator Browning hit on the question that I had, I'm not sure I got the full answer. Right now this issue is before the PERB Board; am I correct? The issue of who patrols and whether or not there's a contract violation?

MR. BROWN:

I'm not familiar with the proceeding, but I'll accept what you say.

LEG. MONTANO:

No, I don't know. I'm not saying that as --

MR. BROWN:

I do not know either.

LEG. MONTANO:

That's what I presume to be the case.

MR. BROWN:

Yeah. I do not know, either.

MR. DIGEROLAMO:

Yes.

LEG. LOSQUADRO:

He said yes.

LEG. MONTANO:

Neil knows, he's shaking his head?

MR. DIGEROLAMO:

Noel.

LEG. MONTANO:

I'm sorry, Noel. You said Neil, it's Noel. Now, if the PERB Board decides that -- because originally there was an injunction that was signed by the judge, but then it was -- oh, no, I guess the injunction wasn't awarded but it went to PERB. If the PERB Board decides that the Police Department should be patrolling and they issue a ruling, what does that do with the contract and does this language -- because this says at the County's discretion. No, not -- yeah, it says, "And/or the Suffolk County Police Department at the County's discretion," and I don't think that we're saying that. I think what we're saying is that once the issue is resolved by PERB, that then the contract would transfer automatically from the Sheriff to the PBA; am I correct in that?

MR. BROWN:

To the Suffolk County Police Department, that's correct.

LEG. MONTANO:

I mean to the Police Department, exactly.

MR. BROWN:

That's correct.

LEG. MONTANO:

It's the PBA that filed the action. You're satisfied -- I mean, you're satisfied that what I'm saying here is incorporated in this language?

MR. BROWN:

Yes. If there was -- yes. And also, if there was an adjudication by, you know, some authority, some board, you know, some adjudicatory agency, the agreement, as written, would allow either the Suffolk County Police Department -- for the patrol to revert back to the Police Department.

LEG. MONTANO:

All right.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

As of the 19th, the last impediment for the Suffolk County Police being removed completely from the LIE will be -- will actually be removed; is that not correct?

MR. BROWN:

I don't understand your question, I'm sorry.

LEG. ALDEN:

Okay. The reason why the Suffolk County Police still have a presence on the LIE is because of this grant; correct?

MR. BROWN:

I don't know that.

LEG. ALDEN:

Well, the rest of the patrol was pulled off of the LIE --

MR. BROWN:

Yeah, but you're asking me if that's the only reason. Once this grant is accepted and the agreement

is signed if that's the only impediment; I don't know, I can't answer that. I could tell you what the agreement says.

LEG. ALDEN:

Maybe Ben would know. On the 19th, are the remaining Highway Patrol officers going to be pulled off the LIE?

MR. ZWIRN:

The grant money -- yes, the answer would probably be yes. I don't know if -- the grant money, yes. Probably yes, I would say.

LEG. ALDEN:

So if we approve this with the new language, or with the old language, the --

MR. ZWIRN:

If you approve it or you don't approve it, that won't -- that may not have an impact on what goes forward, I mean, except for the fact you're going to lose \$1.5 million in State grant money for overtime patrolling the HOV lanes, it doesn't matter whether it's the Police, Suffolk County Police Department or the Suffolk County Deputy Sheriffs. This is a grant for overtime money to provide extra patrols on the HOV lane during certain hours during the week.

LEG. ALDEN:

And one of the statements that was made to us was that they had to reinstate or leave the small part of that contingent of a Highway Patrol on the LIE because the grant was so worded that it couldn't be shifted to the Sheriff.

MR. ZWIRN:

I'm sure that played a fact, we didn't not want to lose the grant money, absolutely.

LEG. ALDEN:

Okay. So as of the 19th, that impediment is removed.

MR. ZWIRN:

The impediment would be removed that the Deputy Sheriffs could be reimbursed for overtime for patrolling the HOV lanes, if that's the decision that's made.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

No, no.

P.O. LINDSAY:

No? Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you Mr. Chair. Can we just go back to however the proceedings wind up concluding, if, in fact, it is that the Suffolk County Police Department prevails, the mechanism to move money, then, is going to be by a subsequent resolution. I think -- and the question is to Counsel -- we can only amend the budget four times in a calendar year; is that correct?

MR. NOLAN:

Right. Legislators can introduce resolutions to amend the Operating Budget four times a year.

LEG. KENNEDY:

Okay. What's the first time we can do that in 2009?

MR. NOLAN:

February?

LEG. LOSQUADRO:

March.

MR. BROWN:

February.

MR. NOLAN:

February.

P.O. LINDSAY:

February for March implementation.

LEG. KENNEDY:

When is that? When's the following time, the second time?

P.O. LINDSAY:

February for the March implementation.

LEG. ALDEN:

The County Executive can do it any time.

LEG. KENNEDY:

Okay. The Executive's Office, I think, can amend at any point; is that correct?

MR. ZWIRN:

That's correct.

LEG. KENNEDY:

Okay. So if there is some kind of a decision that comes down and, in fact, the Suffolk County Police Department then is restored for the purposes of patrol, will the Executive's Office bring forward the resolution to move that funding over to the Police Department for their patrol?

MR. ZWIRN:

The County Executive will follow the law, that's his job. If the -- if it's adjudicated by the proper authorities that that's what it has to be, then the County Executive will comply.

LEG. KENNEDY:

Well, what I'd like to avoid, Ben, is just as the Chair pointed out before, earlier when we talked about this, we've got a split and disparate policing function there on the Expressway now between Sheriffs and PD. So if we get a decision that's dispositive, will we then have uniformity as far as Police function?

MR. ZWIRN:

I expect. But let me say just say, this is a grant. We really don't -- we don't want to lose this money, we really don't, that's why I went right back and we made changes to try to comply. We want -- we don't want to send a message to the State of New York at this particular time that we're not looking for, you know, a million point five for two years to help with overtime in the Police Department or law enforcement on the highways. And I know --

LEG. KENNEDY:

We agree on that point.

MR. ZWIRN:

I know we do.

LEG. KENNEDY:

Okay. So -- and all I'm asking --

MR. ZWIRN:

And that's all we're trying to do with this resolution is just to accept that money.

LEG. KENNEDY:

Okay. So if we take it now, it's coming in and it's going to the Sheriffs, we get some kind of decision, it reappoints the PD, then the Exec's Office will conform --

MR. ZWIRN:

Well, he'll comply with the law.

LEG. KENNEDY:

-- that part of the funding to have the Suffolk County Police Department come back up for the highway Patrol.

MR. ZWIRN:

The County Executive will comply with the law; I don't know how much clearer I could be. I'm not trying to make wiggle room, whatever -- I don't know what an adjudication might say. I don't know what the appeals process is, but I will tell you that once it is adjudicated, whatever the courts say or PERB says, the County Executive will follow the law, because that's what we would all do.

LEG. KENNEDY:

I don't want to beat a dead horse. Okay, fine. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

Yeah, thank you, Madam Chair. So we would be accepting the grant to cover the costs that we have right now. I mean, I would much prefer to see the language in the contract, but maybe this is a question for Counsel. Isn't it true that ultimately that discretion or non discretion in the contract ultimately doesn't mean anything because if this is going to be the subject of litigation, whatever that review process is, whatever the appeals process is, ultimately that issue is going to be adjudicated in a court or some adjudicating body is going to decide what body is going to be the recipient of these monies. And you can have an "either/or" in the contract, but ultimately some other body is going to decide who's going to provide those patrols; isn't that true?

MR. NOLAN:

Well, you know, definitely there's a challenge to putting the Police Department -- I mean, the Sheriff's Office on the Expressway and the Sunrise Highway. If that is, you know, upheld by an arbitrator, I presume the Sheriff's Office is going to keep patrolling those roads. In terms of how that affects the grant, I should clarify that it may be important that we have the option of either the Police Department or the Sheriff because, let's say it was only one, it said only the Sheriff would be getting the money and then we lose or the County loses in the arbitration, they say, "Put the Police back on those roadways," well, the grant -- if the grant says the money can only go to the Sheriff, they can only go to the Sheriff at that point. Okay?

So I think -- what I said to you just a moment ago, I think I misunderstood your question. So I think it probably is important to have the language in the contract, as Mr. Brown has described, indicating either entity can patrol those roads and get the grants.

LEG. STERN:

Okay. And if that is, in fact, the language that's in the contract, then would that hold true? Then at that point an arbitrator or some judge of some jurisdiction is ultimately going to make that decision.

MR. NOLAN:

Right, they make a decision, either way we're covered, we'll get the grant monies.

LEG. STERN:

Okay.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I guess this whole debate begs the question of what would the harm be of continuing -- the Suffolk County Police Department continuing to patrol the HOV lane?

MR. ZWIRN:

It's a decision, the County Executive appoints Police personnel, it gives him the discretion. I mean, we would have had Deputy Sheriffs on probably doing the HOV lanes if the grant had been more flexible, this way we'll have the flexibility, irrespective of how this issue is resolved.

LEG. LOSQUADRO:

But if this is --

MR. ZWIRN:

Wouldn't it makes sense to have more flexibility with the money than not, under any circumstances?

LEG. LOSQUADRO:

But my -- like I said, this really begs the question, because this is money we're getting from the State anyway. Then --

MR. ZWIRN:

Hopefully.

LEG. LOSQUADRO:

Well, this is all predicated on getting this money. If we're getting this money, then what would the difference be to just allow the Suffolk County Police Department to remain the recipient of this grant, remain in the patrol function, and this way no matter what happens we're safe either way? If this is -- if this is money that's coming from the State and it's not out of our pocket, I don't really see the harm in doing that.

MR. ZWIRN:

It's out of our taxpayers pockets, we pay State taxes. But it also gives the County Executive discretion of taking additional Suffolk County Police Officers and putting them into communities for, you know, community policing back at the precincts. I'm not saying that's what he's going to do, but it gives him the opportunity free up --

LEG. LOSQUADRO:

Right, but it's the same -- listen, it's the chicken or the egg argument. If you take those officers out of a function that they are performing, you have the same number of bodies that you did the day before. At the Sheriff's Office; if you take them out of some function they were doing in the Sheriff's Office, then you're going to have an underserved population in function that the Sheriff is performing and maybe you have a couple of more guys on the PD. I mean, you have to rob from Peter to pay Paul somewhere there, because you're dealing with the same number of bodies. I mean, that's the fundamental quandary in all of this, is you're dealing with a finite number of people, it's fixed.

MR. ZWIRN:

Yeah, but we deploy them where they could do the most good and I think that gives them -- having this grant go either way --

LEG. LOSQUADRO:

I understand that point.

MR. ZWIRN:

It gives you a little more flexibility, that's all.

LEG. LOSQUADRO:

That's something as to where people are -- where the population of the County is best served.

