

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

MAY 12, 2009

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

**MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS**

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

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

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

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:

(Not Present)

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen. (Not Present at Roll Call: Legs. Schneiderman, Losquadro, Alden and D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Could we all rise for a salute to the flag, led by Legislator DuWayne Gregory?

*(*Salutation*)*

P.O. LINDSAY:

Now, if Legislator Gregory would come forward to introduce our visiting Clergy.

LEG. GREGORY:

Good morning. Thank you, Presiding Officer, and fellow members of the Legislature. This morning we have with us Pastor David Anglin. And Pastor Anglin has served as the Pastor of Saint Paul's Lutheran Church in Amityville since 1997. He previously served Christ Lutheran Church in Delavan, Illinois, and Saint Matthew Lutheran Church in Albany, New York. He was born and raised in San Antonio, Texas, which I didn't know, and served in the military in Texas. His father, a Silver Star winner in World War II, drove a truck for the Pearl Brewing Company. After his father's passing at an early age, Pastor Anglin was raised by his mother. In 1977, Pastor Anglin graduated from Trinity University in San Antonio. After completing his theological training at Concordia Seminary in St. Louis, he was ordained into the Ministry of the Lutheran Church, Missouri Synod in 1983. He married Bonnie Beckert in 1985. He has a son John who was born in 1990. And Pastor Anglin's principal hobby is music, and I've heard him sing, he has a really lovely voice. He enjoys collecting and listening to everything from country western to opera. At Saint Paul's he leads a folk choir and occasionally writes a song for them to sing. I give you Pastor David Anglin.

PASTOR ANGLIN:

Thank you very much, Legislator Gregory. It's a real privilege, a real pleasure to be here. I thank you for inviting me. And I certainly thank you for your service to our community.

And let us pray. Almighty God, we praise you, the source of all good things, for the many blessings you have showered upon Suffolk County. You have given us the ocean to fish, the fields to farm, and, above all, you have given us people, people with skill, and ingenuity, and industry. This corner of the world with all of its resources and natural beauty is one of your masterpieces, and we see your goodness and your beauty reflected all around us and we thank you for that.

We also thank you that you have given our community these leaders assembled here, the Suffolk County Legislature. You have called them to service. The office they hold and the authority they wield ultimately come from you. Guide them, Lord, inspire them, help them seek the good of our community. By their deliberations and by their decisions, help them create an environment in which our community can flourish. Give them wisdom, give them discernment, give them a real passion for serving the people they represent.

We ask you today, Lord, to visit every household, every home in our County with your presence and your peace. Help our people carry out their daily responsibilities with joy and devotion. Watch over

our children. Help them grow both physically and intellectually, and mold them into people of character and commitment. Turn away from this community all hurtful things and pour your goodness upon us. We beseech your blessing, not only for our County, but also for our nation. Guide the leaders of our nation. Restore our country's prosperity and our country's peace. Let our economic woes remind us that our real treasure is in you. And place your hand of healing upon the swine flu situation.

And we ask you to be with those who serve our nation in the military. Protect them even as they protect us. And, Lord God, we also pray for those who safeguard our community in police, and fire, and rescue services. Be with them as they carry out their duties.

Lord, it is a privilege to live in a place like Suffolk County. May you empower the people assembled here today, that they may truly be a blessing to this wonderful place where we live. Through their work let our community thrive. And we ask all these things in your holy and precious name. Amen.

P.O. LINDSAY:

Thank you, Pastor. If we could remain standing for a moment of silence for Robert Wertz, who was a former Assemblyman from Smithtown. And let us also remember all those men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

P.O. LINDSAY:

Be seated, please. Is Bruce Blower in the auditorium as yet? He's here. Okay, wonderful. Bruce, if you could come up front here.

MR. BLOWER:

Sure.

D.P.O. VILORIA-FISHER:

Presiding Officer Bill Lindsay will present a proclamation to Bruce Blower, founding Director of the Suffolk County Office of Handicapped Services, in celebration of his retirement.

*(A Proclamation was Presented to Bruce Blower by
Presiding Officer Lindsay)*

*(*Applause*)*

MR. BLOWER:

Thank you very much.

D.P.O. VILORIA-FISHER:

Well, I'm next actually. I'll be presenting a proclamation to Mary Finnin and the Nurses of Suffolk County in recognition of National Nurses Week. Is Mary Finnin here? There she is. Okay.

*(*Applause*)*

Congratulations.

MS. FINNIN:

Thank you.

D.P.O. VILORIA-FISHER:

Congratulations to everybody. And Mary is someone that everybody in the Legislature recognizes, because, if there's an issue regarding health, and nurse care, and access to care, and delivery of service in Suffolk County for all our residents, she's the champion who we see on a regular basis.

So, Mary, you're not really retired. I think you're working harder than most people. Congratulations to you --

MS. FINNIN:

Thank you very much.

D.P.O. VILORIA-FISHER:

-- and to all of the nurses for the wonderful work that you do. Thank you.

*(*Applause*)*

P.O. LINDSAY:

As soon as the picture -- Legislator D'Amaro, you're next for purposes of a proclamation.

LEG. D'AMARO:

Okay. Mr. Presiding Officer, Members of the Legislature, good morning. I'd like to introduce all of you this morning to a young man by the name of Liam McGlone. And, Liam, if you would come on up with your mom, Krista, this morning.

*(*Applause*)*

Liam's 9 years old. He's a great kid, and like many other children his age, he's a free spirit and, of course, the joy of his mother's life. He often plays like other 9-year-old boys, except with one major difference. When Liam plays, he has -- he suffers from tremendous pain. Unfortunately, when he was four years old, Liam was diagnosed with juvenile arthritis. The arthritis attacks Liam's spine and all of the tendons throughout his body. Now, he's been bravely battling this disease now for five years, and the arthritis really prevents Liam from leading a childhood that many of us take for granted for our own children.

Many people are not aware that children can get arthritis, but, in fact, it's believed that it inflicts one out of every 250 kids, with 300,000 children nationwide displaying some form of arthritis, and so far there is no cure. So Liam is here today, because, despite his condition, he's a fighter and he's trying to help not only himself but other children who are afflicted with juvenile arthritis. Instead of giving into this condition, he's using his time to raise awareness and raise funds. He's working along with his mom, Krista, who is also the Long Island Ambassador for arthritis, and his two brothers, Jack and Shane, who were both also diagnosed with arthritis last year.

Liam is standing out because he was named the Youth Honoree for the upcoming National Arthritis Walk. This will allow his image to be used on posters, on invitations, and more, to help promote the walk and to identify arthritis as a disease that has no age limits. The walk is taking place this Saturday at Belmont Lake State Park in Babylon, and Liam invites all of you. As its Honoree, he will be an inspiration for people all across our nation to join the fight against juvenile diabetes -- I'm sorry, juvenile arthritis, so that one day a cure will be found and children such as Liam and his brothers will be able to beat this devastating disease.

Also, as Legislators, we can do something about this to help raise awareness today. Later on this afternoon on our agenda there'll be a bill coming up for a vote that I am sponsoring that will declare this week, the second week in May, Youth Arthritis Awareness Week in Suffolk County. And, of course, I'm urging all of my colleagues to vote and support that legislation today.

So today I honor Liam for leading Saturday's walk, and because he honors all of us with his courage and his commitment to helping other boys and girls afflicted with juvenile arthritis. Liam, please accept this proclamation on behalf of myself, my colleagues, and all of the people of Suffolk County as our way of saying to you that we care about you, we're very proud for you leading Saturday's walk, and that we all stand with you in your fight against juvenile arthritis. Congratulations.

*(*Applause*)*

MR. MC GLONE:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Cooper.

LEG. COOPER:

Good morning. Duchenne Muscular Dystrophy is the most common fatal genetic disorder diagnosed in childhood, affecting approximately one in every thirty-five hundred live male births. Although DMD primarily affects boys, it occurs across all races and ethnic groups. It's usually passed from parent to child, yet one out of every three cases occurs in families with no previous history of the disorder. DMD results from a gene mutation that causes muscle cell damage and progressive loss of strength. This leads to serious medical problems, particularly issues relating to the heart and lungs. Although there are medical treatments that may help slow progression of the disorder, there is currently no known cure.

Dylan Thompson, a 15-year-old student at Harborfields High School in Huntington, was diagnosed with DMD at the age of five. Although he needs help with everyday things, he has extremely high spirits and a very outgoing personality. Dylan is working hard to promote research for a treatment and cure. He teamed up with Darius Weems, another young man with DMD, to raise money for the cause. Darius sold copies of a DVD chronicling his life with the disorder, entitled "Darius Goes West", to raise awareness about DMD and to raise funds to find a cure. As a result of Dylan and Darius' efforts, all eleven hundred Harborfields students were motivated to become active in the fight against DMD. They joined together and raised more than \$5,000 by selling DVDs and T-shirts, and by hosting a variety of other activities. Despite his success to date, Dylan Thompson is not yet satisfied. He wants to continue his efforts by traveling and making his own DVD, just like Darius.

It's my great pleasure to take this opportunity to recognize Dylan Thompson for his outstanding strength, amazing courage, and positive outlook on life. I want to congratulate him on his dedication and commitment in the fight to find a cure for DMD. And it's my honor to present him with this proclamation on behalf of the Suffolk County Legislature.

And following in Legislator D'Amaro's footsteps, there'll be a resolution on the agenda later -- hopefully, first thing this morning, when we get -- maybe right after yours, designating the second week in February as Duchenne Muscular Dystrophy Awareness Week. And I hope my colleagues will support that.

And, again, Dylan, it's my great pleasure to present this proclamation on behalf of the Legislature and the 1 1/2 million residents of Suffolk County.

*(*Applause*)*

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

Next, we have Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Presiding Officer, Members of the Legislature. I'm going to ask Mr. Robert Mitchell from the C.I. School District, and Franklin Caesar, the Principal, if they're here, to step up. I'm also going to ask the team of the Legal Eagles to step up.

Mr. Mitchell, from the C.I. School District, in 1998 formed the Legal Eagles. Mr. Mitchell is a Business Education Teacher. He has been teaching at C.I. for thirty-one years. He successfully lobbied the School District to turn his classroom into a courtroom. He's watched at least eight former members of the Legal Eagles go on to law school.

Legal Eagles, as you should know, is a group of students who participate in the moot court competition of Suffolk County every year. As a lawyer, I can appreciate what they do. The C.I. Legal Eagles a nine-member team, and they're here today, won the 2009 Suffolk County Trial Tournament this year. We want to give them a congratulations.

*(*Applause*)*

And I think we have five lawyers on the -- in the Legislature; is that correct? This team argued, testified, questioned, raised objections, and handled opening and closing arguments. Central Islip High School Legal Eagles won the most coveted academic honors in Suffolk County by defeating Islip High School before a panel of Judges at the D'Amato Federal Court Building in Central Islip. Congratulations to the team. Well done. Jasmine DeJesus, Peter Velez, Alysha Gaudio, Malcolm Crews, Regine Ceant, Roger Hall, Janese Turner, Sidra Mafooz, and Joshua Reyes. Congratulations.

*(*Applause*)*

We look forward to you continuing. And I'm sure many of you will go on to law school, and from law school, hopefully, some of you will sit in the Suffolk County Legislature one day. We have a proclamation for you, and we're going to go outside and take some photos. I think we should give them a hearty, hearty congratulations.

*(*Applause*)*

We also just want to acknowledge -- and Vivian, is she here?

D.P.O. VILORIA-FISHER:

I'm right here.

LEG. MONTANO:

All right. We want to welcome today the Cordello Avenue Elementary School Principal, Adam Frankel, as well as Miss Jessie Brunza, teacher for the Fourth Grade. I just want to point out that Legislator Fisher visited the District and spoke to Ms. Brunza's students about the Legislative process. And all 24 students are here in the audience today, and they're going to watch our proceedings in the morning. I think some of them have some questions for Members of the Legislature. So we just want to acknowledge --

MR. MARTINEZ:

Statements.

LEG. MONTANO:

They have statements.

MR. MARTINEZ:

Statements.

LEG. MONTANO:

We just want to acknowledge the team here, actually, the students from the Fourth Grade. Thank you very much.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

And if I could just add that Mrs. Brunza is my niece and that's why I was in Central Islip speaking with her class.

LEG. MONTANO:

We're going to take some pictures, Vivian, if you want.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Okay. We -- next, we have a number of awards for students. There's 15 Suffolk County Community College students that are award-winners this year. And I'm going to have each Legislator come up and present them to the student in their District. Is Tabata Borali in the audience? Tabata? Please come forward, Tabata. And Legislator Cooper? Where is Legislator Cooper -- is going to give you recognition of winning the Chancellor's Award.

LEG. COOPER:

Good morning, again. Tabata Borali only planned on attending Suffolk County Community College to improve her English language skills. The international student from Brazil accomplished much more than she expected. Tabata was elected as one of 20 students for Academic All USA Team from nearly 1,450 applications received nationwide from 800 community colleges in forty-nine states. She was named as New York's New Century Scholar, an accolade awarded to the highest scoring student in each state. Tabata was one of only ten students named to Phi Theta Kappa's All State First Team in New York, and she's president of the chapter at the Michael J. Grant Campus. Tabata has led a campaign to raise awareness of children with cancer, has raised funds for the Leukemia and Lymphoma Society, championed a campus book drive to benefit children in South America, and coordinated a recycling drive to help her campus child care center.

I'd like to take this opportunity to recognize Tabata Borali's great achievements, and to commend her for her distinctive honors. With a 3.9 GPA, in addition to her many accomplishments, she is sure to go far in life. I wish her luck in her goal to transfer to a four-year college and become a Certified Public Accountant. And I'm proud to present her with this proclamation on behalf of the Suffolk County Legislature. Tabata.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Legislator Cooper. Is Edwin Rodriguez and Lori Corrar in the audience? Edwin Rodriguez and Lori Corrar? Legislator Beedenbender, if you do see them later on, we'll do it then. If not, I'm sure you'll get the proclamations to them.

Sara Christie, Kristina Cavallo, Jeremy Graber, Arli Middendorf, and Christine Nitti, are any of those folks here? Please come forward. And Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Good morning, everyone, again. This morning, it's my distinct honor and pleasure to recognize Christine Nitti, who is standing here beside me. She, as the Presiding Officer has mentioned, has received the Chancellor's Award for Student Excellence, which was created 12 years ago to acknowledge students who have best demonstrated the integration of academic excellence at the College.

I want to point out, with respect to all of these awards, only 238 students from among the 440,000 that attend the sixty-four SUNY campuses throughout the State are honored with this award for the

2008-2009 academic year. Christine has been the recipient of numerous scholarships, including the "Get There From Here" Scholarship given at the campus, and is a member of the Phi Theta Kappa Honor Society. She also volunteers her time in the community for charitable causes, including autism, breast cancer, and multiple sclerosis organizations. So, once again, it's my distinct honor and pleasure to join with all of my colleagues in recognizing and congratulating Christina Nitti for receiving this award at Suffolk Community. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Is Angelica Martinez in the audience? Angelica? No. Legislator Schneiderman, I'm sure that you'll get Angelica her proclamation.

MR. NOLAN:

It was Romaine.

P.O. LINDSAY:

Oh, it was Romaine? I'm sorry.

LEG. ROMAINE:

So was Sara Christie.

P.O. LINDSAY:

Okay. I'm sorry.

LEG. ROMAINE:

That's okay.

P.O. LINDSAY:

Michael Johnson. Is Michael Johnson here? No. Michael Johnson is a Chancellor Award winner, that Legislator Browning will get him his certificate. How about Melissa Marx and Edward Paradiso? And Legislator Alden.

LEG. ALDEN:

Edward Paradiso was awarded the Chancellor's Recognition, and this is for nursing, and this is really a spot that's close to my heart. My mom was an RN for many, many years. And an interesting story. My brother and I, we really thought my mother was retired when she had my brother and I. So we go to school -- I go to school one day, and I wasn't exactly the -- you know, I guess, the epitome of a good student, so I was fooling around in class and I got sent down -- my teacher tells me, "I'm going to send you down to the nurses office." So that put a smile on my face, because, you know, normally I get sent down to the principal's office. I end up in the nurse's office and there's my mother.

*(*Laughter*)*

She had taken a job as a substitute nurse, I got in more trouble than I would have gotten anywhere. But, anyway, congratulations, and thank you. You're going into a great career, and I look forward to seeing -- now, the star. You've got somebody serving?

MR. PARADISO:

Yeah, my son's in Mosul in Iraq.

LEG. ALDEN:

All right. God bless him and let him get home safe.

MR. PARADISO:

Thank you very much.

LEG. ALDEN:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Melody Nelson. Is Melody Nelson -- please, come forward. And, Legislator Horsley, if you'd kindly give Melody her award.

LEG. HORSLEY:

Hi, Melody.

MS. NELSON:

Good morning.

LEG. HORSLEY:

Congratulations.

MS. NELSON:

Thank you very much.

LEG. HORSLEY:

It's an honor to be here today to award this proclamation on behalf of the 14th Legislative District, Lindenhurst, who we're so proud of in being a Lindenhurst person.

Melody has done so much with her life. And, you know, when they talk about the Chancellor's Award, they talk of 238 out of 440,000 students in New York State SUNY schools and you are one of those 238. And the award goes for not only academic excellence, but being involved in the community, and being involved in cultural events, and being involved in Suffolk Community College, and that's so important.

So, on behalf of the 14th Legislative District, the Fighting Bulldogs, I am here to give you this proclamation. Melody, congratulations.

MS. NELSON:

Thank you very much.

LEG. HORSLEY:

Job well done. Applause.

*(*Applause*)*

P.O. LINDSAY:

Is Maria Zajac in the audience? Maria? Coming forward. Legislator Kennedy, if -- it's the Chancellor's Award.

LEG. KENNEDY:

Good morning. Congratulations. And as the other speakers have said, to me, I think this demonstrates the epitome of dedication and a relentless pursuit of a high standard of quality. Our Suffolk Community College is such an excellent learning institution to begin with, but then to distinguish yourself, not out of all the 440,000 statewide, but the 23,000-plus students here at Suffolk Community College as well. It shows that you take education to a higher level and you really embrace and embody something that all of us can be proud for. So, not only on behalf of the 12th Legislative District, but on behalf of all 18 of us and the 1.5 million residents of Suffolk County, I say

congratulations to you and good job well done.

MS. ZAJAC:

Thank you very much.

LEG. KENNEDY:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Jennifer Mignano. Is Jennifer in the audience? No, I don't see Jennifer. Legislator Montano, I'm sure you'll get Jennifer her proclamation. And one more, Bri-Ann Ladowski. Is Bri-Ann here? Okay. Bri-Ann is a resident of my District and I'll -- we'll get Bri-Ann her proclamation.

Next is Legislator Browning, and I'll join Legislator Browning for a presentation.

LEG. BROWNING:

And while we're waiting, Gail Burrus and Lori Green, would you like to come up?

MS. GREEN:

And Sonia Murdock.

LEG. BROWNING:

Sorry, Sonia Murdock. I'm thinking Gail. Okay. Last month I -- we passed a resolution establishing May as "Perinatal Mood Disorders Awareness Month". For those of you who are parents, you always remember that the day that your children were born were probably some of the greatest days in your life. However, many women, after they go home and bring that beautiful baby home, fall to a serious illness called post partum depression. There's about 800,000 women and families throughout the United States that experience this number one medical complication related to childbearing. In New York State, there's 25,000 pregnant women and up to 50,000 mothers will experience post partum depression, post traumatic stress disorders, or the most severe form of post partum depression and post partum psychosis. So the reason for introducing this legislation in May is to try and bring more awareness and to educate people about the seriousness of post partum depression and perinatal mood disorders.

So we do have Sonia, Sonia Murdock here, and Lori Green from the Women's -- Suffolk County Women's Advisory. And Lori is Legislator Lindsay's appointee on that board.

MS. GREEN:

Yay, my guy.

LEG. BROWNING:

Always.

*(*Laughter*)*

So what we did do is we framed the legislation. They do have an event tonight, which, sadly to say, I'm not going to -- probably going to be here and not going to be able to attend. But we want to say thank you for all of the work that you guys do to bring awareness to perinatal mood disorders. Thank you.

MS. GREEN:

Thank you. We just wanted to publicly --

*(*Applause*)*

LEG. BROWNING:

Go ahead.

MS. GREEN:

Yeah. We just wanted to personally publicly thank the entire Legislature for passing this legislation. And could Sonia Murdock just say a few words?

LEG. BROWNING:

Go ahead.

MS. GREEN:

You can say a few words.

MS. MURDOCK:

Quickly. Thank you to all of you and to Kate Browning. When I supported my sister through post partum psychosis and later cofounded and now the Executive Director of the Post Partum Resource Center of New York, I'm also the past president of Post Partum Support International, I could never imagine a day like this. So I thank each and every one of you, because with this legislation that you have created "Perinatal Mood Disorders Awareness Month" in Suffolk County, it's the first county in New York State to do so. So, thank you again to each of you for being leaders in what you do and for stepping up. Thank you.

MS. GREEN:

Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Presiding Officer Lindsay, you're doing the next presentation.

P.O. LINDSAY:

Go ahead, read it.

D.P.O. VILORIA-FISHER:

Okay. Oh, you want me to read it? Presiding Officer Lindsay will present Legislator Stern with a plaque of the Newsday cover from March 4th, 2009, with headlines, "Suffolk County Lawmakers Ban These Bottles".

*(*Applause*)*

P.O. LINDSAY:

We have a tradition in the Suffolk County Legislature that goes back to many, many years with many different bodies here that if one of our pieces of landmark legislation makes the front page of Newsday, we frame it, and we have them all down the hall. And Legislator Stern is our latest Legislator to join that parade of landmark legislation that started here in Suffolk County. Congratulations.

LEG. STERN:

Thank you. Thank you.

*(*Applause*)*

P.O. LINDSAY:

I think -- I think that concludes our presentations, our proclamations and honorary part of the agenda. First up, we have our Comptroller, Joseph Sawicki. If Joe is in the audience, could come

forward. And Martin Cantor from Dowling College is with him. Why don't you sit at the table, Joe. Joe and Martin want to talk about a Home Rule Message that is on the agenda today to support the movement of a State of Long Island.

D.P.O. VILORIA-FISHER:

We've heard Martin Cantor speak about that before.

P.O. LINDSAY:

I know.

MR. SAWICKI:

Good morning, Ladies and Gentlemen, Members of the -- esteemed members of the esteemed body called the Suffolk County Legislature.

*(*Laughter*)*

Tom, you will remember this issue from about 20-something years ago up in Albany.

LEG. BARRAGA:

At least.

MR. SAWICKI:

As many of you know, I've been an ardent supporter of the secession of Long Island from the State of New York. This probably goes back to the late 1980s as an Assemblyman when I introduced the bill in Albany in the Assembly; didn't go very far. As a matter of fact, back then I couldn't even obtain a Senate sponsor. I'm sure it had nothing to do with the fact the Ralph Marino was the Senate Majority Leader from Long Island, but, certainly, things have changed a lot since then. After all, just please keep in the back of your minds that the -- with the population, the combined population of both Suffolk and Nassau's, we would still be the nineteenth largest State in the Nation. But it goes a lot further than population and a lot further than the size of our State, it really relates to how Albany has been taking our tax dollars more and more each year and giving Long Islanders less and less back.

There's a handout that I'm distributing which appeared in Newsday on April 1st, and that in the State of New York is budget "D-Day". And although it's a cartoon by Walt Handelsman, it quite sadly says it all.

For decades Albany leaders have been balancing the State budget on the backs of Long Islanders. Studies dating back to the mid 1980s, Dr. Lee Koppelman, shows that Suffolk and resident -- Suffolk and Nassau residents send more than three billion dollars a year to Albany than we get back in aid or services, and those are Dr. Koppelman's studies that date back to the mid '80s. That's what basically was the impetus for the bill that was introduced about 1988 or 1989. Martin Cantor from Dowling College's Institute of Social Policy and Economic Policy updated those numbers, and he'll explain a little bit more to you about those numbers in a few minutes. The -- and that's going back 20 years ago, and that's updated to the early 2000s.

This latest 2009-2010 State budget and, of course, the new MTA payroll tax imposed more of a tax burden on Long Island than ever before. Just for Suffolk County alone, as you probably read over the weekend, the MTA tax will cost us, Suffolk County Government, 3.4 million dollars, and this all comes at a time when all of us together are scrambling to save every dime we can in the County budget.

The time has really come to lay all the facts on the table. Let's look at the numbers. Let's let the voters decide. Once they realize the numbers that are out there, once they realize the amount of money that's going to Albany in terms of tax revenues compared to what we get back, let the voters decide whether we should pursue secession.

I admit that the State of Long Island has always been like a romantic idea, and it's always been fun to talk about, exciting to discuss, but, you know what, now it's become a matter of economic survival for Long Island. Can you just imagine what three billion dollars would do for us as an impetus? Can you just imagine? We wouldn't need any kind of Federal money coming in, any stimulus package. Three billion dollars. Can you just imagine what our tax burden would be like, what life would be like for our governments and for our residents if we had three billion dollars less of a tax burden in Suffolk and Nassau Counties.

Ladies and Gentlemen, these numbers are staggering, but they do grossly indicate how Albany is economically killing the people who live and work on Long Island. Our residents are losing their homes and their jobs while Albany taxes more and more and they take more and more of our monies. It's time for us to make a statement, and it's time for us to send the message to Albany that Long Island would be much better off on our own, without all the State mandates, the unfunded mandates that we all talk about with all the State taxes, with the most liberal and one of the most expensive Medicaid systems in the nation. I'm sure you agree with me, as Legislators, as public officials, that we do not -- I do not enjoy the distinction of living in one of the highest taxed States in the Nation.

I'll be the first to admit that this is a long-shot. It absolutely is a long-shot, and some people even chuckle and think it's a funny idea. But, you know what, if nothing else, it focuses how Albany mistreats Long Islanders. And I'll also be the first to admit that three billion dollars or more a year is worth fighting for, and it's worth sending a message loud and clear to Albany that we're not going to take anymore.

Ladies and Gentlemen of this Legislature, I urge your support of the Home Rule Message introduced by Presiding Officer Lindsay that's in front of you today. Thank you.

(Applause)

MR. CANTOR:

My turn?

P.O. LINDSAY:

Yeah.

MR. CANTOR:

Okay. Thank you. Good to be here, and good to be here to support Comptroller Sawicki. And, Presiding Officer Lindsay, thank you for asking me to attend. I put together some numbers yesterday based upon the latest information that we were able to get from the MTA, and the numbers, quite frankly, are staggering. I'll give you in a moment the overall picture, then we'll take a look at the inequities.

You know, last Thursday I spoke in front of the Long Island Chapter of the Government Financial Officers Association, and I said, "Am I the only Long Islander who's angry about what happened in the State budget to Long Island and also the MTA?" I cannot for the life of me think that there's no outrage over what they did. So I thank you, Presiding Officer Lindsay, for being as angry as I am and for allowing me to come down.

Through 2013 -- first of all, the first myth that the MTA said, "We saved the commuters. Instead of a doomsday 28% increase, it's only 10%." But they didn't talk about the 7.5% increase in 2011, and the other 7.5% increases in 2013. When you add those numbers up, it's 24% -- 25%. So the doomsday is just taking a little longer to soak Long Island commuters. The total amount through 2013 of the increased payroll taxes, increased auto registration fees, and increased ridership costs to Long Islanders will be 1 -- nearly 1.5 billion dollars of after-tax income that's going to support New York City, it's just that simple.

The numbers that Comptroller Sawicki talked about in terms of the deficit between Long Island and Albany, this increase will be 352 million dollars a year from Long Island to the MTA, and that will increase that deficit by 15%. The Federal government's recession has cost the Gross Domestic Product to go down by 5%, and we are increasing it by 15% what goes to the MTA. It's -- you know, this is beyond Willie Sutton saying, you know, he robs banks, because there's where the money is. But when I go over some of these statistics for you in a moment, you'll see that there was no fairness in terms of how the MTA and the State allocated the numbers. They went where the money was.

In terms of the private sector payroll, Long Island has a private sector payroll of close to 45 billion dollars. That is 59% of the payroll in the MTA region, excluding New York City. We have 61% of the employees. The Upstate counties, Westchester and north, are only 39% of the employees, and are 41% of the payroll. Clearly, Long Island has the money, and that's why they came here. When you add up the private sector payroll taxes, it comes to 149 billion dollars per year. Add in the schools, 36 billion. And it's unconscionable that New York State is asking Long Island to overtax school districts to float an interest-free loan with the promise that they'll repay it. And I've been in politics for awhile, and I'm never happy when I hear government, "Trust me, and I promise I'll give you the money." You know, when the State taketh in terms of taxes, it's very, very reluctant to give back. When you add the government, Nassau and Suffolk, six million dollars together in payroll taxes, and when you add in the towns in the region, it could be as much as another six million. That comes to 196 million dollars per year in additional payroll taxes. In a region that's an economic engine to New York State and suffering through a recession, this is a major, major money shift to the State, and particularly to Long Island.

You'll notice that Mayor Bloomberg, who obviously does a much better job supporting his region than our Legislative delegation, has not said a word against the settlement. That tells me that man is happy, and he has a right to be.

Registrations, cars, that's no easy thing either. Do you know that Nassau and Suffolk County have more automobile registrations than New York City? We have 2.2 million registrations, whereas New York City has 1.9. We are -- we are 21% of the region's cars, and Upstate is only 14% of the MTA region cars. They came where the cars are, and someone's got to explain to me why automobiles are needed to support public transportation. It makes no sense. We're not getting highway projects or anything for it. So that's -- that comes down for Long Island. That will cost us another 109 million dollars a year in terms of auto registration fees, licenses, etcetera. Surprisingly, New York City will only pay 78 million for its drivers.

The ridership. I've heard the other day that total ridership daily on the MTA is 9 million people. Long Island only has 90 -- only has, rather, per week 134,000. Just think of that. Nine million people in the MTA region use the services, Long Island commuters are 134,000. These are the latest numbers from Long Island Railroad from November 2008. We are asking to pick up a huge amount of the MTA in our commuter tax. Why are -- why is the City only going up 25 cents and we are going up close to 15%? It makes no sense.

Over the five years, through 2013, Long Island commuters will pony up 188 million dollars in more -- in more fare increases to the Long Island Railroad, and the MTA doesn't allow the president of the Long Island Railroad to make any decisions. We are -- we are impacted by people who don't know how we live and make decisions in the hallowed halls of New York City for our commuters, and the Long Island Railroad has to report to them. It makes no sense.

The piece -- I don't know if you saw my op-ed piece in Newsday on Friday. We talk -- I talk about the impact of restructuring the MTA. Just an aside, I'm taking my Doctorate in Dowling in Organization Administration, and when you have -- Edward Demmings. When he says, "Chronic problems need chronic solutions," and those chronic solutions are structural. The MTA is -- and the State Legislature continues to tinker around the edges of keeping a broke system alive and we are funding more than our fair share of that.