The language in the bill, I know -- it seems sort of boiler plate. But to Counsel, in the fourth WHEREAS clause, "That nothing herein shall be construed or limiting,"; is that just pretty much standard language or does that hamstring the Legislature in any way in terms of if a labor -- excuse me, guys? If a labor decision was handed down, you know, a decision was made by PERB, would that WHEREAS clause hamstring us in any way in terms of being able to move that money during the budgetary process?

MR. NOLAN:

No. No, it would not. It would not block us from moving the money in the event there was a PERB decision that put the Police Department back on those roadways.

LEG. LOSQUADRO:

Okay. I just wanted to clear that up, because that is -- you know, there's a couple of new pieces of language in this revised bill. Obviously the WHEREAS clause, you know, "and/or the Suffolk County Police Department", but then that next one was new also.

MR. NOLAN:

They apparently put that language in that this resolution would not change in any way, whatever authority the County Executive has to deploy Police personnel through the Police Commissioner. I don't know exactly why they wanted that language in there, but it's fairly neutral and certainly would not hamstringing us down the road in the event there's a decision that the Police Department would have to go back on those roadways.

LEG. LOSQUADRO:

Mr. Zwirn, could you just explain that fairly neutral language to us and the need for that being included in the resolution? The fourth WHEREAS clause, the not construed as being -- you know, limited and diminishing.

MR. ZWIRN:

Because we got a request to try to include it and we don't want to -- we're trying to be cooperative and not lose this money.

LEG. LOSQUADRO:

We certainly don't want to lose it.

MR. ZWIRN:

I understand, that's why we tried to put the language in that we thought people would find acceptable so we could understand that we're giving it an "either/or".

MR. NOLAN:

No, the language about this not diminishing the County Executive's --

MR. ZWIRN:

Well, we just wanted to make sure because we said it's the County's discretion. The County

Executive just wanted to make sure that he didn't want -- didn't diminish his roll as the Chief Financial Officer of the County and the deployment of personnel within the County, he just wanted to make that clear.

One of the questions that I think Legislators raised was that they wanted to stay out of the fray, this really makes that clear, that it will be a County Executive decision, not one the Legislature will have to --

LEG. LOSQUADRO:

Well, not just stay out of the fray, but also from a legal standpoint that we don't wind up unduly influencing the process one way or the other, that this body is truly neutral on that.

MR. ZWIRN:

I think your comments will be part of the record and I think will be construed by anybody who reads them.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

I just had a quick question. This may be a foregone conclusion. Are we still in negotiations with the State to try to get the State Troopers?

MR. ZWIRN:

We haven't -- I don't know if we've had an opportunity speak with the Governor's Office. The answer is yes and no. The answer is yes, we would still like to get the Troopers down here or find a way to get the revenue to pay for the law enforcement personnel on the Expressway and the Sunrise Highway. But the Governor has pretty much been preoccupied with his budget problems, but they said they had some ideas and we're willing to wait and see what they are, they had some ideas about revenue, we haven't seen them yet but we'll be certainly looking forward to it.

LEG. GREGORY:

Okay. And should lightening strike and there is some agreement, how would that impact this grant?

MR. ZWIRN:

I'd have to wait to see how it was all formulated. It would be premature to be able to even speculate. I thought last year we had an agreement and I know -- so did, I think, the Presiding Officer thought so, we thought we were so close to having this all worked out and then it all changed and just so quickly that we were, quite frankly, very surprised.

LEG. GREGORY:

Okay.

P.O. LINDSAY:

Okay. I don't have any other -- we have a motion and a second on --

MR. LAUBE:

No, you don't.

P.O. LINDSAY:

Okay. All right, on the revised resolution, 2241; motion by Legislator Barraga.

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

I need a second first. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

LEG. ROMAINE:

Yes. We're about to cast a vote. I think the most important thing is we want to have the money to keep our Expressway and Sunrise safe. I don't want to get into a fight between the Sheriff and the PBA. The Police are doing a fine job, I certainly have no criticism of the Sheriff's Office. But again, the bottom line is the money. I don't think any of us want to turn away seven hundred plus thousand dollars to patrol our roads and we would not be responsible to do that.

Clearly, the battle that exists and the labor disagreement that exists is that between the PBA, the Sheriff's Office and the County Executive. You're right, Presiding Officer, we should not be brought into this and hopefully this resolution will not be construed as that. It's just us getting the money that we need to patrol our roads to keep them safer. The question of who should patrol the roads is something for another day to discuss. Thank you.

P.O. LINDSAY:

Okay. All right. Roll call.

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

LEG. BARRAGA:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes with the revision.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes for the money.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Abstention: Legislator Montano).

P.O. LINDSAY:

That was easy.

MR. LAUBE:

Hallelujah.

LEG. HORSLEY:

Two hours.

P.O. LINDSAY:

Okay. We've got all the major obstacles behind us, let's go through this now.

D.P.O. VILORIA-FISHER:

One can only hope.

LEG. BEEDENBENDER:

You think so, don't you.

LEG. MONTANO:

Famous last words, right.

MR. LAUBE:

One hundred more to go.

P.O. LINDSAY:

Back to the agenda. Page eight, *2201, 2201A-08 - Appropriating funds in connection with Capital Project 5711 - replace flight line (ramp) lighting at Francis S. Gabreski Airport (County Executive)*.

I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond, 2201A; roll call.

MR. LAUBE:

Who was the second on that previous vote?

LEG. SCHNEIDERMAN:

I was.

MR. LAUBE:

Sorry. Thank you.

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

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

LEG. COOPER:

Mr. Chair, I'd like to make a motion to take the two Vanderbilt resolutions out of the order so Carol Hart can go home and have a nice stiff drink.

P.O. LINDSAY:

That sounds fair. I'll second that.

LEG. COOPER:

So I'd like to take out of order first IR 2168, please.

LEG. HORSLEY:

Where is that?

LEG. MONTANO:

What page is that?

P.O. LINDSAY:

It's on page eleven.

D.P.O. VILORIA-FISHER:

And that would also enable Commission Anderson to go home, too, I think because we have to -- no, you have to stay after that?

LEG. BEEDENBENDER:

We have two-and-a-half pages of Public Works, Vivian.

P.O. LINDSAY:

All right. We have a motion and a second to take 2168 out of order. And what was the other one, Jon?

LEG. COOPER:

And 2169.

P.O. LINDSAY:

And 2169; can we do them together to take them both out of order?

LEG. D'AMARO:

Second.

LEG. HORSLEY:

Do what you want.

P.O. LINDSAY:

We have a motion and a second to take them out of order?

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. *2168-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the restoration of the boat house at the Vanderbilt Museum.*

D.P.O. VILORIA-FISHER:

Gil, there were questions for you.

P.O. LINDSAY:

But I need -- before you start, I need a motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Okay. On the issue, 2168; anybody have any questions, you just want to vote?

D.P.O. VILORIA-FISHER:

I'm fine with just voting. There were some members --

LEG. BROWNING:

Just vote.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?
*(*Opposed Said in Unison*)*

MR. LAUBE:

We need some hands.

D.P.O. VILORIA-FISHER:

Didn't you have questions for him?

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call.

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

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. D'AMARO:

Pass.

LEG. STERN:

This is 2168?

MR. LAUBE:

Correct.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Y-E-S.

P.O. LINDSAY:

It was right along party lines.

*(*Laughter From Panel*)*

MR. LAUBE:

Ten.

LEG. BEEDENBENDER:

That's what makes this place great.

P.O. LINDSAY:

Did it pass?

MR. LAUBE:

Ten.

P.O. LINDSAY:

Ten.

D.P.O. VILORIA-FISHER:

But now we have a Bond.

P.O. LINDSAY:

Okay. Same motion, same second; roll call on the Bond.

LEG. D'AMARO:

Just on the motion --

P.O. LINDSAY:

2168A.

LEG. D'AMARO:

-- Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Just very quickly. You know, the reason why I'm supporting the Capital Projects is whether -- whatever the fate of the Vanderbilt is going to be, you know, it's still a County asset and we're going to preserve it through these Capital Projects. So that's why I'm supporting the Capital Projects.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Okay? Just for the record.

LEG. MONTANO:

On the motion, very quickly.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, just for clarification. If there are problems with the Vanderbilt in terms of their viability, what are we doing in terms of this money? We may not spend this money later, is that accurate?

D.P.O. VILORIA-FISHER:

No. If I may, Mr. Chair?

LEG. MONTANO:

We're just appropriating or what? Because I didn't read the bill.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

In fact, I think Commissioner Anderson should come up, because this is a building that has problems.

MR. REINHEIMER:

Yeah, this is a Capital Budget amending resolution. The Capital Program -- the General Fund supports the Capital Program for the Vanderbilt, pays the debt service. So this is \$475,000 to stabilize the boat house. It's temporarily stabilized. Public Works, if this doesn't pass, has provided and put aside previous appropriated funds to monitor this building every other month for the next 28 months because of its situation. So this is to stabilize the building, not to use it for public use, but just to make sure that the building does not ultimately fall.

D.P.O. VILORIA-FISHER:

Fall down.

LEG. MONTANO:

But we're amending -- without looking at it on the computer, we're amending, we're not appropriating money that was in the budget.

MR. REINHEIMER:

No, we're amending the Capital Program, transferring appropriations from one Vanderbilt project to the boat house and appropriating the money to stabilize the boat house.

LEG. MONTANO:

Money from this year's Capital Budget --

MR. REINHEIMER:

That's correct.

LEG. MONTANO:

-- from one program to another.

MR. REINHEIMER:

Within the Vanderbilt Museum.

LEG. MONTANO:

And then the only other question I have is that if, and I'm not saying it's going to happen, if the Vanderbilt were not to survive, would we still want to do this? And maybe I should ask the Commissioner. Gil, is that an --

COMMISSIONER ANDERSON:

I don't really understand the question.

LEG. MONTANO:

In other words, we just had a two hour debate as to whether or not the Vanderbilt, you know, can sustain itself financially more than a year. Now, let's assume, for argument's sake, that they're not able to do it; would we still want to, you know, spend money on a boat house in a museum that's closed?

COMMISSIONER ANDERSON:

I mean, it's certainly still a County asset. I mean, you want to maintain it and stabilize it.

LEG. MONTANO:

Well, that's the question I'm asking. So your answer would be yes --

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

-- that we would still want to do it because we want to preserve the asset.

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Alden.

D.P.O. VILORIA-FISHER:

You hear that, Jay?

LEG. ALDEN:

I don't know if Budget Review would have the answer or George would have the answer. 2168 just passed, so that amended the Capital Budget and appropriated funds. What's the significance of 2168A not passing? We still appropriated the funds, so that saves it --

LEG. NOWICK:

You can't borrow the money.

LEG. ALDEN:

But you couldn't borrow the money, right, but you still appropriated the money. So is --

MR. REINHEIMER:

We've done that before where we've appropriated funds and have not passed the associated Bonding Resolution, that's a policy decision on your part. The funds would be appropriated, you'd have five years to spend them before they sunset, but the Bond, you know, you could pass at a later date.

LEG. ALDEN:

Thank you.