And the last thing that's not even included in these numbers are the State budget this year cutting our school taxes by 156 million dollars. Had it not been for the stimulus package, Long Island school districts will either have to increase taxes or lay off people. And then the kicker was where we are 17% of the State's population. And in the handout I gave you, the report that we issued in November, we are 17% of the State's population. We educate -- we educate 14.2% of the kids. That was normally our share. Now our share has been dramatically reduced to 5% of the increase of aids to education. That cost this region another 30 million dollars in this year's State budget. So, if you add in the 150, you add in the 30, you add in the numbers that we came up with, we are talking about the State Legislature and the MTA sucking 800 billion dollars of economic impact annually from Long Island's economy and sending it Upstate and to New York City. It's totally unconscionable.

Those are the numbers that I've come up with. They're alarming, they're disturbing. And I absolutely congratulate you for bringing this to the forefront, because this region has to get angry. We are -- there's a City-centric leadership in Albany and they will do whatever they can to get the funds to the City.

And the last thing I'll leave you with, we are now paying for a Court of Appeals settlement for the CFE case that New York City brought in the courts to say they educate 33% of the kids and they're not getting their fair share of education. The State has to pony up six billion dollars, the cost I've said, this year and next year, because it's taken too long. They're looking to take our money to pay off that settlement. And I raise this question to you. If using formulas, and using allocations, and using percentages is good for New York City, then why in God's name is it not good for Long Island? And I thank you very much for allowing me to present these comments.

P.O. LINDSAY:

If you gentlemen -- I'm going to allow some questions from the Legislators, because this is a presentation, it isn't public portion. Legislator Eddington had a question or a comment.

LEG. EDDINGTON:

Yeah. I agree totally with everything you've said, except one thing about the Long Island delegation in Albany. I want to thank the Long Island delegation, the Assembly delegation for their valiant efforts on fighting on our behalf with overwhelming odds against them from the City. I personally know the yelling and screaming that goes on, because it continues in Medford.

*(*Laughter*)*

So I just want to let you know that we do have people fighting for us, and sometimes we've got to thank them, because they're fighting like a losing battle. And if they get lumped in, they feel like, "I'm getting killed up there and I'm not getting thanked down here." So I want to just clarify that, that the Long Island delegation, they have been awesome in the Assembly, bipartisan, tripartisan. They really have been trying to work hard for us, so -- but I agree with everything else.

MR. SAWICKI:

But, Legislator Eddington, you're absolutely right, and it's a point that I overlooked and I try to make in every speech I give about the State of Long Island. And just looking at the pure numbers, 21 Assembly members from Nassau and Suffolk out of 150, and in the Senate, it's nine Senators out of 61. So, regardless of what political party you're in, we're outnumbered right in the get-go. But, you're right, if it wasn't for them fighting as hard as they did -- have over the years, I wouldn't -- I shudder to think where we could be.

MR. CANTOR:

And I'll add one more thing. And the Comptroller is absolutely correct, what we have, and what you, Legislator Eddington, what you just illustrated is the structural problem. That's the chronic problem, and that's what I said before. Chronic problems require structural solutions, and going Statehood is

the mother of all structural solutions.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you, both of you, for being here. And I think you're right in many, many ways as far as the disproportionate effect, as far as what we're seeing. But I also want to just, I guess, ask you and bring to your attention or to remind you of something that both Legislator Romaine and I addressed every day when we were back in the County Clerk's Office and that's the multiple millions of dollars that are generated for the MTA off of all of the land record transactions in the County of Suffolk. And, actually, in Nassau and Suffolk, when you look at it, millions and million of dollars that are saddled on top of those recording transactions that get shipped Upstate. And similar to what you talked about with the concentration of different vehicles, it's a percentage that extracts larger amounts because of the property values that we have down here, too. So, when you aggregate or assemble all of that, in contrast to 134,000 individuals, it just -- there's no equity, no value, no anything that can be cyphered from any of this. The MTA's net is wide, and it is embedded in so many different things that we do as normal functions and it's just not fair. So --

MR. CANTOR:

You know, Legislator Kennedy, that's why in that op-ed piece we wrote, and Dr. Kelly is one of my Professors, we said we need a structural review, organizational review. It's not -- it's not the flimsy oversight that the State Legislature put in. It's not -- it's not putting financial statements on a website. A detailed audit goes much further than that. I mean, I'm a C.P.A. also and professionally. We want -- we want transparency. We want an open organizational review to find out where the bodies are -- who approves the contracts, who gets the contracts, what are the politics in there. We know the MTA is very political in terms of the appointees. It needs tremendous oversight, tremendous transparency.

When you're asking for this kind of money to bail out -- and remember, what was it, a year-and-a-half ago, the MTA had a billion dollar surplus, and they were tripping over themselves what to do with the surplus, and then they gave away those free rides and those free metro cards. Where was the financial planning? Where was the thinking that, "We got a billion dollars, maybe we should save it for our Capital Program and use it, maybe we should save it for a deficit we know is coming"? But they gave it away and now they're coming back to the people who didn't get the benefit of it and saying, "Give us" -- "Give us our 2.26 billion dollars to bail out our mistakes." The fall guy is Elliot Sander. He's the fall guy for a failed system, and Hemendinger probably will be as well. But the real culprit is the structure of the MTA, how it operates, and the politics behind it, and that's what needs to see the light of day, the sunshine of day in terms of a management audit.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah. Good morning, guys, and thank you for this presentation. By the way on the answer to John's question on the mortgage tax and fees for the MTA, 125 million dollars, as well as seven other taxes prior to those levied in the recent legislation, totaling 393.1 million, prior to the amount of dollars that went with the payroll tax, etcetera, and additional revenue fees.

I had a -- Comptroller, I had a quick question. And I think, when we look at the big picture of this issue, do you suspect that if we were ever to succeed in a vote to separate from the State of New York, how would the breaking away -- do we have to pay the additional dollars to the State of New York for the L.I.E., and all those types of things that separate the two of us? How do you envision this?

MR. SAWICKI:

If we ever could get to that point, I would love to sit on a committee to, you know, examine what -- what Upstaters owe us for many, many decades of Long Islanders contributing through the bond acts for the jails, the environmentally protected lands, you know, the open space purchased Upstate, all that we've contributed to Upstate to the great roads there and the highways they have. And so a real give-and-take between what Upstate New Yorkers receive from Long Islanders over the year versus what -- you know, what Long Islanders may owe back to them. So that would be a real, real -- that would be a real decision made up probably made -- to be made by economists and PhD's, as like Marty Cantor and stuff. But, you know, we have a ways to get to that point though, a way, but -- Legislator Horsley, but it's an excellent question. And, you know, there's a lot of real resources on Long Island that we would enjoy, but, at the same time, when you just look, it doesn't take, you know, much to look back all we've contributed to the Upstate economy over the -- in projects over the years.

LEG. HORSLEY:

So, it is your opinion that -- on balance, that we would -- it would be a favorable exchange if we were to separate, if we were to take a look at this issue?

MR. SAWICKI:

Absolutely. And whatever net cost there is to Long Islanders, I think part of that three billion dollars a year savings, we could bond that over 20 or 30 years, if we had to, to purchase a new infrastructure. The State of Connecticut did away with county governments, I believe, in the early 1960s so -- and if you ever want some interesting reading, Dr. Koppelman's report going back to the '80s, and, again, updated in 2004, talks about how we could restructure a lot of our local governments and do away with -- we'd have a great opportunity to do away with the duplicative governments, the overlapping governments, all -- I mean, just think of all the different police departments that we have. For instance, just P.D.'s in Nassau and Suffolk County, town, village, park, you know, and on and on. You could say the same thing for parks and the same thing for courts. It would be -- it would be a neat thing to be able to consolidate and get a government -- create a government that works.

LEG. HORSLEY:

Thank you for bringing this.

P.O. LINDSAY:

Legislator Horsley, Budget Review has done a report on this and they do have a value on the State assets here and how to bond it, and pay those bonds easily with the money that we save. I would tell you to take a look at it. I'll make sure it gets passed out before the end of the day.

MR. CANTOR:

Well, excuse me, Legislator Horsley. Absolutely, the three billion dollars, just think three billion dollars in debt service what it could buy, and it would leave a surplus for tax cuts for Long Islanders. So, in my opinion, it's certainly worth exploring.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Thank you. Marty, I think I'll concur with one of your remarks, because I can remember in 1991, when we cut State Aid to education, there was a promise by the Legislature that at some point we would make it up as we came out of that particular recession and we never did, we never did. For years Superintendents were coming up all through '95, '96 and '97 for seven or eight years later looking for that money and it just wasn't there. And they were told straight out, you know, "We made the commitment, but we broke the commitment, because you know why, because we're the guys, that's what we do."

And I want to -- the point I'm making here is that -- and that comment, is that I really want to talk

a little bit about what, in essence, is the real problem with Albany, you know. It's, in a way, the makeup of the institution itself. And Mr. Sawicki knows what I'm talking about, I mean, so does Steve Levy, Pat Halpin, Bob Gaffney. We all served in the Assembly. There's a special unique relationship between us, even though we have left the Assembly. So, for example, when you have a race down here, and say for the Senate or the Assembly, and millions of dollars are spent and all sorts of promises are met, whoever the victor is and they go to Albany, it's like a newborn showing up without any clothes, totally dependent upon the parent for food and clothing. That's exactly what happens when you go to Albany. Everything comes from the leader, everything. Your office, your staff, your budget, the committee assignments, everything comes from the leader, and you join a conference. And it's like your daughter, when she goes to college, when you're asking, "Well, what's really on your mind," your first day. "Well, I want to get the right roommate and I want to fit in." That's what happens in Albany. You know, you want to fit in to what is known as "the conference", and you want to walk in there, you want to be the square peg in the square hole, you want to be one of the boys, one of the guys. And, all of a sudden, you're sitting there, after everything has come from this leader -- even the Minority Leader in the Assembly and the Senate gets his or her budget from the Speaker or the Majority Leader.

So, as you're sitting there in the conference and then something comes up, which you know really isn't good for Long Island, and, yet, everybody else in the conference -- like you take the Senate right now, there's 32 members. Everybody else in the conference is on board and you're not, you've got a problem. And what will happen is that the leader will take you aside, who has given you everything, and speak to you about how certain changes should be made, "We can take care of this, we can take care of that, we can give you cover, you've got to get on board." And if you don't get on board enough, then you're no longer a chairperson on a committee, you're no longer in leadership, you're out. And you don't get support up there when you're out from the press, because the press is locked in. Even though they're critical of the three leaders, they're locked in to the leaders for accessibility. Everybody else is an accident. So when you think you've stood up for principle, you don't get the support from your conference, because they're backing the leader, because they all want to advance; you understand?

And it isn't as if like we're in the Suffolk County Legislature where we meet once a week for committees and then the following week for a session. Every single day that you're up there, you're meeting with leaders, not the public. We don't want these people up there. They sit in the gallery. They don't speak, there's no public portion. They don't speak at the committees. And, if they get too rowdy in the gallery, we get the State Troopers to throw them the hell out of there. It is the system, it's the system that's inbred and then it really hasn't changed. As a result of that, when you have a close call, when you don't have a huge majority, those one or two Senators, they make a big difference, but they will also give a rationale for how they voted. But in the back of all that is this: They want to look good at home. They want to tell -- they've told their constituents they were put in this committee or that committee. They want to advance with the leadership. They don't want to find themselves eight or ten years when, you know, there's an opportunity for a leadership position, they haven't gotten it, because they haven't played ball. And when you do stand up for what you believe in, you will pay a price. But that's the system. And when Long Island is not getting it's fair share, yeah, I mean, these people are up there fighting, but you have to understand, every single day they're in that type of environment.

I mean, when I first went there, I had a guy come up to me and said, "Hey, Tommy, how are you doing?" Joey, Tommy, Stevie. My mother was the only one who ever called me Tommy. But they want you to be part of that system, you know. And when you're not, they're not even speaking to you, because they're always backing the leader.

I think Mr. Sawicki, you know, would probably concur, because, if anything, he and I were on the receiving end of some of the negatives associated with not going along with that particular leadership, and you learn from that if you want to survive. But, you know, we can lay down, and I understand the parameters here in terms of an open discussion, but, you know something, in Albany, they're not listening to this. I'm telling you, they're not listening to it. They don't really

care, because they're the guys, and I say that generically. They do what they want to do when they want to do it. It's a system. Unless you're in the arena, unless you've been part of the system, you don't understand what I'm talking about.

So, you know, I remember discussions in the past about, you know, Assemblyman Thiele; very adamant, strong advocate, Peconic County. Senator Marchi, who recently passed away, along with Bob Strenieri in the Assembly; secession of Staten Island. You know, they had bills in. They killed them. "Let's go on to something else." Their attitude up there is that you've got an MTA problem this week, we did what we did. In a week's time, believe me, this is will be off the pages of the press and something else will be there, so don't worry about it, we just move on. A tough system, and it's not really changing. And, you know, when you hear about "three men in a room", believe me, the press criticizes "three men in a room", the closure behind doors, but you know something, who do they run to every time they want to do an article? "Three men in a room". Do they go to a chairperson? Do they go to a ranker? Do they go to somebody who has really the knowledge of the issue? No. They want to speak to Silver, they want to speak to the Majority Leader, they want to speak to the Governor. So, as they criticize this system, they're also proponents of the system by their very actions, because it's easy for a reporter just to speak to three people versus running around and speaking to 150 and 62 people in the Senate who might know something. That requires a lot of work. And you see it here in the County. You pick up the paper, you see a lot about the County Executives of Nassau and Suffolk County, but, yet, when you see those reporters do articles on members of the Legislature, they're usually snippy snide remarks. But that's the system up there, and you know something, it is what it is. And I understand the frustration, but understand where they're coming from.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I understand where you're coming from, and I get it, you know. And to put it in terms that Legislator Barraga would probably appreciate, Tommy, you know, you want to kick Albany in the lower quarters of their pants. And I think they're -- and I think they're probably listening. My concern is the system, being what it is, and it's not going to change. I've never been in the State system, so, you know, what would be the impact to our State Delegation as it is? I know that they work very hard to bring back the monies that they do now, but, is there going to be an impression that, well, the Long Island Delegation, they're whackos, they're whacky. "Why should we go out of our way to support them when they're looking to secede from our State? Why should we give them the aid to help them push this movement forward?" So that's a concern that I have.

Another concern is, and the bigger concern that kind of eludes to what some of what Legislator Horsley's questions are, I would like to see more specifics. In my district, North Amityville, they had tried to incorporate and that failed. And a large part of it was because there weren't enough specifics. People were concerned about their taxes being increased, and things of that nature. So the message couldn't get out for the benefits of incorporating. So I would like to see more specifics about the cost of State government. You know, there's going to be -- that government in Albany is going to come to Long Island. I don't even want to talk about who Governor -- who the Governor would be. But just the cost of that, how much of the savings -- not me, certainly. But, you know, the cost of running a State government. As opposed to talking about interstate transportation, we're going to be looking at intrastate -- it's going to be interstate transfer, which you're talking about using expressways and the railroad. So I would like to look at some of those costs and to see, because I think that would help you in getting the message out to Long Islanders, so that they fully understand what they're getting into and that there's not a fear that's generated that their taxes are not going to decrease, but actually increase. Because, when we talk about that three billion dollar number, but how much of that is really going to come back to us after everything is calculated? So just take that in mind.

MR. SAWICKI:

Legislator Gregory, if I may, the -- with regard to your question about how our Nassau-Suffolk Legislators would react or be viewed by their peers in Albany, what I would like to see, ideally, is if they all unanimously got behind this Home Rule Message and sent it to LaValle and Assemblyman Thiele's bill as cosponsors, and almost, again, unanimously, and maybe, maybe, some Legislative leaders in Albany might just say, "Hey, these guys down on Long Island might be a little bit serious. Maybe we should start giving them a little bit more or letting them keep some of their tax money to themselves down there." I think, if they all stuck together in this thing, I can't see politically how anybody would get hurt, especially how could we get hurt any worse than this year with the increase in State Aid to education that was given to Nassau-Suffolk, 5% of the total increase? I mean, that's almost sinful. And I think Mr. Cantor, Marty will --

MR. CANTOR:

Yeah, I -- you know, maybe it's my nature. And, Legislator Barraga, thank you very much. You know, I've worked for an Assemblyman, I know how frustrating it is, and I know -- I appreciate the system up there. You know, like I said, maybe it's my nature. I don't -- I don't want to be -- want to take a look at these numbers, Legislator Gregory, and say, "Well, if we push this too much down here, maybe we'll get hammered a little bit more up in Albany." You know, the forefathers who created this country, what would they have thought if they said, "You know, maybe we shouldn't dump that tea in Boston Harbor, you know, we're going to tick off the English." This country was built on dissent and that dissent so admirably is displayed down here all the time. So, you know, I would respectfully disagree with you saying, "I would push this and make people feel real uncomfortable about what they're doing and I wouldn't back down."

In terms of numbers, what I've presented and what that report presents is a pretty good blueprint. Yes, there has to be a little more fleshing out. And I absolutely agree with you, but just take a look at how you could consolidate the government. You know, the Legislatures would be the lower House, the Assembly and Senators would be the upper House, so the State of Long Island, one Governor, one DPW Department, consolidation of Town DPW Departments. There's tremendous opportunity to do this. The only thing that we could -- we would get from the State would be the judicial system, and that was part of Dr. Koppelman's work. So there's plenty of good information to suggest that the savings will be significant, the taxes will be lowered. And I think that, you know, as said -- as Comptroller Sawicki had said, if we get behind our delegation and say, "Hey, Ladies and Gentlemen, we are with you on this thing, you know, and we're not -- and we're going to support you and not let the -- you know, the "big three men" in the room push you around," you know, that will give them maybe a little bit more backbone to do this. And I don't say "backbone" disrespectfully. I realize how much pressure a leader can put on a rookie Assemblyman or Senator. So, you know -- but I think it behooves all of us if we're sick and tired of paying this money. Because I will tell you what will happen. As sure as we're sitting here, and the MTA said it yesterday when they interviewed Hemendinger, the Chairman, and he said, "Well, we don't know what -- how secure the numbers are. We have to wait until next year." This is an ongoing spigot. And with what the MTA has done in this case and with what the State -- the State has done in this case is set a precedence for going into the deep pockets, which is Long Island, and that won't stop, and I think that's a very, very scary signal. So I would -- I would -- like I say, maybe it's my nature. You know, my grandfather ran a pushcart on Pitkin Avenue during the Depression. So I know how hard it is to make money and how hard, you know, so many of Long Islanders work, and for us to give it into this black sink hole of the MTA is unconscionable.

LEG. GREGORY:

If I may, just one comment.

P.O. LINDSAY:

Real quick, because I still have a couple of people, and we're really using a lot of time.

LEG. GREGORY:

I agree. I'm not an opponent to dissenting, but I think that we can certainly do some things here. We need to consolidate our school districts, which is not going to happen. That would help reduce

our costs tremendously. So there are things that we can do at home first before we do that that would reduce our costs.

P.O. LINDSAY:

Legislator Browning:

LEG. BROWNING:

Good morning. I can tell you, I've been talking to some people and telling them about our Home Rule Message today, and I can tell you that there's many people that are saying, "You know what, it's not a bad idea," especially this week, especially over the past couple of weeks of the MTA.

I'm just curious. I know, you know, really, geographically Queens and Brooklyn are part of Long Island. You know, my husband works in Brooklyn and, you know, I -- just out of curiosity, we have so many people, I mean, even as far out as Shirley, we have people who work in the City. How does that affect people from, okay, Nassau, and Suffolk who are City employees? I mean, my husband is a City cop. He pays New York City tax and gets nothing back, which is really aggravating. However, how does that work for all of the Suffolk and Nassau residents who work in the City?

MR. CANTOR:

Well, I can tell you, a State of Long Island will never be held hostage for a commuter tax for New York City. It's just like -- it will be the same thing like if you work in New Jersey or you work in Connecticut and you commute to the City. I would expect that the State Tax Department of the State of Long Island would have reciprocity in terms of taxes paid to the City versus taxes for Long Island. I do that all the time for my clients who live in New Jersey and Connecticut and they get credit for what they pay to those states on their New York City tax return. So it would be the same thing, nothing would change, and, you know -- and we would have all that extra money that we could create a state for ourselves.

LEG. BROWNING:

And, you know, the other thing is we have a 350 million dollar jail that we're mandated to build. Maybe we wouldn't have to build that if we were on our own.

MR. CANTOR:

I'm the Chairman of the JFA and we are -- we're in that process. And, yeah, just like we have to build a jail, but if we had a State of Long Island, we can share assets with what Nassau County has, and rather than building things because we're a County, we could share things, and there would be synergistic savings as well.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. You know, I think that the people of Long Island need to be the ones who are outraged. The people of Long Island obviously look to their elected representatives here on a local level to speak on their behalf. But we're sitting here before and they're talking about some of our favorite quotes from history, and we heard you mention what would our Founding Fathers think of this. And Thomas Jefferson said, "The Tree of Liberty must be refreshed from time to time with the blood of patriots and tyrants." And I truly believe that the actions that have been taken by those in Albany on the part of Long Islanders are tyrannical. These actions do not take into account the needs of Long Island, the economic differences, the economic engine that Long Island is for New York State. I think we are at the point of revolt. I think we have gone past that. And, quite frankly, it amazes me that there are not more public outcries. We started to see those, looking back at history, and holding the tea parties, and trying to come up with ways to express their outrage for the way we are being treated, but I think we are at the point of revolt. I think that Long Island needs to stand up and take whatever action is necessary to throw off those shackles and not be beholden to the

tyrants up in New York State in Albany, because, quite frankly, it is an unsustainable model for Long Island.

P.O. LINDSAY:

Fellows, I appreciate you coming this morning, and I appreciate your support on this issue. I just want to relate a story. I mean, we heard from Marty about the macro-economics of the whole thing. Let me give you the micro-economics.

Last Sunday, Mother's Day, the family is over the house and we start talking about this, and I start relating about the pain that this body has went through over the last months trying to solve a horrendous fiscal problem, about how many of these Legislators joined together and, you know, on a bipartisan basis, are slowly solving our problem. We went through authorizing layoffs and coming within a couple of weeks of closing our Museum, selling our Nursing Home, lag payrolls, all kinds of fiscal pain, and with one fell swoop this is going to cost us more than three million dollars, which just adds to our hole; all right?

My daughter is an Administrator in a school district on Long Island. They have a real tough budget in a working class community. They don't know whether the budget's going to get passed. The amount of money the school district's going have to pay would employ another teacher, so it means another teacher's job.

My wife is on the board of AHRC, Association for the Health of Retarded Children, that does wonderful work with taking care of handicapped kids and adults. The amount of money that that's going to cost them, they're going to have to cut programs, because they're affected by the MTA tax as well.

My son is a Vice President of an insurance company, and on the Melville Chamber of Commerce, really, the breadbasket of our economy here in Suffolk County. He said to me, "I'm really worried about some of our local struggling businesses and this might be what pushes them over the edge."

So I don't -- I think, with one fell swoop, this has affected almost our entire region, no matter what you do, public sector, private sector, not-for-profits, and it's just wrong. And we could examine the Home Rule Message. I'm not -- I don't for a minute believe that Albany is going to pass this Home Rule Message and we're going to have our Commission and our referendum, but it's a way that we just have to -- we have to say enough is enough; all right?

MR. CANTOR:

And, Presiding Officer Lindsay, just to add to my macro-economics, what this does, it completely not only nullifies, but negates any effect of President Obama's stimulus package that Long Island gets. These wipe it out. So, as much as whatever Federal stimulus and whatever our Federal Legislators work so hard to bring back here, this completely wipes it out and puts us in a negative position, and that's worth going through the processing of petitioning a referendum and letting people know that we're just sick and tired of it and we're not going to take it anymore, as that movie once said, I think it was "Radio". But I think it's time to send that message.

P.O. LINDSAY:

Thank you very much. I'm going to take -- before I get into the public portion, I'm going to take one public comment out of order. Sergeant Camputa is here to make a statement in support of I.R. 1282. The reason the Sergeant has to do that is he's on duty and has to get back to his regular duties. I'm sorry to hold you up, Sergeant.

SERGEANT CAMPUTA:

Thank you, Mr. Presiding Officer, Members of the Legislature. My name is John Camputa. I'm a Detective Sergeant with the Suffolk County Police Department. I'm the Commanding Officer of the Property Recovery Section. On behalf of Commissioner Dormer and Chief Moore, I'd like to thank you all for the opportunity to address the Legislature in support of I.R. 1282. This law would amend

the Precious Metals Exchange Law to include gems as items required to be reported to the Police Department when purchased by the various retailers or precious metal dealers within Suffolk County. As the Commanding Officer of the Property Recovery Section, there's no doubt in my mind that this addition will assist us to further the recovery of stolen property, to identify suspected criminals, and also will aid us greatly in identifying criminal patterns within the County. I appreciate your support for the efforts to give us the tools like this.

I thank you again, Legislator Kennedy, for the opportunity, and the body. If anybody has any questions, I'd be happy to answer anything.

P.O. LINDSAY:

Thank you Sergeant, appreciate it.

LEG. KENNEDY:

Thank you, Mr. Chair.

P.O. LINDSAY:

We have -- under the public portion, we have a number of our visiting students that want to make a statement. Tyrone Brown. Tyrone, are you back there? Come on up. Renee, help Tyrone, please.

*(*Applause*)*

MR. BROWN:

Good morning. My name is Tyrone Brown, and I am a fourth grade student speaking on behalf of Cordello Avenue Elementary School in Central Islip, New York. We would like to thank Legislator Montano for inviting us to attend this meeting, and Legislator Vilorio-Fisher for coming into our classroom to teach us about law-making process. We have come up with a few ideas for laws that we feel would improve our community. The first idea we have is to decrease the price of healthy foods, and the second is to increase security in our local parks.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Tyrone. Evelyn Cruces. Evelyn. And followed by Evelyn is Maher Ekram.

MS. CRUCES:

Good morning. My name is Evelyn Cruces. We believe that healthy food should cost less. This is important because it would allow more people to afford to eat well. A lot of people are being laid off and can't afford to continue to eating the food they're used to eating on a regular basis. We can do this by lowering the cost of healthy essentials like low fat milk, eggs, whole grain bread and produce. In an attempt to fix this problem, maybe local markets and grocery stores could provide store coupons for produce, or provide incentives for healthy food purchases.

*(*Applause*)*

P.O. LINDSAY:

Maher, followed by Amberleigh Brown. Amberleigh Brown?

MS. EKRAM:

My name is Maher Ekram. This is important to us and our community, because by lowering the price of healthy food, it will allow our families to pay for other necessities more easily, such as clothing, bills, and property taxes. It will also allow the families in our communities to have more money in the bank for unexpected emergencies. By making healthy food more affordable, people will be able to lose weight and become healthier overall.

*(*Applause*)*

MS. BROWNE:

My name is Amberleigh Browne. We thought of one more idea that would help our community. We would like it if you could increase the security in our local parks and playgrounds. This is important to us because it would protect the safety of children in our community, especially if we ever got lost or injured. We could accomplish this by installing cameras that will monitor around parks and playgrounds, or have a security guard at each park. This would also increase the amount of jobs available in our community. Another idea would be to install emergency telephones in the parks and playgrounds that connected directly to our local police station. Maybe we could even put gated fences in our local parks that could be locked at night with a "No Trespassing" sign to keep out unwanted people after a certain time at night.

*(*Applause*)*

P.O. LINDSAY:

And Elizabeth Frey.

MS. FREY:

My name is Elizabeth Frey. It is important to increase security at parks and playgrounds in our community, because we would be able to spend more time outdoors without worrying about our safety. It might also get more people out of the house, because they might feel safer going to a public park in our community with extra security.

I would like to take this opportunity to thank you all for your time. These issues are important to us and the members of our community. It is important for us to all work together to improve the neighborhood and keep it safe. We are so glad we could be here today to share these ideas with you. Applause.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Mr. Chairman, I just wanted to say that these are ideas that were brought by the students themselves when I spent a couple of hours with them. They came up with legislation that they thought was important. I divided them into committees. They then voted them out of committee. They went to their full Legislature, their whole class. Their teacher actually vetoed and had to override one of the -- so that we could see how that works. And I'm really proud of what they did. It was great to spend time with you guys. Applause.

*(*Applause*)*

LEG. MONTANO:

Yes. I just wanted to thank all the students that came in and those that spoke. And what we're going to do is we're going to give those suggestions -- we're going to get a copy of the transcript, give it to our Legal Counsel and see if he can come up some bills, and then we'll bring them back to the class and we'll discuss them again, we'll look at all the issues, and then we'll present them to the Legislature if we think we can get them passed. So you haven't heard the last of us. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Okay. I'm going to make a motion to extend the public portion, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eleven. (Not Present: Legs. Romaine, Schneiderman, Losquadro, Alden, Barraga, Kennedy and

Nowick)

P.O. LINDSAY:

David Nyce, the Mayor of the Village of Greenport, and followed by Krista McGlone.

MAYOR NYCE:

Talk about a tough act to follow. It's -- actually I was looking back there thinking it would be nice to be in fourth grade again.

I'd like to start out by thanking the Legislature for its consideration in advance. Several years ago this process started in discussing the Clark's Beach acquisition. I'd like to thank the County's Real Estate Division. I'd like to thank the Planning Division, all the committees for all of their help and consideration on this matter. I know that this has been going for quite a long time, so I don't want to bore anyone with all of the details. I'd like to go over just a few things that seem to be most pressing.

LEG. BEEDENBENDER:

Mr. Chairman. I apologize to interrupt you, Mr. Mayor. We don't have a quorum.

P.O. LINDSAY:

We're getting people now.

LEG. BEEDENBENDER:

Okay. All right.

MAYOR NYCE:

I could do a little song in the meantime. What do you want to hear?

LEG. COOPER:

Your choice.

MAYOR NYCE:

Should I hold off for a minute until you --

P.O. LINDSAY:

Yes.

MAYOR NYCE:

Not a problem.

P.O. LINDSAY:

Okay. I'm going to call a recess. I'm sorry, folks. All right?

MAYOR NYCE:

No problem.

[A RECESS WAS TAKEN FROM 11:05 A.M. TO 11:16 P.M.]

P.O. LINDSAY:

Roll call, Mr. Clerk.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:
(Present)

LEG. BROWNING:
(Not Present)

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
(Present)

LEG. HORSLEY:
Here.

LEG. GREGORY:
Present.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MS. ORTIZ:
Fifteen. (Not Present: Legs. Romaine, Schneiderman and Browning)

P.O. LINDSAY:

Okay. We're back in the public portion, and I would ask my colleagues to please stay in the room. A lot of people out in this audience have taken a day off from work to come here and make a statement to this body. And when I turn around and I don't find enough people to properly listen to them, it's beyond disrespectful. David Nyce, Mayor of Greenport.

MAYOR NYCE:

Thank you, Mr. Presiding Officer. Thank you, Legislature. And, actually, thank you for the recess. I understand your point. It gave my nerves a little bit of time to calm down.

Anyhow, to start back, I'd like to start off by thanking this body for its consideration in advance. I'd like to thank the County Real Estate Department, the County Planning Department for their work in this acquisition process. I'd also like to thank all the committees that this process has gone through for their time and their consideration.