MR. REINHEIMER:

That's my interpretation, unless Legal Counsel has a different opinion.

D.P.O. VILORIA-FISHER:

I have a question on that.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Lance, if I could just continue with that thread. The problem as I see it is that we would have to pass the Bonding Resolution because we can't let this hang around for five years. This is a building that's in a fragile state, we need to be able to bond and get the project going. Commissioner, is that not so?

COMMISSIONER ANDERSON:

We've already initiated work in there. Right now we have funds available, as Lance said, to monitor it. I don't know the extent of it, but it is for --

MR. REINHEIMER:

It's my recollection that it's 28 months.

COMMISSIONER ANDERSON:

-- 28 months, yeah.

MR. REINHEIMER:

I think it was every other month for 28 months.

COMMISSIONER ANDERSON:

Right.

D.P.O. VILORIA-FISHER:

So what happens if we don't pass the Bond? Again, we go back to that question. I mean, this is a critical stage that this building is in.

MR. REINHEIMER:

Yeah, that's a policy decision that you could visit later, depending on the -- how the building is holding up.

D.P.O. VILORIA-FISHER:

But if we don't pass the Bond, do we endanger the sustainability of the building?

MR. REINHEIMER:

I can't -- well, this is to stabilize the building. According to Public Works, it's temporarily secured, but it has some structural problems that need to be addressed for the long run.

P.O. LINDSAY:

Okay. Legislator Stern.

LEG. STERN:

This is just maybe for the record. You know, this goes beyond just maybe some of the big picture, big vision things that we might want to consider for the Vanderbilt. This is not the riverfront or the hangar, this is the boat house which, if it brought back to the state that it needs to be in to make sure that it's safe, I mean, can really be a day-to-day operation that's going to go on there. I think it's very important to the ultimate viability of the Vanderbilt, it's something that we need to address much, much sooner rather than later.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Correct me if I'm wrong, but the activity that was going on at the boat house has been and that building has been evacuated.

COMMISSIONER ANDERSON:

Correct.

LEG. ALDEN:

Okay. So it would be status quo, in my mind I would think, that until we see, you know, a more fleshed-out business plan. January, February, that's a real good time to act on it. I don't think we can actually do the work, if there's {quilfer} under this, during the winter months; is that not correct?

COMMISSIONER ANDERSON:

Probably not. Most concrete work you don't do during winter months.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

So there's no activity in the boat house at this present time?

COMMISSIONER ANDERSON:

Correct.

LEG. EDDINGTON:

What was going on in the boat house?

LEG. MONTANO:

He can't say.

COMMISSIONER ANDERSON:

I don't know.

LEG. EDDINGTON:

Oh, okay. There's no boats in the boat house.

COMMISSIONER ANDERSON:

No, no.

MR. REINHEIMER:

No.

D.P.O. VILORIA-FISHER:

Carol, you have to go to the mike. You have to go to the mike.

MR. REINHEIMER:

Cornell was using the boat house for their Marine Program.

MS. HART:

For about the past five years, Cornell Cooperative Extension had marine programs, doing marine research and educational programs in that building. DPW told us that the building had to be vacated in June, really they had about 24-hours to get out because the building was unsafe. So this money --

LEG. EDDINGTON:

Oh, so they were doing there what they do in the Suffolk County Maritime Museum. Because that's what they do there, too, I believe.

MS. HART:

It was different, it was specific scientific research with horseshoe crabs and other educational programs as well. But anyway, the building is unstable so they were forced to leave and the funds are to stabilize and keep the building from falling down.

LEG. EDDINGTON:

Okay. Thank you.

LEG. ALDEN:

They were studying Poison Ivy and the effects on Legislators.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just again, very quickly. You know, we had a debate today about whether or not to go with the fee increases and funding Vanderbilt and we did all that. But, you know, I just want to make it very clear that most of us stated -- irrespective of how we felt about fee increases, most of us stated that we were in support of the Vanderbilt, we want to see it succeed and, you know, the Capital Project should go forward to give them that chance. I mean, if we can get the building back to a state where it can be occupied, it can contribute into that business plan that we were talking about. So why not continue with the Capital Project?

And the downside is if for some reason the Vanderbilt is not sustainable, and I hope that it is and we all want it to be, that we're taking an unsafe structure on County property and making it safe. So at a minimum, even putting aside the issue with the Vanderbilt, I think this is just a good Capital

Project for us to pursue to keep that building safe. You know, why have that liability hanging out there?

So it's in the Capital Program, we already put it in our budget, it's already there.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

We're just appropriating the funds and, you know, the Vanderbilt -- it may actually --

P.O. LINDSAY:

It isn't in the budget. We're moving another project within the Vanderbilt lines to do this.

LEG. D'AMARO:

Okay, and that's being done because the structure was deemed unsafe. So even putting aside all the other issues, you really don't want a structure that we have a formal notice of being unsafe on County property.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

I think we should move forward on this.

D.P.O. VILORIA-FISHER:

Good lawyer talk.

P.O. LINDSAY:

Is that it? You wanted to say something, Legislator Gregory?

LEG. GREGORY:

I just wanted to make just a quick question. I didn't support the measure because given the financial state that the Vanderbilt is in, I supported the park fees to support the Vanderbilt, I think it's an institution that we should try to save. But I don't think that we should be redirecting funds to support something that's not going to help become -- help the Vanderbilt become more viable. Yes, the funds are there, they're available. I mean, at least that's my understanding, no one has really changed that understanding for me. But I think our focus should be on making the Vanderbilt viable, not putting more County funds towards something that's going -- that's not going to have an impact on that state.

P.O. LINDSAY:

Okay. We've got a motion and a second?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Roll call.

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

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Eleven, it fails.

2169-08 - Appropriating funds in connection with modification for compliance with the Americans With Disabilities Act (ADA) at the Suffolk County Vanderbilt Museum (CP

7450) (Cooper).

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

P.O. LINDSAY:
Motion by Legislator Viloría-Fisher, second by Legislator Cooper.

D.P.O. VILORIA-FISHER:
May I just put on the record what it's being used for?

P.O. LINDSAY:
Go ahead.

D.P.O. VILORIA-FISHER:
Commissioner, or Budget Review? It's my understanding that, again, this is on the main campus, it's on the buildings that are being used to make bathrooms ADA compliant?

COMMISSIONER ANDERSON:
It's actually to make the most used buildings ADA compliant, so that would involve the Mansion, Hall of Fishes, Gatehouse and Planetarium.

D.P.O. VILORIA-FISHER:
Okay. And for those people who might have a question about this, this is the part of the Vanderbilt Museum that is revenue producing. So if there's any chance of there being able to get to continue to get some income, they need the ADA compliance in these buildings that they are using. Carol, jump in if I'm saying anything that's incorrect, but this is where it's being used?

MS. HART:
Yes. No, absolutely, and it is for restroom for our public in our most heavily used buildings, the Planetarium, the parking lot area.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Just the two?

P.O. LINDSAY:
Okay. On the accompanying Bond Resolution -- you want to announce the vote?

MR. LAUBE:
Sixteen (Opposed: Legislators Beedenbender & Barraga).

P.O. LINDSAY:
Okay. The accompanying Bond Resolution, 2169A, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Beedenbender & Barraga).

P.O. LINDSAY:

Okay, let's go back to Page eight.

2202-08 - Amending prior Capital authorized appropriations for the replacement of unsafe tennis courts - planning (CP 2170.110) (County Executive). I'm going to make a motion for the purpose of discussion. Do we have a second?

LEG. D'AMARO:

Second for discussion purposes.

P.O. LINDSAY:

Second by Legislator D'Amaro. Maybe, Mr. Anderson, you could come up and give us an explanation and short cut a lot of other questions.

MR. NOLAN:

This is a college project, I believe.

P.O. LINDSAY:

Oh. Do you know, Mr. Anderson, this is a college project?
You don't no.

COMMISSIONER ANDERSON:

No,

LEG. BEEDENBENDER:

It's a college project.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Just for explanation purposes, Mr. Chair. We had this at -- I think we had this at Public Works?

LEG. BEEDENBENDER:

No, Parks.

P.O. LINDSAY:

It's under Economic Development.

LEG. KENNEDY:

Economic Development?

LEG. HORSLEY:

I could --

LEG. KENNEDY:

Wayne, you could explain, right? We had somebody from the college.

LEG. HORSLEY:

Yes, we did. Yeah, my recollection on this was that this project has already been completed, or in the process of being completed, and they had a shortfall of dollars and this was to put the project whole.

MR. REINHEIMER:

Right. I think this first resolution is amending a prior appropriating resolution to reprogram planning funds to construction. They had a surplus of planning funds, a shortfall in construction, so this is

modifying or amending that first resolution that appropriate the planning funds and --

LEG. HORSLEY:

That's kind of what I said, wasn't it, Lance?

MR. REINHEIMER:

Yes. I'm just trying to --

P.O. LINDSAY:

He said it better than you did, though.

LEG. HORSLEY:

Yeah, he certainly did.

P.O. LINDSAY:

Okay.

MR. REINHEIMER:

I just wanted to make sure I understood what you said.

LEG. HORSLEY:

Yeah, you did. Yeah, you did great.

P.O. LINDSAY:

Does that answer everybody's question?

LEG. HORSLEY:

I'll take your answer better.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Wayne, didn't they testify that the college actually runs -- we fund it, but the college runs these programs?

LEG. HORSLEY:

Yeah, yeah.

LEG. ALDEN:

The construction.

LEG. HORSLEY:

They had their own architect there and --

LEG. ALDEN:

Construction manager, all that kind of stuff.

LEG. HORSLEY:

Yep, they did.

D.P.O. VILORIA-FISHER:

And it came in under budget?

MR. REINHEIMER:

Well, the planning came in under budget and they need additional funds for the construction. You're

talking \$25,000; twelve five County, twelve five State.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Right, the cost estimate was wrong.

P.O. LINDSAY:

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

LEG. BEEDENBENDER:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Just two? Sixteen (Opposed: Legislators Beedenbender & Alden).

P.O. LINDSAY:

2203-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the replacement of unsafe tennis courts (CP 2170) (County Executive).

Isn't that the --

D.P.O. VILORIA-FISHER:

That's a partner with the other one.

LEG. HORSLEY:

That was the other part; one was the planning, one was the --

D.P.O. VILORIA-FISHER:

They took the twelve five from the planning and put into construction.

MR. REINHEIMER:

This is the second half of the equation. This now -- you amended that first appropriating resolution, now you're appropriating those funds in 2008 Capital Program, 12,500 from the County, 12,500 from the State.

P.O. LINDSAY:

Okay. I make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BEEDENBENDER:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Beedenbender & Alden).

P.O. LINDSAY:

2203A, the pending Bond Resolution, accompanying Bond Resolution, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Beedenbender, Barraga & Alden).

P.O. LINDSAY:

Environment, Planning & Agriculture:

2144-08 - Appropriating funds in connection with Brownfields Program, Gabreski Airport, APDD site (CP 8223) (County Executive).

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Seconded by Legislator Horsley.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Accompanying Bond Resolution 2144A, same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2145-08 - Appropriating funds in connection with the Brownfields Program, former Bellport gas station site (CP 8223) (County Executive).

LEG. BROWNING:

Motion to approve.

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:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution 2145A; roll call.

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

LEG. BROWNING:

Yes. Cosponsor.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

***2146-08 - Appropriating funds in connection with Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223)
(County Executive).***

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, 2146A; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2156-08 - Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477, Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with purchase of new street sweeper/eductor trucks (CP 8710.511) (County Executive).

LEG. D'AMARO:

Motion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Who was the second?

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2157-08 - Amending the Adopted 2008 Operating Budget and transfer funds from Fund 477 Water Quality Protection, Amending the 2008 Capital Budget and Program and appropriating funds in connection with storm water remediation to the Yaphank Lakes and Carmen's River, CR 21, Main Street/Yaphank - Middle Island Road (CP8241.110) (County Executive).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2158-08 - Appropriating funds in connection with planning for restoration of wetlands (CP 8730.111) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. ALDEN:

Explanation of where, what wetlands?

P.O. LINDSAY:

Does anybody -- can anybody explain this? Counsel, you want to do it, or Gail?

LEG. SCHNEIDERMAN:

Well, this question came up in committee.

P.O. LINDSAY:

All right. Well, answer it then.

LEG. SCHNEIDERMAN:

It wasn't at any one specific location, but more part of the OMWM Program that the -- Dominick Ninivaggi was out there.

D.P.O. VILORIA-FISHER:

We don't use the term OMWM.

LEG. SCHNEIDERMAN:

I'm sorry?

D.P.O. VILORIA-FISHER:

It's not OMWM.

LEG. SCHNEIDERMAN:

Right. It was the marshlands management type programs that are ongoing in various areas. I don't remember exactly one specific park that was mentioned, maybe somebody else on the committee does.

LEG. ROMAINE:

{ Inaudible).

LEG. ALDEN:

Is there any other money that was appropriated for this? Is this an ongoing program?

LEG. SCHNEIDERMAN:

It's an ongoing program.

LEG. ALDEN:

So how much was the total in the program?

D.P.O. VILORIA-FISHER:

Five hundred thousand; isn't it?

LEG. ALDEN:

And this is just for planning, correct?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

I got a question, though. Wouldn't this be eligible to come out of 477 instead of bonding it?

LEG. ALDEN:

Probably.

D.P.O. VILORIA-FISHER:

It should be.

MR. ZWIRN:

I'd have to ask the Budget Office. I think Carmine's still here, I could ask him.

P.O. LINDSAY:

Yeah, maybe we could skip over it, because I'd much rather pay for it out of 477 than bond it if we don't have to. Is that all right with everybody?

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Yep.

P.O. LINDSAY:

If we skip over this and see if this can be funded under 477 rather than as a Bond?

LEG. BEEDENBENDER:

You got it, bill.

P.O. LINDSAY:

All right? All right, we'll skip over it.

2159-08 - Authorizing the application to the Environmental Protection Fund Grant in the amount of \$1,025,000 from New York State Office of Parks, Recreation & Historic Preservation (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2180-08 - Authorizing the acquisition of land under the new Suffolk County Drinking Water Protection Program, (effective December 1, 2007), open space component, for the Lake Ronkonkoma Addition, McDonnell/Dondero Property, Town of Smithtown (SCTM No. 0800-171.00-04.00-001.000)(Kennedy).

LEG. KENNEDY:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Kennedy makes a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Losquadro. Is there any discussion?

Seeing none, all in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:

Opposed.

LEG. ALDEN:

Opposed.

LEG. STERN:

Opposed.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

No, it couldn't be 15, there were four hands, wasn't there?

MR. LAUBE:

I saw three.

P.O. LINDSAY:

Three? Okay.

Health & Human Services:

2135-08 - Requesting Legislative approval of a contract award for temporary laboratory support services for the Department of Health Services, Division of Medical-Legal Investigation and Forensic Sciences (County Executive). I'll make a motion.

LEG. EDDINGTON:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

2138-08 - Appropriating funds in connection with public health related harmful algal blooms (CP8224)(County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman.
And who -- how much is this?

D.P.O. VILORIA-FISHER:

A hundred thousand.

P.O. LINDSAY:

A hundred thousand dollars?

LEG. ROMAINE:

A hundred thousand, five years.

P.O. LINDSAY:

Five years?

LEG. ALDEN:

Thirteen thousand, eight hundred and ninety-five dollars in interest.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

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

P.O. LINDSAY:

The accompanying Bond Resolution, 2138A, same motion, same second; roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah. Yes, yes, I'm sorry.

MR. LAUBE:

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

P.O. LINDSAY:

2139-08 - Appropriating funds in connection with the purchase of equipment for the Environmental Health Laboratory (CP 4079) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden)

P.O. LINDSAY:

The accompanying Bond Resolution, 2139A, same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

1815-08 - Adopting Local Law No. 2008, a Local Law to add certain Universal Design and Adaptability Requirements to the Affordable Housing Program.

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator Gregory.

Do you want to give us a thumbnail sketch, Legislator Stern?

LEG. STERN:

Yes. Thank you, Mr. Presiding Officer, on the motion. We're making decisions today and going forward to continue to work hard to provide affordable housing, but affordable housing has to be assessable as well, and that's particularly important for those who are aging or for those who plan on aging in the future and for those who are people living with disabilities. So this resolution would provide for the addition of universal design elements to our affordable housing projects going forward, elements such as a stepless entry, wider doorways, easy-use bathroom and reinforced walls capable of supporting grab bars. So that it doesn't need to be constructed with those grab-bar features today, but will be easily adaptable later on so that, particularly when it comes to affordable housing, we don't have seniors or those who are living with disabilities where then they have to spend thousands and thousands of dollars to retrofit their homes. You know, that would kind of defeat the whole purpose of affordable housing to begin with.

So this is a resolution that would provide for much greater level of dignity and independence, particularly for those living with disabilities and those who wish to age and remain in place and remain part of their communities.

P.O. LINDSAY:

And I'm planning on aging, but if we have too many more meetings like this, I'm not going to make it.

D.P.O. VILORIA-FISHER:

I'm aging as I sit here.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2027-08 - Directing the Department of Labor to develop criteria for Living Wage Hardship Funding (Browning).

LEG. BROWNING:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Romaine.

This is just directing the department to come up with some hardship --

LEG. BROWNING:

Criteria, yeah.

P.O. LINDSAY:

-- criteria, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2100-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-959.00-06.00-035.000) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Just very quickly to Mr. Zwirn, if you know or if you can get the information of how many 72-h

properties have we conveyed down to the towns that have not been constructed yet, and for how long have they been sitting with the towns. Do we have any information? I don't expect you to have it here tonight, but are we doing anything to get that information?

MR. ZWIRN:

I will now. I didn't have it with me.

LEG. D'AMARO:

Yeah, we convey these properties through the 72-h for a very noble purpose, to create workforce housing, but we never hear back from the towns as to whether or not they're actually building the housing, what the status of the properties are.

MR. ZWIRN:

That's true, and I'll ask Skip Heaney and Jill Rosen-Nikoloff to get that information for you.

LEG. D'AMARO:

I had asked for that at a committee meeting back in October and I haven't received it yet.

MR. ZWIRN:

Okay, I'll remind them.

LEG. D'AMARO:

Thank you. I appreciate it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2101-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law, Town of Brookhaven for affordable housing purposes (SCTM No. 0200-959.00-05.00-020.000) (County Executive). Can we do same motion, same second; how is that?

LEG. BROWNING:

Sure, that's good.

P.O. LINDSAY:

Same vote?

LEG. BEEDENBENDER:

We're with you, Bill.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

All right.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2102-08 - Authorize the sale of County-owned real property pursuant to 72-h of the General Municipal Law, Town of Brookhaven, for affordable housing purposes (SCTM No. 0200-959.00-05.00-006.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2103-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2108-08 - Amending the 2008 Operating Budget to authorize the disbursement of funds from Suffolk County Living Wage Contingency Fund for Colonial Youth and Family Services under contract with Youth Bureau (Browning).

LEG. BROWNING:
Motion to approve.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
We have a motion and a second.

LEG. BEEDENBENDER:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. We discussed this extensively in committee, so I will be as brief as possible. I believe that this agency should have known that the Living Wage Funds would not be available to them if they gave some of their employees raises. And the reason I believe that is because the Living Wage says you have to pay people 10.50 and we will assist you in doing so, so if you pay somebody more than 10.50, I think it's self-evident that we shouldn't help you fund it.

That being said, we had an extensive conversation in committee a couple of times with this agency, and I do believe that a good faith effort was that they were not aware that they would lose the funds. I think the real problem lies in the fact that the day care does not have a COLA. If it had a cost of living increase, they would have been able to provide the employees with an increase, they wouldn't have been stagnant at one rate and they still would have been eligible for hardship funding. So I understand one of my colleagues, I believe Legislator Browning, may be coming forward with a proposal for that in the near future, because the other problem we have here is that we've agreed to help them get to 10.50 and once they get there we don't provide any more money, so we have basically statutorily put in place a hole in their budget at some point, so.

And the last point is there are plenty of funds available in this line this year. This is our last meeting, I believe there will be 450,000 left after this. So I don't want to see this agency get hurt, I

just want it to be on the record, though, that we can't do this over and over. This is a departure from our normal policy and hopefully the earlier resolution will provide the criteria that will expressly prevent this from happening in the future.

P.O. LINDSAY:

This falls -- if I may. This falls under the category, "Be careful what you wish for". Because the child care providers were originally in the Living Wage Law, they labeled this body hot and heavy to freeze their rates and they got what they wanted, and now their rates haven't went up. So guess what, they have to give somebody a raise and they want us to subsidize it. You got what you wanted.

All right, we have a motion and a second.

MS. ORTIZ:

Didn't get the second.

P.O. LINDSAY:

Who seconded it?

LEG. ROMAINE:

I did.

P.O. LINDSAY:

Legislator Romaine.

MS. ORTIZ:

Okay. Thank you.

LEG. D'AMARO:

Just on the motion, Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Just very quickly. I agree with Legislator Beedenbender and I intend to support the resolution. We need clarity on the process going forward and I think we're going to accomplish that with the bill we just passed. But certainly we can't continue to offer subsidies on the condition that a certain wage is not paid, that a certain amount -- a ceiling is not pierced and then it is and then we go back and we have to have this debate each time. So I appreciate it if we get some clarification going forward, then people can do business with some certainty. But I will support this this one time.

LEG. BROWNING:

Thank you? And Bill --

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Just to clarify, we will -- even in the absence of passing this bill, we would be supporting them up to the 10.50, just not --

LEG. BROWNING:

Up to the 10.50 only.

LEG. LOSQUADRO:

But not above that.

LEG. BROWNING:
Not above that.