Because this has been going for two or so years, I'm sure everyone's very familiar with the Clark's Beach acquisition, so I don't need to beat it to death. I'd like to address the sort of four biggest points that came out of the committee discussion last week. The first is I'd like to reiterate that this is a piece of property that was purchased by the Village of Greenport back in the '30's to expand its municipal utilities. It was to house a waste water treatment plant that didn't ultimately get sited there. It has been vacant land ever since. There have been countless -- countless opportunities for commercial development there that have not happened, the most resent in -- we actually did some digging.

The Village, I think seven or eight years ago, went off to try and get a grant to do something with the property. The State's first requirement was that we dedicate it as parkland. So it is not now, it has never been dedicated as parkland, it is vacant land. The land has never been patrolled or considered by the Village as parkland, it has been considered vacant land always, with the opportunity to do something there. It is zoned by the Town of Southold in which it is situated. It's zoned two acre. R-80 zoning is the local zoning there, which is the local residential two-acre zoning. So the whole -- the parkland by usage thing I don't believe holds water. I think that we have -- we've addressed that in several different ways.

I'm sort of -- I'm here today basically hanging my hat on the fact that the process by which the County lays out these acquisitions is supposed to vet these sort of things. I think that the County sets up a very thorough process by which these lands get acquired. We have at each -- at each step met or exceeded those requirements. Again, it's been a long process.

We've got a piece of property that's 6.325 acres, I believe, and the price as 1.7 is well below what the current market value for that piece of property is contiguous to a piece that you already have. Again, it has never been our -- it's never been our attempt to have the County buy a piece of property that it would not ordinarily look to buy. The Village, in my opinion, should have the same property rights as any other property holder within Suffolk County. Those are my two points. I'm sorry, I'm very nervous.

P.O. LINDSAY:

Don't be nervous, Mayor. I think you've made your point, and you're out of time.

MAYOR NYCE:

Then let's move on from there.

P.O. LINDSAY:

And I understand that you're going to be with us for the day to see this thing through. And I appreciate that, because when we bring it up for debate and I -- when we get to the agenda, I'll try and take it out of order so you can make the long trip back to Greenport. And if anybody has any questions, we'll address them then.

MAYOR NYCE:

I appreciate that. I'm much better at the question and answer than the diatribe kind of thing.

P.O. LINDSAY:

No problem.

MAYOR NYCE:

Thank you very much.

P.O. LINDSAY:

Thank you. Krista McGlone. Krista McGlone. Did I lose Krista in the recess? I'll put her aside. Maybe we'll get to her. Sergeant John Schneider. Hi, Sergeant.

SERGEANT SCHNEIDER:

Good morning. My name is John Schneider. I'm a Sergeant with the Northport Police Department. I've been asked to address the issue of Home Rule Number 7. I've been directed by my Chief, Eric Bruckenthal, to do so. I'm a member of the E-911 Commission. And I know we're running a little long here. I'll try and make this as briefly as possible.

As a public service answering point, or PSAP, the Northport Village Police Department has the responsibility of answering 911 calls generated within the Village of Northport. Additionally, the Northport Police Department receives 911 calls generated from both Asharoken and Huntington Bay Villages for whom we also dispatch. As you are aware, the PSAPs in Suffolk County have suffered a significant loss in revenue due to the proliferation of cellular telephones. This dramatic increase in cell phone usage has resulted in a drastic reduction of hard-wired telephones. Unfortunately, cellular telephone carriers, unlike conventional carriers in Suffolk County, are not required to collect E-911 surcharge monies. This loss must be recouped for us to continue to provide the County, to provide the Dispatch and Emergency Services that our residents expect and are certainly entitled to.

I'm respectfully requesting that you, the members of the Legislature, offer your support to move forward on this issue by passing a Local Law enabling the 30 cents per month cell phone surcharge. On behalf of chief Bruckenthal and myself, I'd like to thank you very much for your time.

P.O. LINDSAY:

Thank you very much, Sergeant, for taking the time to come in and see us. Patrick T. McAsey. Patrick T. McAsey? No. I'll put Patrick on the side. Anthony V. LaFerrera.

MR. LAFERRERA:

Good morning. Thank you, Presiding Officer Lindsay, Members of the Legislature. If I may take a second, I'd like to congratulate also Bruce Blower for his dedication to Suffolk County. And he reminded me before he left for work that we had a meeting tonight, a REMSCO meeting, so he keeps on going.

My name is Anthony LaFerrera. I'm privileged to represent several organizations throughout the Fire EMS service throughout the County, a couple being Babylon Central Fire Alarm as President, First Vice-President of the Suffolk County Chiefs Council, and Co-Chairman of the Suffolk County FRES Commission. And I'm here to look for support for Home Rule Number 7, Human Rule Message Number 7, and hopefully pass with Senate Bill S4026, and Assembly Bill A7336.

When the 911 system was established, the funding received through Verizon surcharges, it wasn't Verizon back then, enabled the acquisition of the necessary infrastructure in support of the system as a whole. Once the primary infrastructure was in place, each PSAP received a share of the funding for related expenses, which began with a \$90,000 contract that quickly diminished to a \$40,000 contract, and now it's projected at zero dollars. We have steadily seen funds generated by the surcharging -- by this surcharging diminished to a point where the integrity of the system is in jeopardy. Additionally, this lack of funding has forced each PSAP to bear the burden of expensive

required equipment, maintenance and employee education. During the same period, despite many of us vocalizing our dissatisfaction with the formula for wireless funding, this fund base has grown astronomically.

The American public as a whole has made a transition from wirelines -- wireline telephone service to wireless service, in many cases having no wireline telephone service. The impact of this transition has been monumental, both technologically and financially. We have invested to ensure we keep pace with the ever-changing and advanced technology with minimal assistance from the State. Financially, this transition has drained the resources originally set in place to support the emergency services required for a strong and reliable Enhanced 911 system. Implementing the 30 cent surcharge to wireless phones in Suffolk County is essential to ensure the development and integrity of our E-911 system. Thank you for your time and hope for all your support.

P.O. LINDSAY:

Thank you, Anthony. Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature. I found it interesting listening to Marty and Joe extoll the virtues of creating the 51st state by marketing it through the MTA increased tax costs, but in listening to one Legislator who said there are plenty of other things we've got to do at home first. And I'm reminded what the Reverend said about the -- when there are things that are hurting us, to paraphrase him, there are things we've got to correct. And I think this Legislature has to be held accountable for challenging what Steve Levy is proposing to do in terms of giving Canon 100 million dollars of our tax money, allegedly because they are one of the favored businesses that is allegedly creating jobs and paying high salaries.

I'm reminded that you waxed eloquently as a Legislature collectively to insist that jobs in the public sector be preserved, but giving away our tax dollars to a single special interest company seems inappropriate. I made the same remarks three years ago, when we gave Canon 35 million dollars after a flap between two developers, who couldn't seem to get paid enough money, Monter and Tilles, and they had to negotiate through Kevin Law and Steve Levy to get their perks. I think it's high time we -- especially in a troubled economy, that we put a moratorium on the IDAs, the Industrial Development Agency perks. No longer should we give ten-year property tax abatements, sales tax elimination, mortgage transfer elimination to one special interest company as we're doing. I propose that you reject that 100 million dollar proposal. Thank you very much.

P.O. LINDSAY:

Thank you, Peter. Sonia Murdock. Is Sonia? We lost Sonia. Lori Green. I don't see Lori here either. Gloria Thompson.

MS. THOMPSON:

I'm going to pass.

P.O. LINDSAY:

You're going to pass? Okay. Thank you, Gloria.

MS. THOMPSON:

Jon Cooper already said everything I wanted to say.

VILORIA-FISHER:

Cooper already addressed them.

P.O. LINDSAY:

Okay. He does that a lot for all of us.

MS. THOMPSON:

Very eloquently.

LEG. COOPER:

Wait. Was that a compliment?

P.O. LINDSAY:

Yes. Janet Walerstein. Is Janet here? Yep.

MS. WALERSTEIN:

Yes, again, again and again. Good morning. My name is Janet Walerstein and I'm the Executive Director of the Child Care Council of Suffolk. And I spoke before the Human Services Committee meeting the other day, but was asked to come back to speak to the full Legislature regarding and supporting Presiding Officer Lindsay and Legislators Vivian Fisher and Jon Cooper's Resolution 1352, establishing a policy with the Department of Social Services that they keep a waiting list of all those eligible for subsidized child care, if they cannot be served at the time that they are in need.

It is also critically important to have an online application, and so the process is more available, and that the Child Care Council have that availability as well. We have approximately seventy-five hundred parents contacting us each year for their child care needs, and we know the anxiety of parents, not knowing where to turn or how to pay for child care and having to go to work. The waiting list, while not immediately helping, it does give some hope that their needs are being heard as we help to find support for them.

Today, or this week, or this whole period of time, is a "Red Letter" week in the fact that Suffolk has been awarded about 7 million dollars for child care subsidy that will now be available for the most needy on the wait list of over 1,000 children. DSS can now turn to that list of parents. That is -- this is why the bill making a waiting list mandatory and online ensures the concept will always be in place for the future.

I just want to say at this point, also, as of yesterday, a letter went out to all those on the waiting list saying, "Applications, please come back by June 1st," and we'll see how many of those over 1,000 are still wanting care or needing care. So, you know, the process has started, and we started a new waiting list as of yesterday.

It's also important, as we try to analyze the need for child -- what child care is and to bring that information to the State for fiscal consideration. It's accumulating the data of what the need is. There have been times, however, when a parent, in calling DSS, has not been told of the waiting list and may have missed their opportunity as funds become available. This bill assures that all parents must be told about the application and how to access it. We have been aware that this is not always the case.

Please support this legislation. And the Child Care Council of Suffolk applauds the Legislators in again being on the cutting edge of bringing forth a bill that highlights this urgent issue. DSS and the Commissioner have been forward-thinking in keeping a list, and that is not true in other counties across the state, including New York City. Kudos to this important policy bill, and thank you again.

P.O. LINDSAY:

Thank you, Janet. Donald J. Dobby, Jr.

MR. DOBBY:

Good morning. I'm Chief Don Dobby from the Amityville Village Police Department. I want to start by thanking the Presiding Officer and the rest of the Legislature for an opportunity to address you this morning. I'm here to represent Mayor Peter Imbert, the Board of Trustees, and the Amityville Village Police Department in support of Home Rule Number 7. The first link in a chain of events for any emergency is our E-911 system. Whether in Amityville, Holbrook, Montauk Point, when you dial

911, your call is going to one of the 12 PSAPs in Suffolk County; Amityville is one of them. It is the first link -- it is this first link that needs funding. We recognize funds from land lines are not sufficient to support the current expenses. It only seems appropriate to place a surcharge on cell phones, since they are the most commonly used to enter the 911 system. All PSAPs rely heavily on this money.

Again, on behalf of Amityville Village, we fully support legislation that will establish a cellphone surcharge. Thank you.

P.O. LINDSAY:

Chief, rather than you thank us, we thank you for coming down and adding your input. Okay? Thank you very much. Carol Ghiorso Hart.

MS. HART:

Good morning. I'm speaking in support of I.R. 1239, authorizing a cell tower at the Vanderbilt Museum. Vanderbilt Trustee Noel Gish has worked very closely with appropriate Suffolk County departments to explore this new revenue source and community asset. It's an example of the initiatives that we are taking to help the Museum achieve sustainability. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Carol.

P.O. LINDSAY:

Thank you, Carol. Erica Chase.

MS. CHASE:

Hi. Good morning. My name is Erica Chase. I am the Director of the Smart Government for Strong Families Coalition, a project of the Health and Welfare Council of Long Island. I am here representing 94 not-for-profit agencies who all contract with Suffolk County to provide various services to those living in Suffolk County. I am here to ask for your support of I.R. 1410, an amendment to the Living Wage Law.

The goal of the Coalition is to streamline processes and change County procedures to ensure contracts are executed in a timely manner. We have made great progress in 2009, and the contracted agencies are grateful that the County has implemented some of our recommendations to make the system more efficient and effective. To continue to make positive steps, the Coalition took a look at the Living Wage Law to see where changes could be made to streamline the administrative processes connected with complying with this law.

Currently, the Living Wage Law requires salaries to be adjusted each July 1st. This creates a hardship to contracted agencies, as they must prepare and submit a budget modification midyear for their budget to reflect the newly imposed mandates. This process isn't simple, and many times the not-for-profits spend time with no success. This amendment does not change the intent of the law at all. It simply allows not-for-profits to plan, budget and deliver services more appropriately.

I want to thank the Presiding Officer for his understanding and support to the not-for-profits, and those of you who I have discussed this with in the past few weeks. The health and human service sector greatly appreciates all that you do to support better systems. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Erica. Debra Alloncius.

MS. ALLONCIUS:

Good morning, Presiding Officer Lindsay and Members of the Legislature. My name is Debra Alloncius. I'm the Legislative Director for the Suffolk County Association of Municipal Employees.

I stand here on behalf of Cheryl Felice and the members of AME, and stand not in support of Resolution, I.R. 1409. But I do have to take this time to commend Legislator Beedenbender for his intent to enhance the community and for all he has done in his tenure as a member of our community, because I live in that area and can appreciate a new park, and can definitely appreciate that Suffolk Community College does need room for expansion, and do stand in agreement to not develop that land for business, but I think that that land can be developed and maybe not for business. But we're in dire straits and I hear this -- you know, I sit here and listen to everybody speaking of the horrendous pain, fiscal pain that everybody is suffering. And in the middle of all this, we're sitting on a surplus County asset of 61 acres of land that could generate millions, that's sorely needed by this County?

AME has given no less than 19 million in concessions in health benefit cuts and lag payroll in the past five months. It's only part of your workforce. I sit on the John J. Foley Task Force. The LPN pool and the future CNA pool, they're going to generate another million dollars a year as we're going forward. AME, myself, on behalf of AME, and our lobbyists have gone up to Albany on behalf of this Legislature to bring home the red light money, to bring home the additional tax revenue that we so sorely need. AME is doing its part and will continue to do so.

The County Exec has asked AME repeatedly to provide revenue sources. It would be unconscionable for me not to speak against this. This is 61-plus acres of land. How much could it generate at a million dollars an acre, at 300 million dollars an acre? What kind of money are we talking about? You have the propensity to provide the County with up to like 18 million dollars. That's a lot of money. You'd be providing your workforce with a guarantee that there would be no need to take their hard-earned dollars to balance your budget while providing sorely needed jobs in the community at the same time.

When I sit here thinking that we're going to give 100 million dollars in cuts to Canon, who were going to bring jobs to the community, 100 million dollars is a lot of money. Over what period of time? I read every day about the IDA, all sorts of problems with the monies and stuff. We are doing our part. I just feel that perhaps 61 acres does not have to be made into parkland.

I agree that Suffolk Community College needs the room to grow. Suffolk Community College is another jewel like J.J. Foley. I mean, this County is known for how -- what a wonderful educational system that this Legislature has worked very hard to develop over the years. But I do ask everybody to sit back and take a look at all this money, all this debt service we're creating with land, all of this other stuff, because come next year, we better have the money and not be coming back, because my members are barely going to make it losing two weeks pay. You all live week to week, I would assume, like most of the other Long Islanders here, and, yet, I'm -- it just -- to me, it's unfathomable at this point. Thank you.

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

P.O. LINDSAY:

Thank you, Debra. I know you hang around for the whole session. I think you have a misunderstanding of the bill. When we debate the bill later, I hope it will be clarified for you. All right?

MS. ALLONCIUS:

Thank you.

P.O. LINDSAY:

Detective Sergeant Randy Hintze.

DETECTIVE SERGEANT HINTZE:

Good morning, Mr. Presiding Officer, Honorable Members of the Legislature. My name is Detective Sergeant Randy Hintze, I am a Detective Sergeant with Southampton Town Police. I am also the Department's technological advisor, Technology Advisor, and a member of the Suffolk County E-911 Commission.

I have 35 years in public safety, concurrently 25 years in public safety communications and 15 years as a Public Safety Communications Supervisor of a Public Safety Answering Point. I'm here to speak on behalf of support of Home Rule No. 7 that will be undertaken by the Honorable Legislature later this afternoon or this evening. I would also like to acknowledge other members of the commission that are in the audience who may not be speaking and they include East Hampton Village and Southampton Village. We've already heard from Amityville, Babylon Central and Northport and I wholeheartedly support and echo their statements.

The Suffolk County E-911 system covers all of Suffolk County and all the water ways, from Fisher's Island to Greenlawn, from Montauk to Amityville. The -- I'm going to speak primarily not so much as an individual from my agency, but more of a global nature to the situation we're in today and the reasons for considering HR 7.

Historically, courts have been supported by legacy land-line carriers, without naming them. They have severely cut back on their services, vis-a-vis the land-line surcharge or surcharge -- the land-line lines which 30 cents a month was established -- 30 cents per month per line collection was established in 1995 by this Legislature, so -- to support the 911 system. New technology has been subsequently introduced since that 1995 error including IP telephoning and cell phone usage. As we know with the enduring and never-ending commercials we see on TV for everybody to switch to IP telephoning, the public has taken up on that and also the cell phone situation has dramatically increased with the new technology so that, in fact, today the land-line use has decreased.

I have a chart here showing Suffolk County E-911 surcharge money, and without going into the actual specifics, I think it graphically shows from 2003 to 2008 the decline in the E-911 revenue, as we see it. And as we can see, it's exponentially declined. It would be very nice if the IP service telephoning companies would contribute to the 911 systems. However, this is not occurring at this time because Federal legislation needs to be enacted by Congress to allow that to happen. There's been bills before the Congress in various forms for the past couple of years to allow for a surcharge. Just like the land-line, you would think that it would be a quick, easy decision, however, those bills have been thwarted in Congress by the various IP Legislative lobbyists. And as we stand here today, there are still bills pending, however there's been no action and there doesn't appear to be any action. So that leaves us either cell phone monies to supplement the land-line and/or General Fund monies.

The system has fixed costs per year. Currently that is just roughly over \$4 million per year. With the decline in revenue, as I show you here, from the four million to approximately 2.4 million in 2008 and projected in the \$1 million range plus for 2009 and beyond is just going to continue to decline.

P.O. LINDSAY:

Detective Sergeant, if you could wrap up. You're out of time.

DETECTIVE SERGEANT HINTZE:

Okay, I'm sorry. So, therefore, I support the HR 7. I understand that this is a Home Rule Message and that subsequent legislation needs to be filed, and I hope to be back before the Legislature when you do consider imposing a surcharge cell phone bill.

P.O. LINDSAY:

Thank you very much for taking the time to come here this morning.
Leo McGinity.

MR. McGINITY:

Good morning, Mr. Presiding Officer and Members of the Legislature. My name is Leo McGinity and I'm an attorney representing Greenwood Village. I'm here to speak in opposition to IR 1222 this morning.

Greenwood Village is a senior community restricted to age 55 and over. It's located in Manorville, it has about somewhat over 500 homes. I think it's important to remember that although the law that I'm speaking about today is titled "A Local Law to improve protections to residents of planned retirement communities", this law is defined in such a way, very carefully, so that it applies only to Greenwood Village and not to any of the other dozens or perhaps a hundred or so senior facilities in Suffolk County. And it also is the community that Legislator Romaine moved his father into some time ago.

Now, when I addressed the committee last week, I explained that the original version of this law, which was Local Law No. 1-2000, had been challenged by us in court, and the Appellate Division of the New York State Supreme Court agreed with us on virtually every argument that we made and stripped out of that law a number of provisions which now appear to have found their way back in to this amendment. For example, Local Law No. 1-2007 required Greenwood Village to offer residents a lease for 99 years with the right on the part of the residents to terminate that lease. The Appellate Division threw that out as an unreasonable restraint on our use and enjoyment of the property, but now it's back in under Section 283-3 of leases.

Other provisions in here that I addressed with the committee are also provisions that were stripped out by the Appellate Division and it's unfair that these provisions, this law applies only to Greenwood Village and not to any other senior communities in the County. So we would urge you to avoid further litigation on this version and to rule again -- or to vote against IR 1222. Thank you.

P.O. LINDSAY:

Thank you very much. Joanne Polacsek? Joanne, I'm probably messing up your last name. Joanne Polacsek?

D.P.O. VILORIA-FISHER:

She might have been here with the nurses; perinatal?

P.O. LINDSAY:

No? Okay. Last call, Joanne Polacsek? No. Okay, and some of the other ones we skipped over; did Krista McGlone come back in the room? No. Patrick McAsey? No. Sonia Murdock? No. And Lori Green.

Okay, that concludes all my cards. Is there anyone else in the audience that would like to address us under Public Portion? Seeing none, I'll entertain a motion to close the Public Portion.

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Barraga.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. If we could go to the agenda.

D.P.O. VILORIA-FISHER:

Motion to approve the Consent Calendar.

LEG. COOPER:

Mr. Chair, I'd like to respectfully make a motion to take IR 1355 out of order so Dillon Thompson's family could be here for the vote.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Cooper, let me just do the Consent calendar --

LEG. COOPER:

Sure.

P.O. LINDSAY:

-- and I'll be happy to entertain your motion at that time. We have a motion to approve the Consent Calendar by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Now your motion is in order, Legislator Cooper. It's to take -- what is the bill number, Legislator Cooper?

LEG. COOPER:

IR 1355, please.

LEG. LOSQUADRO:

In what committee?

LEG. COOPER:

IR 1355.

D.P.O. VILORIA-FISHER:

What page?

LEG. ALDEN:

What committee is it in?

LEG. COOPER:

Page ten.

LEG. LOSQUADRO:

What committee?

LEG. COOPER:

Health & Human Services.

P.O. LINDSAY:

Okay. We have a motion to take IR 1355 out of order. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passes. *IR 1355* is before us, *Designating the second week in February as "Duchenne Muscular Dystrophy Awareness Week" in Suffolk County (Cooper)*. Do I have a motion?

LEG. COOPER:

I'd like to make a motion to approve, please.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloria-Fisher. Any debate? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Romaine?

LEG. ROMAINE:

I would like to make a motion to take 1338 out of order while the Mayor of Greenport is -- starts his trip home.

P.O. LINDSAY:

Okay. Let me just -- first of all, the family that hung around for 1355, I thank you very much for spending the morning with us and seeing this thing through.

UNKNOWN AUDIENCE MEMBER:

Thank you.

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

And Legislator Romaine, I'm sorry.

D.P.O. VILORIA-FISHER:

Page nine, 1338.

P.O. LINDSAY:

1338, top of page nine, Environment. We have a motion to take 1338 out of order. Do I have a second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1338 is before us, *Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Village of Greenport property (Clark's Beach, Town of Southold) (SCTM No. 1000-040.00-01.00-023.000 p/o)*. Do I have a motion?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Romaine. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman. On the issue, Legislator Alden.

LEG. ALDEN:

I just have a couple of questions, as I'm not on this Environment, Planning Agricultural; is that what it came out of?

LEG. BEEDENBENDER:

Yes.

LEG. ALDEN:

Okay. Just one note that I have, it says that the property is owned by the village; can somebody give me an explanation why we're acquiring something that was already acquired by the village?

P.O. LINDSAY:

Would you like -- Legislator Romaine, you want to answer it?

The Mayor is still here. Legislator Romaine, go ahead.

LEG. ROMAINE:

I would just simply say that this is not part of the village, it's not within its incorporated boundaries, it's outside the village, it's in the Town of Southold, it's zoned residential. And the village is going to be selling this area, and three years ago the County approached it about purchasing it; it's going through all the steps, it's met all the requirements and it's before us today. It's on the sound and it's adjacent to a County park, Inlet Pond County Park. And they're asking, I think the appraisal price was 1.7 for six plus acres on the sound.

LEG. ALDEN:

And what are we going to do with the property?

LEG. ROMAINE:

I guess we'll add it to our existing County Park in Pond County Park.

LEG. ALDEN:

Okay. So that's nice, but what's the ratio now between Park Police Officers and the amount of property that we've acquired? I don't believe we're in compliance with the law as it's stated in Suffolk County.

The other thing is any property that's purchased in the eastern end of Long Island, I believe they have a fund where there's a fund balance; maybe the Mayor could address that or maybe you know.

LEG. ROMAINE:

The balance -- the village does not have that, it's a CPF. This parcel is a much larger parcel and the other half of this parcel is supposed to be acquired by the Town of Southold using CPF funds. So yes, CPF funds will be used for half the property.

LEG. ALDEN:

Why couldn't those funds be used for all the property? I understand they have a substantial balance in their fund.

LEG. ROMAINE:

Southold doesn't have a substantial balance. And in fact, Riverhead has expended all of its money and --

LEG. ALDEN:

What is the balance then?

LEG. ROMAINE:

In Riverhead it's zero. In Southold, I don't know how much they've bonded into the future, so I don't have that at my finger tips.

LEG. ALDEN:

But every piece of property that continues to be transferred, there's an additional transfer tax. I think it might even be up to 5% of the purchase value that goes into that fund; that's an inordinate amount of money for somebody that's starting out in a family and trying to get a start on life. Not only do they have to pay all the other fees, the New York State hidden fees and hidden taxes and Suffolk County hidden fees and hidden taxes, but they have this extra fee that goes towards the purchase of property which now these towns don't even want to use; they want to come up to us and have us use our funds.

LEG. ROMAINE:

Legislator Alden, since you're directing it towards me, and through the Chair, I would simply tell you today we're going to vote on a lot of taxes. The people of Suffolk County are going to have no voice. The people in the five eastern towns all have a voice and by referendum voted to tax themselves 2% on the transfer of new property, the sale of new property within their boundaries for a CPF Fund. Some towns do very well, like East Hampton, Southampton; other towns do less well, Riverhead being amongst them, Southold coming in next and Shelter Island because they don't have large transfers. But they've all voted to do that because they do want to preserve property, that's a vote that they have in taxes. We are voting taxes today that no one in Suffolk County is going to have a referendum on.

LEG. ALDEN:

Then bring me right back to my point, they voted to impose a tax on people who want to move to a rural area of Suffolk County, their town, let them buy it. This property is in within that taxing jurisdiction.

LEG. ROMAINE:

The Town of Southold is going to do that for the other half of this property.

LEG. ALDEN:

Excuse me, but -- sorry. But they also have a balance. So I don't understand why they're coming to Suffolk County that has actually experienced a significant shortfall in sales tax revenue, and that's pretty much our primary income of which we run the County on. And if we project it out in this, whatever you want to call it, recession, depression, if it extends out another couple of years, there is the possibility -- and I know people don't want to hear this, but there is a possibility that we have to dip into the money that we would be used for operating expenses in Suffolk County to pay for our acquisitions. So it's not something where we've got an unlimited amount of money coming in, because the amount of money that we do have coming in is dwindling; not dwindling, it actually fell off a cliff.

LEG. ROMAINE:

Before I defer to the Mayor, I would simply tell you that, as you know, funding for land acquisitions come from a dedicated fund that can be used for no other purpose. I don't see and any interest in this Legislature in going beyond and expending beyond the dedicated fund, so that is not going to happen.

I think there is an interest in raiding the dedicated fund for operating expenses, but right now by vote, again, of the people of Suffolk County, they have voted to apply this Quarter Percent Sales Tax for land purchases in Suffolk County. This is a vote of the people. Again, today we'll cast a lot of votes for taxes that the people won't even have a vote -- a voice on. I'm going to defer to the Mayor of Greenport, and maybe he can answer --

LEG. ALDEN:

Actually, I believe I have the floor.

P.O. LINDSAY:

Wait, wait a minute. Don't defer to anybody. Legislator Alden, are you done yet?

LEG. ALDEN:

Just in quick answer to that, I believe that if the people of Suffolk County were asked today if they want that amount of tax going towards the purchase of open space, it might be a different answer than just a couple of years ago. And the people may -- what I'm going to consider, maybe it was a major choice, because they decided to go from a cash program into a program where we encumber our future. And when we encumber that future value of money, the stream of money coming into the County, whereas if it's in a cash program it's a lot more flexible. And I think that the people might want to have a different say, if we put it out there, to whether we should use some of that to offset some of our expenses or whether we should raise their taxes, whether they be back-door taxes, hidden taxes or whatever type of tax you want to call it. Rather than have their expense going up, I think they might have a different vote; and it's not addressed to you, it's a statement on the legislation.

LEG. ROMAINE:

I understand. I would simply defer you to The Nature Conservancy, they did a poll recently, and I think you would be interested to see the results of that poll and I suggest that you speak to them about them reviewing the poll with you. Because apparently the support for land acquisitions remain overwhelming, both in western and in eastern Suffolk, and I'd suggest you speak to them about their poll. I understand not every poll is completely accurate, but it certainly gives an indication of what people are thinking, even in this economy. Thank you.

LEG. ALDEN:

One quick response.

P.O. LINDSAY:

Legislator Alden, go ahead.

LEG. ALDEN:

Polls are fine and the last 15 polls that I saw, the number one question on people's mind was affordability and taxes, that's number one question on their mind, not to preserve open space. Thank you.

P.O. LINDSAY:

Anybody else? Legislator Horsley.

LEG. HORSLEY:

Yeah, just quickly. Mr. Mayor, would you give us a little detail on -- when the village originally purchased the property, I understood it was for an extension of an outfall pipe into the future, if there was ever going to be a sewer district or whatever it may be. Does this now preclude that, in the mind-set of Greenport Village, that this could ever be used for purposes relating to sewer issues?

MAYOR NYCE:

No, it was purchased initially to site the waste water treatment plant. The outfall pipe still flows through the property to the west of the portion that this group is considering purchasing. The waste water treatment plant was sited within village property, in the area known now as Moore's Woods, there was a certain section set up in the 30's when that was preserved -- I'm sorry, when that was given to the village for utility use. So the waste water treatment plant is in the village, the outfall pipe flows through.

What happened when that got moved is they had this piece of property that was for the extension of the utilities, it was no longer necessary for the extension of the utilities. I don't know the exact reason, it had something to do with the soil on that property that they couldn't use it for the waste water treatment plant, they were concerned that it was right on the bluff of the sound, they wanted to move it further inland.

So hopefully that answers your question. It's no longer useful to us. No, it's no longer useful to us in extension -- in expansion of our waste water treatment plant; where it is now is sufficient and the outfall pipe exists.

LEG. HORSLEY:

Thank you.

MAYOR NYCE:

If I could, while I have, I'd like to address Legislator Alden's initial question in the reasoning for the purchase as it is. It was set up initially three years ago as a three-way purchase with the County, the town and the village all being involved. When I took office, the new head of Real Estate determined that he didn't like that deal, could we renegotiate the deal to give the County additional protection to not have the County involved in a piece of property that had this outfall pipe through it. So we renegotiated the deal to make a lot line change so that the County would be taking on a piece of property, the prime piece of property contiguous to its Inlet Pond property. The town was still involved. The town is still -- there's a letter of support that was given to everybody from the Town Supervisor. The town has waited to go -- to help us with any CPF Funding. If that portion doesn't sell and it's now off on its own, there's no means to get to that piece of property, it's unsellable for us. So the town has not gone -- we have not entered into an agreement on anything on the additional properties, because if this doesn't happen, we now have one piece of property tucked away contiguous to a piece of property that the County already owns that we would not be able to sell because there's no access to it unless it's through somebody else's property.

So the town is still interested in freeing up some CPF monies to help us out, this deal predated that.