LEG. LOSQUADRO:
Okay. Thank you.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Yes, and I do appreciate your support on this. You know, I did speak with Colonial Youth and I explained to them, you know, this is not setting a precedent, that this is a one-shot only, you know, and again, developing some kind of criteria, because a lot of these organizations didn't know that if they give the slightest bit over that they're not eligible anymore.

So, you know, like I said, it is not setting a precedent; they know that this is one time and one time only. We don't want to be doing this because of the fear of other organizations coming forward and saying, "We need more."

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

MS. ORTIZ:
Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:
2118-08 - Authorize the sale of County-owned real property pursuant to 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing Purposes (SCTM No. 0100-057.00-01.00-029.000) (County Executive).

LEG. GREGORY:
Motion.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Motion by Legislator Gregory, second by Legislator D'Amaro.
All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
2125-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Incorporated Village of Patchogue, Town of Brookhaven, for affordable housing purposes (SCTM No. 0204-013.00-03.00-020.000) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Put me down as a cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2128-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law, Town of Babylon for affordable housing purposes (SCTM No. 0100-057.00-01.00-026.000) (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Seconded by Legislator Horsley.

LEG. HORSLEY:

Sure.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We did 2178 and we did 2178A under Parks.

Parks & Recreation:

2044-08 - Appointing Thomas D. Glascock as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No.9)(D'Amaro).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2109-08 - Requesting Legislative approval of a contract award for operation of the restaurant, catering and bar concession at Bergen Point Country Club in West Babylon (County Executive).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley to approve. Do we have a second?

LEG. GREGORY:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. All in --

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

Uh, on the motion, Legislator Alden.

LEG. ALDEN:

We should put this on the record. In Parks & Recreation, we went into a little bit of detail on this. These people actually worked for Neal Trabich, Global Golf and Neal Trabich was arrested basically for perpetrating fraud on Suffolk County. There was no other responses, that's why there's going to be a two-thirds vote for approval.

It doesn't seem like they have much experience in the bar and restaurant business and it's kind of like a package deal; this one and the next contract award is for the golf concession at Bergen Point. I want to thank Ben and the Parks Department for getting a bunch of information on, you know, alternatives. I still don't think that this is the way to go. I would think that we could call up some of the other responses that we've had, some of the other bids for the other concessions, find out why they didn't bid on this one. There's got to be a problem if only one person put in a bid on this contract. And again, even though -- and I have to put this on the record. The DA was contacted, the people that bid are not under probe or under indictment or under any kind of cloud or suspicion, but they did work for someone that was arrested and plead guilty.

P.O. LINDSAY:

Does anybody want to comment, or do you want to table this; what do you want to do?

LEG. ALDEN:

Let's go to a vote.

D.P.O. VILORIA-FISHER:

The Commissioner wants to comment.

P.O. LINDSAY:

Okay, we've got the Commissioner coming up. You want to comment on that?

MR. ZWIRN:

Well, I will say, as Legislator Alden said, the individuals that they did work for the former vendor, the District Attorney gave them a clean bill on this, they were checked out and they were -- they've run the facility for the last year and the revenue that we anticipate getting in is in excess clearly of what we received the previous year. A number of vendors did look at the restaurant, they'll be making capital improvements between the golf course and the restaurant of, I think it's one point -- over a million dollars; it's over \$600,000, I think, for the golf course and about \$400,000 for the restaurant over the next ten years. It has been in private hands, I think, since 1987, going back, and again, they were the sole responder. If we do not move forward with this, there's a good chance we won't have that course open and ready for operation in the spring. So we would urge you to support it, if you could.

COMMISSIONER PAVACIC:

As Legislator Alden alluded to, the two operators, the folks who are projected to operate, they were cleared by the DA's office. We did read out to the DA's Office and the DA's Office said that they are cleared to go and they were not under any suspicion whatsoever.

And as Deputy County Executive Zwirn has indicated, they have done a very good job at the course this year. They've made some significant improvements there, we have received comments from a number of people there. The restaurant there is in a deteriorated condition, needs a fair amount of capital work and that, we suspect, is why others did not bid on this.

They also are planning to bring in a professional restaurant organization to operate the restaurant. But I will point out, they have been operating it successfully during the past year under a one-year custodial agreement. They've kept that course open over the course of this past year operating and they also honored other bookings that were made under the prior operator and maintained those and kept those bookings and made sure that those parties did not need to be cancelled.

LEG. ALDEN:

Through the Chair?

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

Commissioner, did you get any feedback from any potential bidders on this, why they didn't -- because \$400,000 over ten years, that's not a real lot of capital to put into something.

COMMISSIONER PAVACIC:

It's a small -- if you compare it to our other three, or at least the other two like Timber Point and West Sayville, it's a much smaller restaurant facility, and it does need work. The original building I believe was constructed in 1980 and it needs -- it needs a fair amount of work. The grease trap, for example, needs substantial work, the kitchen area has not been -- the interior has not been refurbished in some time which would have been the responsibility of the prior concessionaire. So there's a fair amount of work there to be done, and this successful bidder is going to invest a substantial amount, as Deputy County Executive Zwirn indicated.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

The only thing that I want to say is that the last vendor that we had so much trouble with, if I'm not mistaken, made all kinds of commitments to improve the property and whatever; nobody really monitored them and they didn't do anything, they just took the money.

COMMISSIONER PAVACIC:

Well, what I will point out, what has happened -- what has changed since then is the Parks Department now has a Contracts Auditor. In fact, it was the Contracts Auditor who discovered the discrepancies regarding Global Golf and those findings were conveyed to the Comptroller's Office and the DA and led to the conviction of Mr. Trabich.

P.O. LINDSAY:

Yeah, but here we're talking about renovations. Is someone from your department going to monitor whether they're going to do the renovations that they're committed to?

COMMISSIONER PAVACIC:

Yes. First of all, we have a maintenance department that is staffed with qualified individuals, electricians and plumbers and so forth, who oversee and check at any work. There's a whole process, a review process required for capital improvements. In addition, we work very closely with DPW which acts as the County's Building Department. So anything that would require a building permit has to be vetted before the DPW and they would review that extensively. In addition, the Fire Marshal's Office would also be called in.

P.O. LINDSAY:

I'm not concerned about the vetting, I'm concerned about them getting the lease and not doing anything.

COMMISSIONER PAVACIC:

No, they would be monitored. As I said, our Contracts Auditor, one of their jobs is to go out and monitor construction work and we'd also have our maintenance unit would also be going out there and doing that work.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

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

P.O. LINDSAY:

2112-08 - Requesting Legislative approval of a contract award for operation of golf concession at Bergen Point Country Club is West Babylon (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ALDEN:

Same comments as the prior one.

P.O. LINDSAY:

It's the same vendor?

LEG. BROWNING:

Same as before, same vendor.

LEG. ALDEN:

Same vendor.

P.O. LINDSAY:

Same vendor that's going to operate the restaurant and the golf course.

COMMISSIONER PAVACIC:

If I may. Same vendor but two separate corporations. One of the things that is different here from the prior operation is that when lobar Golf operated it, it was under a single contract. We split this into two contracts now, one for the restaurant catering and one for the golf course.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Commissioner, maybe you would know the answer to this question. The way they're capitalized, did they take over all the assets of Global Golf?

COMMISSIONER PAVACIC:

No, the County owns -- the County owns the equipment they use. We own the buildings, we own the infrastructure there, the County also owns the equipment used to maintain the golf course.

LEG. ALDEN:

Okay. So for us to take over operation of the golf course wouldn't be as expensive as I had in mind?

COMMISSIONER PAVACIC:

Well, it would in that the -- in terms of staffing, we have no -- we have no staff there, we have no maintenance staff whatsoever to maintain that course and we would need to hire additional personnel, experienced personnel in order to do that. So you're talking about significant operating costs in that regard.

LEG. ALDEN:

Okay. But it wouldn't be capital costs, it would be just operating costs, correct?

COMMISSIONER PAVACIC:

In terms of capital costs -- well, there are additional improvements that he will be doing. He would be buying additional equipment for the course, replacing equipment as it ages out, but that would ultimately become the County's property.

LEG. ALDEN:

Right, we own it when they buy it, correct?

COMMISSIONER PAVACIC:

Yes.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Okay, here's a question for you. What happens if moving forward we raise the rates; is there anything in the lease there that --

COMMISSIONER PAVACIC:

Yes. Under the agreement --

P.O. LINDSAY:

-- we get the money?

COMMISSIONER PAVACIC:

Yes. We get -- if the rates, fees went up, then we get an increased revenue.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

After we sign this contract.

COMMISSIONER PAVACIC:

Yes.

P.O. LINDSAY:

But it was portrayed before that if the rates went up, it would be a windfall for the managers at Bergen Point.

LEG. ALDEN:

Under the old contract it would have been.

COMMISSIONER PAVACIC:

Under the old contract, not under the new contract.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I just -- my recollection with this matter with the previous operator, Mr. Trabich, was one of the main things that were wrong there was he was supposed to be acquiring equipment over the course of his contract and he misrepresented or he'd buy used materials and things like that. This operator, though, will -- in other words, I guess if you need a lawn tractor to cut the grass or things like that, he procures it but we own it?

COMMISSIONER PAVACIC:

Right now he's going to be using equipment that's there at this point in time. He has indicated that equipment is sufficient to maintain the course. However, if in the future a piece of that equipment needs to be replaced, he would go and procure that.

LEG. KENNEDY:

Is it adequate in order to go ahead and maintain the course so that it will be something that people will want -- I'm not a golfer. I mean, is it something that people will want to come to use?

COMMISSIONER PAVACIC:

This course?

LEG. KENNEDY:

Yes.

COMMISSIONER PAVACIC:

Yes, oh, yes. He's already made improvements, drainage improvements and some other improvements at the course and we've received, you know, anecdotal comments from golfers that they've noticed the improvements made. He's going to make a substantial improvement there, again, in drainage. The area, when it was first constructed, was a tidal marsh, so you have bog land there.

LEG. KENNEDY:

Right.

COMMISSIONER PAVACIC:

And so there's still significant wet areas, areas that get flooded out. He's going to be doing that as part of his capital obligations to improve those areas.

LEG. KENNEDY:

How big is that course, John?

COMMISSIONER PAVACIC:

It's an 18 hole course.

LEG. KENNEDY:

It's an 18 hole course? And do they have a small section there that's like a tip-shot area or a small putting green?

COMMISSIONER PAVACIC:

They have a driving range. There was also a small area that was a so-called miniature golf area, but all it is is just a few stations that -- there's no structures there as you would at a typical miniature golf course, that was put in by the prior operator.

LEG. KENNEDY:

Okay. All right, I'll yield. Thank you.

P.O. LINDSAY:

Legislator Horsley, you want to get in on this?

LEG. HORSLEY:

Just real quick. Commissioner, the whole issue of nets and things like that, is that all taken care of with the new Capital Program? Because as you know, we're bouncing --

P.O. LINDSAY:

Come on, hold it down. Come on, it's getting too noisy.

LEG. HORSLEY:

We're bouncing golf balls off people's houses and stuff.

COMMISSIONER PAVACIC:

Yes. We've determined with the County Attorney's Office that everything that could be done has been done there at this point in regard to the netting.

LEG. HORSLEY:

So there's no more further netting that's going to go up under the new contract.

COMMISSIONER PAVACIC:

No.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstained.

MS. ORTIZ:

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

P.O. LINDSAY:

2130-08 - Appropriating funds in connection with improvements to Raynor Beach County Park (CP 7175) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2138A, the accompanying Bonding Resolution, same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2141-08 - Appropriating funds in connection with improvements at Peconic Dunes (CP 7050) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

The accompanying Bond Resolution, 2141A, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2142-08 - Appropriating funds in connection with renovations at Historic Blydenburgh Park (CP 7507) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution 2142A.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

LEG. KENNEDY:

Cosponsor.

P.O. LINDSAY:

2179-08 - Appropriating funds in connection with improvements to County campgrounds (CP 7009) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by -- who was that? Legislator Eddington. On the subject, I'm going to talk.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

I'm going to approve this, but I'm voting against the Bonding Resolution for one specific reason. This spends a million dollars on campgrounds that was sent over by the County Executive after he vetoed the rate increases, and I think that's hypocrisy in the greatest form. And I will not vote for any more improvements to the park system until the rates are looked at and adjusted because they're way underneath what they should be, under market value. And I think it's irresponsible and pure politics for him to veto that and then send over these improvements that are going to put us more and more in debt.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. You took the words right out of my mouth. I'm just going to tell you what these improvements are. Will go to the electrical upgrades, which is from 30 to 60 amps so that they can -- we can pay for more of their juice for those big RV's; for Blydenburgh, Cathedral Pines, Cupsogue, Indian Island, Lakeland, Meschutt, Sears Bellows and Southaven; a million dollars.

P.O. LINDSAY:

We have a motion and a second to approve 2179. All in favor?

LEG. MONTANO:

On the motion.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

On the motion?

LEG. MONTANO:

Or just very quickly. This is appropriating money in the Capital Budget, right, that's all we're doing?

P.O. LINDSAY:

That's correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay, all --

MR. LAUBE:

Can I get a show of hands or do you want to do a roll call?

P.O. LINDSAY:

No, no. 2179, all in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

LEG. NOWICK:

Opposed.

LEG. STERN:

Opposed.

MR. LAUBE:

Thirteen.

LEG. HORSLEY:

I'm with Bill, Friends of Bill.

MR. LAUBE:

No, twelve, twelve, twelve.

P.O. LINDSAY:

But I want to appropriate the money because I don't want it to die, all right? I'm not going to vote for the Bond.

MR. LAUBE:

Oh, thirteen, it was thirteen (Opposed: Legislators Barraga, Nowick, Horsley, Gregory & Stern).

P.O. LINDSAY:

All right. Same motion, same second on 2179A; roll call.

LEG. D'AMARO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, very quickly. Commissioner, as long as you're here, I just want to ask you whether or not this project is proposed in response to any possible public safety issue.

COMMISSIONER PAVACIC:

Actually, I can provide a little more detail if you want.

LEG. D'AMARO:

Your mike's not on.

COMMISSIONER PAVACIC:

Provide a little more detail if you want. Blydenburgh County Park gets to refurbish the -- it's not just for campgrounds, this is also general, for general projects that are not covered in the other capital lines we have in our budget. At Blydenburgh County Park it includes refurbishing the Park Police Station and Park Office which is in a state of disrepair; to construct a sanitary building to replace an existing structure beyond rehabilitation.

LEG. LOSQUADRO:

Are you on 42 or 79?

D.P.O. VILORIA-FISHER:
Seventy-nine.

COMMISSIONER PAVACIC:
Seventy-nine.

LEG. LOSQUADRO:
Okay, I just want to make sure.

D.P.O. VILORIA-FISHER:
Because the title says campgrounds.

LEG. LOSQUADRO:
Well, Blydenburgh was 42.

LEG. ALDEN:
Improvements to County campgrounds.

COMMISSIONER PAVACIC:
This is -- Blydenburgh, the resolution 75 -- CP7507 is for the north end of Blydenburgh County Park, that's a ten-acre historical district that's on the County Historic Trust. This is for the remainder of the park.

LEG. BEEDENBENDER:
No, he's just explaining the difference.

COMMISSIONER PAVACIC:
Okay. Cathedral Pines, to provide additional campsites; at Cupsogue, compiling funding for construction of an access boardwalk to the bay side of Cupsogue which would be handicapped accessible; Indian Island, to provide additional electrical access at campsites, also to provide for a Park Police Station addition. In addition, which also goes to Legislator D'Amaro's question, it would provide for a greater substantial presence of Park Police there. For Lakeland County Park, it's to make minor improvements to existing facilities to better accommodate handicapped park patrons. That is one of our parks that is substantially handicapped accessible. If folks have been there before, there's an elevated walkway that goes through the area through wetlands, it provides viewing and access for handicapped folks, that would be additional handicapped improvements including, but not limited to, installation of handicapped access ramps, ungrading of existing sanitary and maintenance facilities and purchasing of additional handicapped recreational equipment. At Meschutt Beach it would be towards a sanitary building because the existing facility is insufficient. At Sears Bellows, to construct a lifeguard and EMT station, again, going to Legislator D'Amaro's question, that would be for improved safety. And then finally, at Southaven County Park, to provide additional campsites and also extend utilities including electrical.

LEG. D'AMARO:
Thank you.

P.O. LINDSAY:
Okay. Nobody has any other questions? Roll call. I haven't changed my mind, though.

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

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Pass.

LEG. GREGORY:

No.

LEG. HORSLEY:

(Not present)

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. STERN:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

2206-08 - Approving a license agreement for Christopher Indilla to reside at the Robert Cushman Murphy County Park, Manorville (County Executive). Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Safety:

1991-08 - Directing the Department of Public Works to issue an RFP to perform a study on the consolidation of Police Departments in Suffolk County (Beedenbender).

LEG. BEEDENBENDER:

Mr. Chairman? I got some requests earlier this afternoon to sit down and discuss some more -- with more of the entities about other things to do. So at this point, I'll make a motion to table.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by -- motion to table by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2111-08 - Accepting and appropriating a grant in the amount of \$1,594,095 from New York State Division of Criminal Justice Services for the Operation Impact V Task Force with 96.62% support (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator -- who was that?

LEG. LOSQUADRO:

Losquadro.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2151-08 - Authorizing execution of a Law Enforcement Officer Reimbursement Sub-Recipient Agreement with the Town of Islip for McArthur Airport (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2155-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the interim backup Fire, Rescue Communications Facility (CP 3230) (County Executive).

LEG. LOSQUADRO:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Eddington.
On the question, Legislator Kennedy.

LEG. KENNEDY:

Just a brief explanation?

LEG. LOSQUADRO:

To the best of my recollection, this was the backup communication facility. The site that they selected was the old 6th Precinct facility in Coram to use the vacant space there.

LEG. KENNEDY:

In the basement?

LEG. LOSQUADRO:

Yes.

LEG. KENNEDY:

Okay. And Probation is up on the ground floor?

LEG. LOSQUADRO:

The first floor, exactly. Nobody's being removed, this is just refurbishing the vacant space.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2155A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Public Works & Transportation:

1968-08 - Authorization of alteration of rates for North Ferry Company, Inc. (Presiding Officer Lindsay).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

2099-08 - Appropriating funds in connection with interchange improvements for CR 111 at the LIE Service Roads (CP 5123) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Motion -- no, cosponsor.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bonding Resolution, 2199A, same motion, same second; roll call.

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

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yeah.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2131-08 - Authorizing additional planning funds for the implementation of the Automated Vehicle Locator (AVL) System for Suffolk Transit and amending the 2008 Capital Budget and Program and accepting and appropriating Federal aid and State aid and County funds (CP 5648).

Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Stern.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On 2131A, the accompanying Bond Resolution, same motion same second, roll call.

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

LEG. BEEDENBENDER:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2132-08 - Authorizing the sale of property held by the County as a result of an eviction (County Executive).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

The original Scrooge.

2133-08 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden, with the owner of Coram Estates (BR-1457) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2136-08 - Appropriating funds in connection with safety improvements at various intersections (CP3301) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2136A; roll call -- same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yep.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2137-08 - Amending the 2008 Capital Budget and Program, appropriating funds in connection with New York State Clean Water/Clean Air Bond Act, Storm water Remediation on CR 80, Montauk Highway at Forge River (CP 5516, Phase 2)(County Executive).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

LEG. ROMAINE:

Second.

LEG. ALDEN:

Explanation?

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Romaine. Legislator Alden.

LEG. ALDEN:

Just an explanation, because we have the 477 money that sounds like it would be available for this, but --

P.O. LINDSAY:

It should be 477. Why is that a Bond?

LEG. ALDEN:

Maybe it is, though.

D.P.O. VILORIA-FISHER:

Construction?

P.O. LINDSAY:

Maybe Mr. Anderson, can you tell us?

COMMISSIONER ANDERSON:

This is -- we have New York State Clean Water/Clean Air Funds for this project. I don't know if that answers the question as much, you know.

LEG. ALDEN:

Do we have to bond it? We're bonding and spending the bonded money; do we get reimbursed?

COMMISSIONER ANDERSON:

Half the funds are --

P.O. LINDSAY:

It must be a Bond, there's a Bond with it.

LEG. ALDEN:

Yeah, there's a Bond there.

COMMISSIONER ANDERSON:

Right, 50% are State funded, 50% of the projects.

P.O. LINDSAY:

Okay, but can't we take the State funds and pay the other 50% out of 477?

COMMISSIONER ANDERSON:

Not without going before the Water Quality Review Committee. We would have to stop -- you know, basically set the project back, go before the Water Quality Review Committee and do the whole thing.

P.O. LINDSAY:

Yeah, but guys, you know, we have 477 money. This is the second project we are bonding money and increasing our debt when we have ready cash. I mean, the County -- I don't know what -- what's the County Executive doing? I mean, in the past he wants to do everything out of 477. Here's two projects that fit underneath it.

LEG. ROMAINE:

Only salaries.

COMMISSIONER ANDERSON:

It was adopted that way in the budget.

LEG. ALDEN:

We could amend the budget.

MR. ZWIRN:

This was part of the Capital Budget that was adopted. I don't know the answer as to why we didn't use 477, unless there was a reason that we couldn't.

P.O. LINDSAY:

All right. What if we approve 2137 and not approve the bond and see if you guys can come forward and we can do this out of 477 money, and go before the Water Quality Board? I mean --

LEG. ALDEN:

They're not bad people.

P.O. LINDSAY:

Is everybody all right with that? All right. And if there's a problem, you know, then we'll pass the bond, but I just hate to bond more money if we don't have to.