And unfortunately for us, this deal also predated the economic crisis that we're in. I completely understand where you're coming from. We are in our own, our very own economic crisis. I spoke to Legislator Beedenbender earlier, the median household income in the Village of Greenport, the last Census, was thirty-one nine, okay. It's up from that, it's around 35. It's a very low median household income within the town, we're less than half that of the town. Using my house as an example, because it's a reasonable house, it's relatively unimproved from the 1860's on a small piece of property, combined town and village taxes right now are around \$2,200 a year, okay. If we don't -- in other words, we have to sell the property. If we do not sell the property and get this money, taxes are going to increase, realistically, to almost three grand a year on the average piece of property; it's almost 10%, okay. I'm sorry I'm getting a little far afield. I got to your answer as to why -- where we were selling. I'm sorry.

P.O. LINDSAY:

I got you, Legislator Kennedy. Would you let Legislator Alden respond, if you don't mind, because I knew he was going to respond.

LEG. ALDEN:

God bless you if you're paying \$2,000 in property tax, combined village and County.

LEG. BEEDENBENDER:

Twenty-five hundred.

LEG. ALDEN:

Twenty-five hundred. And if it goes up to 3,000, you'd be paying less than -- well, actually about a third of what I pay in property taxes.

MAYOR NYCE:

And make less than that, too. The combined -- the income to tax is what I'm looking at. I'm not looking at the tax rate itself because, yes, you're absolutely right, the tax rate is low, but so is the income level. We're a small, working class community of 2,000 people with a median income of \$35,000 a year, okay. So a \$100 tax increase on that, by proportion, is significant, extremely significant.

P.O. LINDSAY:

Okay. Mayor Nyce, does that include the school taxes?

MAYOR NYCE:

School taxes are collected by Southold Town, so yes, when you do the do combined. And I'm saying that increases without the Southold Town taxes going up any at all, that's just village taxes having to go up.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Mayor, I appreciate you making the trip up here, I know it's a long way from Greenport. And I have some recollection of the discussion on this deal some years ago. I commend Legislator Romaine for bringing it forward, but I have a number of questions as we hear you speaking of this now.

I guess the very first thing I would say is what kind of appraisals are we looking at as far as the purchase price that we're contemplating now? Is this contemporaneous or are we still relying upon appraisals done some two or three years ago?

MAYOR NYCE:

I believe the appraisal is a year old. It's just prior to the contract before it went through Planning, is

my understanding. I'd have to defer to the Planning Department of the County and the Real Estate Department of the County.

LEG. KENNEDY:

Okay. The other thing that I'm going to ask you, Mr. Mayor, and I'm still sitting here trying to decide what's the best thing to do here. From your perspective, I think if I was in your shoes, certainly I would want to preserve the rural character of my neighborhood and community, but there's also some severe economic strife that your municipality is facing; isn't that true?

MAYOR NYCE:

Absolutely.

LEG. KENNEDY:

Okay. And from a fiduciary perspective, when you looked at an asset that's not a park asset, and if it's got capacity to yield significantly possible higher revenues, how do you square that?

MAYOR NYCE:

With a public hearing. I went to the voters and the registered voters and the people of the area and said what does the majority of the -- what do the majority of the people want to do? The initial deal had been set up without that. When I took office, the first -- one of the first meetings I had was a public hearing, basically stating the piece of property has to sell; we all agree with that. A lot of people were unhappy with that, but we -- that was our benchmark, that we decided yes, the piece of property has to sell. The overwhelming majority of the people would prefer to sell it and preserve it than sell it and develop it. Yes, fiscally more responsible to sell it and develop it because we can get more money. I'm relying on the voters saying that they would prefer to preserve it; if that's not possible then yes, we go back to the drawing board.

LEG. KENNEDY:

Well, far be it from me, I'm just one of 18 and I'm just trying to ferret out some of what goes into the dichotomy here. The residents of the Village of Greenport, I guess, would want to be able to preserve --

MAYOR NYCE:

Yes.

LEG. KENNEDY:

-- that park status. What is the full market value of this property?

MAYOR NYCE:

I don't know. I know the overall piece, the additional eight acres we had appraised last year at 2.5. It is not -- the piece that the County is looking at purchasing is the majority of the sound front. It's -- and I'm sorry I don't have the piece of paper in front of me, but it's basically a dog-like shape, the piece that the County is looking to buy is the majority of the sound front and the prime piece of the property. It was 6.325 acres appraised at 1.7 by the County's appraisal people. Basing it off of others, I think that's -- it's substantially lower than what the market value would be for that piece of property.

LEG. KENNEDY:

Uh --

P.O. LINDSAY:

If you can't remember the question, just yield.

LEG. KENNEDY:

No, I'm going to yield because I'm not quite sure where I want to go with this, so I'll yield.

P.O. LINDSAY:

Okay. Anyone else? Anybody else want to -- yeah, Legislator Alden.

LEG. ALDEN:

Does somebody have an answer to my first question, whether we're in compliance with the New York -- not New York State, but with Suffolk County Charter in that we have to have X number of Police, Park Police for X amount of acres? And while you're thinking of the answer to that, through the Chair, does this include the outflow pipe.

MAYOR NYCE:

No, it does not.

LEG. ALDEN:

So this is with that excluded.

MAYOR NYCE:

It's not excluded. And I would point out that the piece of property that this will become contiguous to is stewarded by the Audubon Society; I don't know if that affects your other question. I know nothing about the Park Police throughout the County, but I do know that that -- the piece of property that this would now be incorporated into is stewarded by the North Fork Audubon Society.

LEG. ALDEN:

Well, you said before, or you stated in your testimony that it was County property?

MAYOR NYCE:

The Inlet Pond property that this piece is contiguous to is owned by Suffolk County, is stewarded by the North Fork Audubon Society known as Inlet Pond. This piece would have -- there would be a lot-line change incorporating this, then, into that piece of property.

LEG. ALDEN:

The Audubon Society wasn't all that kind to us either. They had a big piece over in Islip that they actually charged us full market value for, which to me that doesn't show that everybody is on the same page. I do have a little bit of a problem buying property from either other not-for-profits at full market value, in the case of the Audubon, or with buying from another municipality who already bought the property. If we have the answer to the whether we're in compliance with our own laws.

MS. VIZZINI:

Up until recently we were four filled positions short of being in compliance. But in collaboration with Environment & Energy, we were looking at taking off, I believe it was farmland. So I'm looking for the update, if that number of acreage changed. So up until recently we were four short.

LEG. ALDEN:

Okay. And taking off farmland, I think we actually did that a while ago.

P.O. LINDSAY:

(Nodded head yes).

LEG. ALDEN:

So we're four short and this will make us --

MS. VIZZINI:

I know what it was; it was farmland purchased through the Multifaceted Program. So we were trying to hone in, you know, if Multifaceted allows you to purchase open space, you know, do several things. So we asked the Commissioner, which she did, she did respond, but we were trying to hone in on the numbers, whether that would have made a difference, and I'm just looking for the --

LEG. ALDEN:

But farmland coming out of the equation, that makes sense because we were allowing it to be farmed, it's under the stewardship and hopefully under good stewardship, so we're not going to have problems with those parcels. But the other parcels where it's open space, whether it's active parkland or whether it's just open space sitting there, we need Police to take care of that, we'll have all kinds of things happening on those parcels. I think I got the answer. Thank you.

LEG. KENNEDY:

Can I ask BRO another question?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. This is just for BRO; what would be the cost, the carrying cost associated with the bond that we'd have to float on this?

MR. LIPP:

It would be 128,000 per year over 20 years.

LEG. KENNEDY:

And so the impact to the average taxpayer or the average household would be cents; is that correct?

MR. LIPP:

No. This is Quarter Cent money, so it doesn't flow to the General Fund. It's sales tax money.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Anybody else? Okay. I'm just going to -- you know, I have been very opposed to any planning steps of new acquisitions, because I really think in this fiscal crisis we're in that we should curtail our activities on all fronts, and I've been consistent with that. However, I'm going to vote for this bill for the simple reason that we -- this has been in the hopper for a number of years. We've led the village down the garden path, made them a legitimate offer, they've accepted the offer; I think to back out on this deal at this point would not be responsible. And that's all I want to say. With that, roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Montano, Alden & Barraga).

P.O. LINDSAY:

Okay, Mayor, start your trek back home.

MAYOR NYCE:

Thank you very much.

P.O. LINDSAY:

Okay, we start on page seven, **Resolutions Tabled to May 12th, 2009:**

First up is ***1987-08 - Authorizing the conveyance of County-owned surplus on used right-of-way fronting a parcel of land having Suffolk County Tax Map Identification No. Of District 0200, Section 726 Block 07, Lot 006, pursuant to Section 125, New York State Highway Law.***

LEG. BEEDENBENDER:

Mr. Chairman, I request a motion to table. There's an alternative resolution later in the packet that addresses the same issue.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 0008-09 - Designating depositories pursuant to Section 212 of County Law. Legislator Horsley, are we ready to go with this?

LEG. HORSLEY:

Yes, we are.

P.O. LINDSAY:

So motion to approve, I assume?

LEG. HORSLEY:

Yep.

P.O. LINDSAY:

I'll second that. Counsel, are we all right with this now?

MR. NOLAN:

We are. We're going to be considering a resolution later that makes the new depository requirements go into effect next year, so we can move forward with the depositories now.

P.O. LINDSAY:

Life is wonderful. We have a motion and a second.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Does this differ from what we did last year and have we added new depositories?

P.O. LINDSAY:

If I recall, we had passed a bill late last year, Counsel, to add requirements to the depositories that they do counseling of Suffolk County residents as far as borrowing processes and responsibility, and some of it was found to be very onerous by the banks and we had it revised a little bit to make it practical. But Counsel, you want to add to that?

MR. NOLAN:

Well, that's basically correct. This resolution has been held up because the depositories had difficulty complying with that resolution from last year. So Legislator Horsley has been in discussion with those folks, they've come up with some amendments to that resolution in terms of the requirements for counseling for credit. That law will now have a new effective date next year. So now this is the original resolution from our Organizational Meeting designating the depositories. I don't know, I think your question was are the depositories from this year different from last year; I just don't -- I don't recall. This has been going on for so long.

LEG. ALDEN:
Through the Chair?

P.O. LINDSAY:
Legislator Horsley? Could you -- was it you that was -- who wanted to talk?

LEG. ALDEN:
I did.

LEG. HORSLEY:
No, let's go.

P.O. LINDSAY:
You're not done, Legislator Alden?

LEG. ALDEN:
Well --

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
-- through the Chair. Legislator Horsley, you vetted all these and actually looked at -- none of these guys are on the watch list or they've all got the proper capital requirements, things of that nature? We don't run any risk of --

LEG. HORSLEY:
Yeah, I did not handle that end of the consult. What we were dealing with was asking these banks to certify that they were going to have -- provide counseling for anyone that was entering a bank for a mortgage or for a new account or whatever, or provide them with a list of respective counselors so that they could get a counselor from a certified and proper way of -- the actual individual banks, I did not explore.

LEG. ALDEN:
Oh, okay. Your first part, your first answer, I already got that.
But the second part would be more important even than the first part --

LEG. HORSLEY:
Good.

LEG. ALDEN:
-- whether these banks are -- you know, whether they're solvent, whether they're in compliance, whether they're on a watch list, that type of thing. Because the Presiding Officer told me we're going to be taking that other issue up later on. So we don't know if they're in compliance, and who does that check?

P.O. LINDSAY:
The Treasurer.

LEG. ALDEN:
Okay, thanks.

P.O. LINDSAY:
Okay. We have a motion and a second?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Abstentions: Legislators Romaine & Alden).

P.O. LINDSAY:

1205-09 - Enhancing Administrative Budget Deficit Control (County Executive).

LEG. BEEDENBENDER:

Motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to table by Legislator Beedenbender, second by Legislator Viloría-Fisher. All in favor?
Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

1225-09 - Authorizing the County Executive to enter into an Intermunicipal agreement with the Town of Brookhaven in connection with the maintenance of a parcel located on Swan Lake County Park (Eddington).

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Eddington. Seconded by Legislator Browning. All in favor? Opposed?
Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1239-09 - Authorizing a cell tower at the Vanderbilt Museum (Cooper).

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher, seconded by Legislator Cooper. Any discussion? Did you want to say something, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah. Just, Jon, can we -- I'm sure you've looked into the issues, the aesthetic issues there and how it might affect the park. And just if you have any response; is the money going to Vanderbilt, is the money going to the General Fund? And thirdly, are there any issues of alienation of parkland? Because this has come up with cell towers before.

LEG. COOPER:

No issues of alienation of parkland. Aesthetics shouldn't be an issue, there are so many types of cell towers that you can put up, it really would not be obtrusive. We've already discussed this with many of the neighbors around the Vanderbilt, they all seem very supportive. What was your last question?

D.P.O. VILORIA-FISHER:

Money.

LEG. SCHNEIDERMAN:

No, whether the money would be going to Vanderbilt.

LEG. COOPER:

Oh, and the monies would be --

LEG. SCHNEIDERMAN:

Because there are significant revenues from cell towers these days.

LEG. COOPER:

Yes, hopefully between a hundred and \$150,000 annually, and the money will be going to the Vanderbilt.

LEG. SCHNEIDERMAN:

This is my last point. Because you are right, there are so many designs and there are some that are so awful, you know, these large lattice towers versus some of the ones that are within structures, they're designed to be compatible with some of the historic buildings there. So I just would advise that you proceed carefully with some architectural advisement in terms of how it should be designed.

LEG. COOPER:

Ultimately, I think the decision would be made by the Board of Trustees. But whatever the final decision is, it will certainly be aesthetically pleasing.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman, just to add to that. As you know, Noel Gish has really been taking the lead in exploring this and his background is with, you know, the historical -- Suffolk County Historical Society. He's very sensitive to that and I think it's really one of his priorities, to make sure that the aesthetics fit with the aesthetics of the Vanderbilt Museum.

P.O. LINDSAY:

Okay. No other comments or questions? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1259-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with storm water remediation at various County Roads, CR 96, Great East Neck Road at Evergreen Street (CP 8240).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley, seconded by Legislator Gregory.

LEG. ROMAINE:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Romaine and then Alden.

LEG. ROMAINE:

Yes. At the last meeting I asked why we were amending our Capital Budget & Program, what -- when a project of this nature should be funded out of 477 Funds, and I don't believe I got a sufficient answer.

And the other question I had, if we're amending our Capital Budget & Program, what is the offset that we're taking money away from to fund this program? So those are the two questions that I would leave out there.

I asked the first question at the last meeting and I think people agreed around the horseshoe, that why wasn't this 477 money? Why are we going into bonded indebtedness to fund a program that would seem to be perfect for 477?

P.O. LINDSAY:

Ms. Vizzini, do you have -- can you shed some light on either one of those questions?

LEG. ROMAINE:

While Ms. Vizzini is getting ready for the answer, I would simply say that the next one is the Bonding Resolution, this is for \$50,000. Why would we bond a project for \$50,000? This is definitely something that would seem to fit the requirement of 477.

MS. VIZZINI:

Mr. Presiding Officer, the offset is Capital Project 5538, it's the reconstruction of CR 13, Fifth Avenue, from Montauk to Spur Drive. There's \$50,000 in the current Adopted '09, so we're bringing it down to zero. That was for land acquisition, which I believe the testimony was we no longer needed that money.

P.O. LINDSAY:

The second question, maybe, Mr. Anderson, you could answer?

The question was on 1259, County Road 96.

COMMISSIONER ANDERSON:

Uh-huh.

P.O. LINDSAY:

I guess storm water remediation, why that isn't a 477 project.

COMMISSIONER ANDERSON:

Actually, I was on the phone, sorry. I was going to ask if we could withdraw this resolution, we're resubmitting it to get the funds through the 477.