MR. ZWIRN:

We concur.

LEG. BROWNING:

Bill, can I ask -- I mean, when are they going to do this project or when --

MR. ZWIRN:

You have to ask Gil; Gil?

P.O. LINDSAY:

Oh, because it's in your district.

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Oh, it's in your district so we can bond the world.

LEG. BROWNING:

No, we can't. I just want to know when the project is under way.

COMMISSIONER ANDERSON:

Again, this is for engineering and construction. So assuming we do the engineering this year, or in 2009, construction would follow thereafter.

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Do we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, 2137A, same motion, same second.

MR. NOLAN:

You have to table that.

LEG. BROWNING:

No. I will make the motion to table.

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Roll call.

LEG. ROMAINE:

No, table

MR. NOLAN:

You don't have to.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2140-08 - Appropriating funds in connection with weatherproofing County buildings (CP 1762) (County Executive). I'll make a motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2140A, the accompanying Bond Resolution, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes

LEG. ROMAINE:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

IR 2143-08 - Authorizing the County Executive to enter into an Intermunicipal agreement with the Town of Brookhaven in connection with improvements to Raynor Beach County Park (CP 7175) (County Executive).

LEG. KENNEDY:

I'll make a motion, Madam Chair.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

No

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2147-08 - Transferring holding account funds to the Capital Fund, amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements and rehabilitation of existing facilities in Suffolk County Sewer District No. 2 - Tallmadge Woods (CP 8188) (County Executive).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2150-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the roof replacement on various County Buildings (CP 1623)(County Executive).

LEG. BEEDENBENDER:

Motion

P.O. LINDSAY:

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

LEG. BARRAGA:

No.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2150A, same motion, same second; roll call.

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

LEG. BEEDENBENDER:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2160-08 - Amending the 2008 Capital Budget and Program and transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178) (County Executive).

LEG. BEEDENBENDER:

Motion

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley?

LEG. HORSLEY:

Uh-huh.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Now, George?

MR. NOLAN:

No.

P.O. LINDSAY:

2161-08 - Amending Resolution No. 1277-2007 which establishes the Suffolk County Sewer Assessment RFP Committee (County Executive).

LEG. BEEDENBENDER:

Motion

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2167-08 - Authorizing transfer of four (4) surplus County computers, four (4) surplus County monitors, four (4) surplus County keyboards, four (4) surplus County mice and two (2) surplus County printers to Tri-Community Youth Agency of Huntington Station (Cooper).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, before we go on to 2182, George tells me we have to go down to 2185 and pass the resolutions making certain findings and determinations before we can vote on 82.

LEG. BEEDENBENDER:

Mr. Chairman, I'll make a motion to take 2185, 2186, 2187 and 2188 out of order.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

That's exactly what I was thinking about.

LEG. BEEDENBENDER:

I know. I'm here for you, Bill.

P.O. LINDSAY:

We have a motion by Legislator Beedenbender, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen

P.O. LINDSAY:

All right, the four resolutions are now before us.

2185-08- A resolution making certain Findings and Determinations in relation to the increase and improve facilities for Sewer District No. 7 - Medford (CP 8188) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2185-08- A resolution making certain Findings and Determinations in relation to the increase and improve facilities for Sewer District No. 14 - Parkland (CP 8188) (County Executive). I'll make the motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen

P.O. LINDSAY:

2187-08- A resolution making certain Findings and Determinations in relation to the increase and improve facilities for Sewer District No. 3 - Southwest (Sludge) (CP 8180) (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen

P.O. LINDSAY:

2188-08- A resolution making certain Findings and Determinations in relation to the increase and improve facilities for Sewer District No. 3 - Southwest (CP 8170) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

And we go back up to ***2182-08 - Appropriating funds for the issuance of serial bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (CP 8170) (County Executive).***

LEG. D'AMARO:

Motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Are these General Obligation Bonds or just Sewer District Agency?

LEG. BEEDENBENDER:

Sewer District Bonds, Legislator Alden.

MS. VIZZINI:

Correct.

LEG. BEEDENBENDER:

Five point eight million.

MS. VIZZINI:

Correct, Sewer District Bonds, southwest Sewer District.

LEG. BEEDENBENDER:

Sorry, Gail.

LEG. ALDEN:

Thank you.

LEG. BEEDENBENDER:

I had it in front of me.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution, 2182A; roll call.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yep.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2183-08 - Appropriating funds for the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 - Southwest (CP 8180) (County Executive).

LEG. STERN:

Motion.

LEG. D'AMARO:

Second

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2183A, same motion, same second; roll call.

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

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2184-08 - Appropriating funds for the issuance of serial bonds for the improvements to Suffolk County Sewer District No. 7 - Medford (CP 8119) (County Executive).

LEG. BEEDENBENDER:

Motion

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Eddington.

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2184A, same motion, same second; roll call

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

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2189-08 - Amending the 2008 Capital Budget and Program and appropriating funds through the issuance of serial bonds for the improvements to Suffolk County Sewer District No. 14 - Parkland (CP 8118) (County Executive). I'll make the motion.

LEG. BROWNING:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond Resolution 2189A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

IR 2190-08 - Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and

appropriating funds in connection with storm water remediation to Moore's Drain at County Road 48, North Road (CP 8241.111).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. BEEDENBENDER:
Second; we're bipartisan.

P.O. LINDSAY:
Second by Legislator Beedenbender. I just have to ask Legislator Romaine; they name the storm drains out there? Jesus.

LEG. BEEDENBENDER:
Dan said the same thing in committee; you have the same jokes, Bill.

LEG. ROMAINE:
Near Moore's Lane in Greenport

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen

LEG. ROMAINE:
Cosponsor.

LEG. BARRAGA:
Some day they'll be calling it Romaine Drain.

*(*Laughter From Panel*)*

P.O. LINDSAY:
2197-08 - Authorizing transfer of three (3) Surplus County computer systems to Regional Enrichment Agency of Commack and Half Hollow Hills Community and Youth Agency (Reach CYA-Half Hollow Hills) (Stern).

LEG. STERN:
Motion

P.O. LINDSAY:
Motion by Legislator Stern.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

2198-08 - Authorizing transfer of surplus County computer systems and hardware to Huntington Freedom Center (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2199-08 - Authorizing transfer of surplus County computer systems and hardware to Tri-Community Youth Agency "Cast" Program (D'Amaro).

LEG. D'AMARO:

Motion

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2200-08 - Authorizing transfer of three (3) surplus County computer systems to Nassau Suffolk Services for Autism, Inc. (Stern).

LEG. STERN:

Motion

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2204-08 - Authorizing transfer of surplus County computer systems and hardware to Boy Scout Troop 242, Calverton (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Veterans & Seniors:

2092-08 - Adopting Local Law No. 2008, a Local Law to regulate off-street parking for veterans at the Riverhead County Center (VA Clinic) (Stern).

LEG. STERN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator Romaine.

All in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:

Cosponsor.

LEG. ROMAINE:

You got it.

MR. LAUBE:

Eighteen.

LEG. BEEDENBENDER:

I'm just trying to move it along

P.O. LINDSAY:

Yes, I know.

MR. LAUBE:

That's easy for you to say.

P.O. LINDSAY:

Ways & Means:

***IR 1483-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 James A. Smith, Sr. (SCTM No. 0500-292.00-02.00-127.000)
(County Executive).***

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

***1663-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 Mark Bakker
(SCTM No. 0200-975.00-05.00-004.000)
(County Executive).***

LEG. D'AMARO:

Motion

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

***2117-08 - Sale of County-owned real estate pursuant to Section 72-h of the General
Municipal Law, Town of Islip (SCTM No. 0500-393.00-04.00-008.001)(County Executive).***

LEG. D'AMARO:

Motion

P.O. LINDSAY:

Motion by Legislator D'Amaro. I'll second it.

LEG. MONTANO:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions.

MR. LAUBE:

Who's the second?

LEG. MONTANO:

I'll second it

MR. LAUBE:

Gotcha. Thank you. Eighteen.

P.O. LINDSAY:

2119-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Southold (SCTM No. 1000-077.00-02.00-014.000) (County Executive).

LEG. ROMAINE:

Motion

P.O. LINDSAY:

Motion by Legislator Romaine. Second by Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Sure.

P.O. LINDSAY:

Is that who said it

LEG. SCHNEIDERMAN:

No, but that's fine.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

2120-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 Debra A. Grimmett and Edward L. Grimmet, her husband (SCTM No. 0100-231.00-02.00-061.000) (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *Discharged by Petition:*

2081-08 - Adopting Local Law No. 2008, a Local Law to promote the development of residential dwellings for first-time home buyers (D'Amaro).

LEG. GREGORY:

That's yours, Lou.

LEG. D'AMARO:

Is that my bill?

LEG. GREGORY:

Yep, it is.

P.O. LINDSAY:

Do I have a motion over there?

LEG. D'AMARO:

Yeah, thank you. I'm going to ask for a motion to table for a cycle on this bill.

D.P.O. VILORIA-FISHER:

Second.

LEG. D'AMARO:

I'm still working with some of the towns as well as with the Real Estate Department, so I want to get it right rather than get it done quickly. So motion to table.

LEG. ALDEN:

On that motion?

P.O. LINDSAY:

Motion to table by Legislator D'Amaro, I'll --

LEG. STERN:

Second.

P.O. LINDSAY:

-- second the motion. On the question.

LEG. ALDEN:

Lou, would you just include or try to include that bump up to 30?

LEG. D'AMARO:

Yeah, if it's going to require any revision that needs to go back to Public Hearing, I want to put that revision in there as well, to up the limit from 20 to 30,000. I also want to thank all the Legislators that signed the discharge petition, I appreciate that. I will get it done next cycle. Thank you

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, we've got to go back to 2158, we skipped over that, about the wetlands. Ben, can we do that, on page nine?

MR. ZWIRN:

If you want to do it the way we've done the others, approve the project and table the Bond --

P.O. LINDSAY:

That's a good idea.

MR. ZWIRN:

-- we'll take a look at it. We think because this is Vector Control it may not qualify as 477, but we'll take a second look at it.

P.O. LINDSAY:

Okay.

LEG. BEEDENBENDER:

Motion

P.O. LINDSAY:

All right, we have a motion to approve 2158 by Legislator Beedenbender. I'll second it. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

And I'll make a motion on 2158A, the pending Bond Resolution, to table it.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, that concludes that.

LEG. LOSQUADRO:

Do we need to table the Bond?

MR. NOLAN:

We just did. You just did.

P.O. LINDSAY:

We tabled it.

Let's finish the red folder, all right? *The CN's*.

LEG. BEEDENBENDER:

CN's you said?

P.O. LINDSAY:

Yes, red folder.

2239-08 - Accepting and appropriating Federal funding in the amount of \$21,508 from the Metropolitan Transportation Authority for the Suffolk County Police Departments participation in Operation Knockout with 85.07% support.

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2240-08 - Appropriating funds in connection with renovation/improvements to Cohalan Court Complex (CP 1125).

LEG. MONTANO:

Motion

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

The accompanying Bond Resolution, 2240A, same motion, same second; roll call.

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

LEG. MONTANO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

Okay, 2241 we did.

2242-08 - Accepting and appropriating Incentive Grant Funds from the New York State

Department of Labor for the Workforce Investment Act (WIA) Program.

LEG. BROWNING:

Motion

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2243-08 - Accepting and appropriating additional funds for a Statewide Rapid Response - TAA Training Related Services Funded Program.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen

P.O. LINDSAY:

2244-08 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services under Family Abuse Prevention Program.

LEG. MONTANO:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2245-08 - Amending the 2008 Adopted Operating Budget to accept and appropriate 100% State Aid from the New York State Office of Mental Health to Federation of Organizations.

D.P.O. VILORIA-FISHER:

Motion

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2246-08 - Accepting and appropriating grant funds received from the New York State Department of Transportation for provision of dedicated traffic enforcement in the vicinity of certain highway construction projects with 100% support.

LEG. EDDINGTON:

Motion

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. D'AMARO:

Second.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Seconded by Legislator Gregory. All in favor?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Wait, on the motion.

LEG. ALDEN:

These funds go to the Police Department and not Sheriff?

LEG. LOSQUADRO:

On the motion, Mr. Chairman?

P.O. LINDSAY:

Wait a minute. Who said that?

LEG. ALDEN:

I just asked --

P.O. LINDSAY:

Yeah, but he just asked a question. Let him --

LEG. LOSQUADRO:

Oh, I'm sorry.

P.O. LINDSAY:

-- get his question answered.

MR. ZWIRN:

Yeah, it's in the Police District, 2007-2008. This would go to the Suffolk County Police Department. This is for their efforts when the DOT workers are on the road, they run shotgun, they protect them with the lights and they're on the road. They get paid the overtime.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

On all roads?

MR. ZWIRN:

No, the Long Island Expressway; on State roads. Any State road, but primarily the Expressway.

LEG. ALDEN:

Any State road, okay.

P.O. LINDSAY:

Okay, we have a motion and a --

LEG. LOSQUADRO:

Just on the motion, very quickly, Mr. Chairman?

P.O. LINDSAY:

I'm sorry. Legislator Losquadro.

LEG. LOSQUADRO:

This is just accepting the money from '08? Because I see in the second WHEREAS clause this was from -- the period was January 1st, 2007 to December 31st, 2008.

MR. ZWIRN:

It's 07-08.

LEG. LOSQUADRO:

Right, so this is just accepting that grant money for what we incurred.

MR. ZWIRN:

Yes. That's correct.

LEG. LOSQUADRO:

Great. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BEEDENBENDER:

We did that one. Veto time. Everybody get something you want from Legislator Horsley.

LEG. EDDINGTON:

Boy, you're on a roll today.

D.P.O. VILORIA-FISHER:

Did you hear that, Wayne?

LEG. HORSLEY:

What?

D.P.O. VILORIA-FISHER:

Beedenbender just said, "Everybody get something you want from Legislator Horsley".

P.O. LINDSAY:

Okay, let's go into the manilla folder. First, *Procedural Resolution No. 34-2008 - Approving partial settlement of AWP litigation*. I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. Counsel is going to explain it.

MR. NOLAN:

This is litigation that's been ongoing for a number of years resulting from over charges, resulting from an inflated average wholesale price for pharmaceuticals. We have an outside Counsel who has brought suit in Federal Court, numerous defendants. They have recommended settling with two of the lesser defendants for small amounts, 34,000 and \$12,000. They asked us to try to approve this as soon as possible, so this is before you.

D.P.O. VILORIA-FISHER:

Motion.

LEG. BEEDENBENDER:

On the motion, Mr. Chairman?

P.O. LINDSAY:

We didn't get a motion yet, right?

MR. LAUBE:

Yes, you did.

P.O. LINDSAY:

Okay, we have a motion and a second, right? Okay, Legislator Beedenbender.

LEG. BEEDENBENDER:

Just a question to Counsel, I want to make sure I heard you correctly. This is only two of the defendants, right?

MR. NOLAN:

Yes.

LEG. BEEDENBENDER:

Do we know how many others there are?

MR. NOLAN:

There's like 15, 20, 25, many defendants.

LEG. BEEDENBENDER:

Okay. Because I only saw \$46,000 and I figured we probably could be getting close to that on legal services at this point.

MR. NOLAN:

I have -- if you'd like to read, I have some documents from our outside Counsel explaining the rationale for accepting the settlements for these amounts.

LEG. BEEDENBENDER:

Okay.

MR. NOLAN:

Okay?

LEG. BEEDENBENDER:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we still have two vetoes here. The first one is ***Resolution No. 913-2008, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Boatyard Vistas, Inc. Property, Town of Brookhaven.***

LEG. LOSQUADRO:

Oh, wait, look at the time. I've got to go.

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. On the question, I'm going to make a statement on the question.

I'm not going to vote for any more planning steps until we can derive some revenue from our Land Acquisition Program; I'm not going to do it. I'm not going to go into any more debt until we can figure out some way of getting some revenue. I have a bill in that's meeting intense opposition and I just think they're wrong. The program is going to die unless we can extract some revenue from it.

LEG. SCHNEIDERMAN:

Well, if I may. To me, that would be a radical departure from the County's history of land

preservation. This one is in Brookhaven, I believe that the Town will partner with us on this and extend our ability to preserve this land and I would just ask for support for the override. It is planning steps, it's not the authorization to purchase.

P.O. LINDSAY:

I don't -- I intend to continue voting for the purchase of the properties that have already went through the planning process, but I don't intend to move forward with any more planning steps.

LEG. SCHNEIDERMAN:

You don't want to add anything more to the list.

P.O. LINDSAY:

Nope.

LEG. SCHNEIDERMAN:

Well, I think this property was brought to me through Brookhaven and I think it's worthy. It got through the committee and I just ask for your support.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

The problem is we have a huge appetite and we're sticking the people that live in Suffolk County with a huge bill. It won't be paid off for the next 25 years. It also takes away our flexibility that if we need that money that we've now authorized the purchase of a half of billion dollars worth of property, pay back over a billion dollars over the 25 years. If we need flexibility, this could go into a recession, depression; we might need that money just for operations. We're going to whack programs. And actually, that's exactly what we did, we whacked programs to feed the poor, programs that would benefit veterans and other people so that we can go and buy land. Like for instance, the Dick Cavett Property, that was really -- that, if anything, deviated from our thoughts and what our policies should be. There's an example of over indulgence on our part that's going to cost for years and years. The things that we could have done with that \$18 million are unimaginable.

LEG. SCHNEIDERMAN:

It's late, but I have to respond in that it's really not fair to characterize it in that way.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, the funding for the Cavett Property, as theirs is coming from Quarter Penny, those funds are not available for the types of programs that Cameron Alden, Legislator Alden just outlined. So there's not one or the other. We could go on all night debating the merits of the Land Preservation Program and how it effects the economy or doesn't effect the economy, but it's ten o'clock --

LEG. ALDEN:

It absolutely effects the economy, but whatever.

P.O. LINDSAY:

Okay. We have a motion and a second to override Resolution 913; roll call.

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

LEG. SCHNEIDERMAN:

Yes

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

(Not present).

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Twelve.

LEG. SCHNEIDERMAN:

Thank you.

LEG. HORSLEY:

We have to have this discussion.

P.O. LINDSAY:

We have to have this discussion?

LEG. HORSLEY:

This discussion on your issue, you know, about planning steps.

P.O. LINDSAY:

That's fine. That's just the way I feel about it and I'm not going to change my mind. I just don't think we can afford to buy any more property anymore.

LEG. HORSLEY:

I didn't say you should change your mind, but we should as a group discuss that issue.

P.O. LINDSAY:

I think I've made it pretty clear. I put a resolution forward to try and extract some revenue and everybody is a little bit squirmish about it.

LEG. HORSLEY:

I'm not arguing about it.

P.O. LINDSAY:

Resolution No. 914-2008, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Lack Property, Town of Southampton.

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

Motion to override.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Didn't we do your Babylon thing this morning?

LEG. HORSLEY:

No, I thought you were waiting for last.

LEG. ALDEN:

No, I think we did it. We can go home now.

P.O. LINDSAY:

Resolution No. 903-2008, 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 0103-025.00-02.00-019.00).

LEG. NOWICK:

That's a big one.

LEG. HORSLEY:

For the most overrides of any bill I think in the history of the Legislature, I vote to override.

LEG. D'AMARO:

Second.

LEG. HORSLEY:

Motion to override.

P.O. LINDSAY:

We have a motion to override. Do we have a second? Second by Legislator D'Amaro. On the question, Legislator Alden.

LEG. ALDEN:

We had a private conversation before, Legislator Horsley and I did. And if this is overridden and we do end up purchasing this property, I would hope that we're going to either give it back to the village or we're going to go into an intermunicipal agreement, because we don't have any assets, we don't have any resources to take care of it.

LEG. HORSLEY:

Right.

LEG. ALDEN:

It's strategically not a good thing for Suffolk County.

LEG. HORSLEY:

And that's what the Lindenhurst Village wants.

LEG. ALDEN:

And that's what -- but I have your pledge that you're going to work to make sure --

LEG. HORSLEY:

Yep.

LEG. ALDEN:

-- they take the burden off of us and that they indemnify us and hold us harmless?

LEG. HORSLEY:

Scout's honor.

LEG. ALDEN:

Thank you, Wayne.

P.O. LINDSAY:

Okay. We have a motion and a second. Roll call.

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

LEG. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

I don't know, it is Christmas.

*(*Laughter From Panel*)*

LEG. D'AMARO:

Do it, do it.

P.O. LINDSAY:

Ba humbug.

LEG. BARRAGA:

Yes, yes.

Applause

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes, yes. Merry Christmas.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Absolutely.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes

LEG. ALDEN:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Where was that Christmas spirit a little while ago? I should have waited on my veto.

LEG. BEEDENBENDER:

Legislator Barraga, did you go see that new Jim Carry movie, "Yes, Man"?

P.O. LINDSAY:

All right. We have a couple of *Late Starters*. I'll make a motion to waive the rules and lay on the table the following Late Starters; 2237 to Economic Development; 2238 to EPA; 2247 to Public Safety; 2248 to Ways & Means and setting the Public Hearing, the first General Meeting of 2009; 2249, Labor, Workforce & Affordable Housing; 2250, Labor, Workforce & Affordable Housing; 2251, Consumer Protection; 2152 to Parks; 2253 to Parks. Do I have a second on that?

LEG. GREGORY:

Second

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We have -- I need a motion to adjourn.

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Everybody have a Merry Christmas and a Happy New Year and a Happy Hanukah and a safe new

year. Come back safe and sound January 5th.

*(*The meeting was adjourned at 10:09 P.M. *)*

{ } - Denotes Spelled Phonetically