P.O. LINDSAY:

That's a wonderful thing. Would you -- Legislator Horsley, would you like to remove your motion?

LEG. HORSLEY:

Yes, I would be happy to.

P.O. LINDSAY:

Yes, okay. I'll make a motion to withdraw, and I'm sure seconded.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it stands withdrawn.

LEG. MONTANO:

The bonding, too; right?

P.O. LINDSAY:

And then the Bond becomes moot.

Page eight, **Budget & Finance:**

1024-09 - Adopting Local Law No. 2009, A Charter Law to impose further controls on County debt and debt service payments (Gregory).

LEG. GREGORY:

I make a motion.

P.O. LINDSAY:

Motion to approve by Legislator Gregory. Do I have a second?

LEG. ROMAINE:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender.

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

Explanation is being asked for by Legislator Montano.

MR. NOLAN:

This law would amend the Charter. As everyone knows, we have a law in place that states that during the budget year, if we seek to amend the Capital Budget & Program to increase spending on a project, there has to be a corresponding reduction in another project or the same project. This law

amends that Section of law to state that Federal aid and State aid that's created in Capital Projects cannot be used as an offset for increases.

P.O. LINDSAY:

I have a question, though. Is this -- this doesn't require a referendum? I mean, when we -- we made a change a couple of years ago where we couldn't use Sewer District money as an offset for Capital money and that had to go to referendum; this doesn't?

MR. NOLAN:

Well, at that time I did opine that we did not have to do a referendum in that particular case, but there were people on the Executive's side who were insistent that we needed a referendum, so it was. In this particular case, with this particular law, there's absolutely no need for a referendum.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would you please list me as a cosponsor on that legislation?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1283-09 - Adopting Local Law No. 2009, A Charter Law to establish a fiscally-sound flexible policy for budget volatility (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. On the question, Legislator Romaine.

LEG. ROMAINE:

First I would like an explanation. And second, I would like to know if this is subject to permissive referendum.

MS. VIZZINI:

As far as the explanation, you know, as was addressed to all of you in our memo regarding the various resolutions to address the budget shortfall, this one gives you discretion. Right now 25% of the Discretionary Fund balance has to be deposited in the Tax Stabilization Reserve Fund unless there is at least \$120 million in Tax Stabilization Reserve. This legislation, this change to the Charter, would give you the discretion through '09, 2010, '11 and '12 not to have to make that deposit into Tax Stabilization Reserve.

Had we had to make it in 2009, if we were not at the 120 million, 25% of the Discretionary Fund balance, because the calculation is made based on '07's fund balance, would have been another \$35 million deposited in Tax Stabilization Reserve.

P.O. LINDSAY:

And what that would have meant is that we just pooled a remediation -- legislation to take 30 million out of reserve so we didn't have to lay more people off, and if we had to put 35 back it would have been a net of minus five. Legislator Romaine, does that answer your question?

LEG. ROMAINE:

Again, the referendum question, but before that, let me go back to Ms. Vizzini. Do we have \$120 million in the Tax Stabilization Fund?

MS. VIZZINI:

Well, you approved IR 1284, I don't remember what the Resolution No is, but we approved that to access mid-year because of the unanticipated shortfall of 30 million. So we have reduced the Tax Stabilization Reserve Fund by 30 million.

LEG. ROMAINE:

Is that below 120 million?

MS. VIZZINI:

We would probably be down to about 90 million.

LEG. ROMAINE:

So it is below that and then we would have an obligatory set of circumstances where we would have to dedicate 25% of the fund balance to the Tax Stabilization Fund.

MS. VIZZINI:

Twenty-five percent of the Discretionary Fund balance, yes.

LEG. ROMAINE:

Discretionary Fund balance, right.

MS. VIZZINI:

This gives you the choice, this gives you flexibility. You could still do it, but this --

LEG. ROMAINE:

Gives us an option whether we wish to do this or not.

MS. VIZZINI:

It gives you at least an option for those '09 to 2012.

LEG. ROMAINE:

And that's a majority vote that is required? If there isn't a higher vote, then a majority vote on the option, the way the resolution is written?

MR. NOLAN:

It's just a majority vote, there's no super majority that's required.

LEG. ROMAINE:

And does this -- is this required, does this require a referendum? Since I believe the Tax Stabilization Fund was created via referendum and since we're changing the nature of the Tax Stabilization Fund, does this require a mandatory permissive referendum?

MR. NOLAN:

No, for the same reason as for the prior resolution. While this section of our Charter was in the past may have been enacted and amended by referendum, money subject to a referendum is governed by State law. This has been my opinion for the last three or four years consistently; this law is not

subject to a referendum, no.

LEG. ROMAINE:

Has the Executive differed with that interpretation that you have made?

MR. NOLAN:

On this --

LEG. ROMAINE:

In the past.

MR. NOLAN:

On this particular bill, no. It's their bill, so it doesn't have a referendum.

LEG. ROMAINE:

No, no, I understand that. But in the past you've made the similar rulings and have they disagreed with your viewpoint based on State law?

MR. NOLAN:

Well, I wouldn't say necessarily the County Executive -- yes, they have disagreed with me in the past.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Maybe, George, you might know the answer to this. Does this require any special declaration to make this law operative? In other words, does somebody have to declare that we're in a fiscal imperiled situation or there's a fiscal emergency?

MR. NOLAN:

No, there's no requirement that we do that to enact this particular law, no.

LEG. ALDEN:

Okay. Without that, that's the end of really that rainy day fund, so to speak.

P.O. LINDSAY:

Anybody else?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

As I understand from reading the bill, this particular legislation gives us flexibility over the years 2010, '11 and '12 in terms of whether or not we have the resources to add to this reserve fund; correct?

MS. VIZZINI:

Yes.

LEG. BARRAGA:

All right. Now, after 2012, starting in 2013, as I understand it, the Legislature will make a determination on an annual basis as to how much goes in the reserve fund?

MS. VIZZINI:

Once we go to 2013 --

LEG. BARRAGA:

Yes.

MS. VIZZINI:

-- we're back to the mandatory requirement.

LEG. BARRAGA:

Yeah, the normal parameters up to 120 million.

MS. VIZZINI:

Yes; all things being equal, yes.

LEG. BARRAGA:

Okay. So it isn't as if we're doing away with the reserve fund or rainy day fund, we're just giving ourselves flexibility over a very difficult time period in the next three years so we don't have to come up with 30 or 35 million every year if we don't have it and the economy doesn't improve.

MS. VIZZINI:

Yes. I mean, the fund balance itself is shrinking, so the dollar amount is probably not going to be at that \$35 million magnitude. However, you're absolutely right, this gives you the discretion, once we hit 2013 we're back to the way it was.

LEG. BARRAGA:

Because we're sort of fighting against ourselves. If we were at 120 and now we're down to 90, and say we have to dip into that reserve fund again next year, at the same time we're dipping into it we have -- right now we'd have an obligation to put additional money into it as well, right?

MS. VIZZINI:

This is definitely a policy decision.

LEG. BARRAGA:

Yeah. All right. Okay, I don't have a problem with the bill.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I didn't want to be recognized.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Alden.

LEG. ALDEN:

This actually does something that we did -- and I'm going to just cite back to something similar. And we really weren't in that fiscally challenged time when we did away with our pay-as-you-go program, and we've never returned to the pay-as-you-go program. Again, this next question would be for George; are we legally bound to pay back the money we take out of this reserve fund?

MR. NOLAN:

To pay back Tax Stabilization Reserve when we take money out?

LEG. ALDEN:

Right.

MR. NOLAN:

No.

LEG. ALDEN:

So what we're doing now is without looking at the circumstances for three years, we're authorizing a reduced scrutiny and really taking away the legal obligation that's established in law, in Charter, to put money into the Stabilization Reserve Fund. Why wouldn't that be done on a case-by-case basis or even on a year-by-year basis? Why would we take action now for the next three years? I just don't understand. Because then my statement still stands, that in essence that's the end of the reserve fund.

P.O. LINDSAY:

Okay. We have a motion and a second?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

Okay, with that, it's the bewitching hour. I will adjourn until 2:30. Thank you.

*(*The meeting was recessed at 12:35 PM & was reconvened at 2:38 PM*)*

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please?

Okay, Mr. Clerk, please call the roll.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

(Not present).

LEG. HORSLEY:

(Not present).

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Eleven (Not Present: Legislators Romaine, Alden, Barraga, Kennedy, Nowick, Horsley & Cooper).

P.O. LINDSAY:

Okay. We'll go into our Public Hearings. I need cards. Could someone, the Clerk get the cards into us, please?

First up is *Public Hearing on IR 2025-08 - A Local Law to promote accurate cost estimates for Capital projects (D'Amaro)*.

MR. LAUBE:

That's why, there's only one.

P.O. LINDSAY:

Only one card, that's a wonderful thing, and it isn't for 2025.

I have no cards on 2025. Is there anyone in the audience that would like to speak on 2025? Seeing

none, Legislator D'Amaro?

LEG. D'AMARO:

Motion to table.

P.O. LINDSAY:

Motion to table. I'll second that.

LEG. D'AMARO:

Recess rather.

P.O. LINDSAY:

Recess; you said table, I went along with it. Motion to recess.

I'll second that. All in favor? Opposed? Abstentions? Did you call the vote?

MR. LAUBE:

Twelve (**VOTE AMENDED: Eleven (Not Present: Romaine, Alden, Barraga, Kennedy, Nowick, Horsley & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1139-09 - A Local Law to ensure safe operation of helicopters (Romaine). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

You know, I'm going to move to close this so that the Public Works Committee can start addressing this --

(*Laughter From Panel*)

-- so that it can be before us hopefully in June. I would hope the Public Works Committee would vote it out so that there can be a full and adequate discussion --

D.P.O. VILORIA-FISHER:

And robust.

LEG. ROMAINE:

-- and we can dispense with this early on at our second meeting in June in Riverhead.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

How did I know that it was going to be Riverhead? Okay, we have a motion to close 1139 and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (**VOTE AMENDED: Fifteen (Not Present: Legislators Alden, Kennedy & Cooper).

P.O. LINDSAY:

Okay, ***Public Hearing on IR 1231-09 - Increase and improvement of facilities for Sewer District No. 3 - Southwest (Infrastructure Improvements, CP 8170)***. I have no cards on this

subject. Is there anyone in the audience who would like to speak on this subject?
Seeing none, I guess I'll make a motion to close.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Alden, Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1232-09 - Increase and improvement of facilities for Sewer District No. 3 - Southwest (Ultraviolet Disinfection, CP 8132). I have no cards on this subject. Anybody wish to speak on this subject? Seeing none, I'll make a motion to close. Seconded by Legislator Horsley?

LEG. HORSLEY:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen -- sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

And I don't know whether there's a scrivener's error on the next one, it has the same --

MR. LAUBE:

It's 1233.

P.O. LINDSAY:

1233, okay; that makes sense, instead of two 1232's.

Public Hearing on IR 1233-09 - Increase and improvement of facilities for Sewer District No. 3 - Southwest (Infiltration/Inflow Study/Sewer Rehabilitation, CP 8181). I have no cards on this subject. Anyone wish to speak? I'll make a motion to close, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1290-09 - A Local Law to enact a grading policy for food establishments (Losquadro). I have no cards on this subject. Anyone in the audience wish to address us on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1311-09 - A Local Law to implement a Red Light Camera Program (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1314-09 - A Local Law to authorize County Registry for domestic violence offenders (Gregory). I have no cards on this subject. Anyone in the audience wish to speak on this subject? Motion --

LEG. GREGORY:

I think someone might have just walked in, so if you make your announcement again?

P.O. LINDSAY:

Okay. 1314, is there someone in the audience that would like to speak on 1314, the registry for domestic violence offenders?

LEG. MONTANO:

Who's the sponsor on this?

P.O. LINDSAY:

I think DuWayne.

D.P.O. VILORIA-FISHER:

DuWayne.

P.O. LINDSAY:

Gregory.

LEG. GREGORY:

I make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1316-09 - A Local Law to clarify Seven Day Rule requirement (D'Amaro). I have no cards on this subject. Anyone in the audience wish to speak on this subject? Seeing none, Legislator D'Amaro? The seven day rule.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion --

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Close, close.

LEG. D'AMARO:

Motion to close.

P.O. LINDSAY:

You almost had me doing it again.

D.P.O. VILORIA-FISHER:

Wrong choice.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. LOSQUADRO:

On the motion, Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I know we're not debating the bill, but just so Legislator D'Amaro is aware. When this comes back before us, I think we're going to need some clarification on the clarification. So maybe you could even get in touch with me prior to the next meeting, because I don't -- I believe that's in Ways & Means and I don't serve on that committee, so. I'd appreciate it.

LEG. D'AMARO:

Sure, no problem.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR No. 1327-09 - A Charter Law to establish a new process for adopting the Suffolk County Community College Operating Budget (Horsley). And I do have one card, Lori Ann Taggart.

MS. TAGGART:

I'm the only card today. Good afternoon, Presiding Officer Lindsay, Members of the Suffolk County Legislature. First I'd like to thank you for acknowledging earlier today our student award winners from Suffolk County Community College. We really appreciate that. I know that several students weren't able to attend because it's finals week, they have other commitments. I would be happy to take any proclamations that you still have with me today and make sure that the students get them, or if you would like to mail them to me at the Selden Campus I'd be happy to take care of them as well.

I'm here today to present information as you consider IR 1327 which would codify the process for adopting the college's operating budget. The college has significant concerns regarding the timeframes outlined in the resolution as currently drafted. IR 1327 proposes a continuation of the existing practice of having the college budget receive final County approval by August 31st of each year.

During testimony presented last year to the Charter Revision Commission or committee and again during recent negotiations during the Memorandum of Understanding of Procedures with the County, the college has emphasized the need to have the timeline for the annual approval of our operating budget concluded by the end of June. As we stated then and as I reiterate today, the practice of adopting the budget mere days before or potentially days after the start of the college's Fall Term places the college and its students at a significant disadvantage. From a fiscal and cash flow perspective, the college must send out bills for tuition and fees by mid July for payment by students two weeks prior to the start of the Fall Semester. Student's bills are based on the tuition and fees approved by the Board of Trustees which are included in the budget submitted to the County. Should the budget total change significantly from the proposed amount, the Board of Trustees could be required to make adjustments to tuition and fees after the bills have already been paid, thus requiring amended bills or refunds to be processed and mailed to more than 23,000 students. Such changes could also impact student's financial aid packages and their personal financial planning.

Of even greater importance, and depending on the final budget total adopted by the Legislature, the college could conceivably find it necessary to limit enrollment by cancelling multiple sections of classes, thus jeopardizing the higher education plans of our students, essentially locking them out of courses at the last moment without sufficient time to make alternative educational plans. In order to streamline the budget approval process and provide reliable information to students, the college and the County agreed in the recently approved Memorandum of Understanding to the simultaneous submission of the proposed operating budget to the County Executive and to the Legislature, along with a joint meeting of all parties to concurrently discuss the institution's operating budget request.

Additionally, the college recommended and the County agreed to hold quarterly meetings to discuss the college budget with both the Executive and Legislature to ensure an ongoing, transparent and open dialogue regarding fiscal matters throughout the year. Simultaneous submission of the budget to the County Executive and the Legislature, combined with an ongoing exchange of fiscal information, we believe should help accelerate the review of our budget.

The college does respectfully request that the institution's budget be adopted by the end of June. To accomplish this, the college proposes, as it had to the Charter Revision Committee last year and again as part of recent MOU negotiations, to submit its budget no later than April 15th of each year and requests that the County Executive submit his recommended budget total to the Legislature by May 15th. We believe that this timeline would allow the Legislature to consider the budget at its first meeting in June and, if necessary, allow it to act on any veto at its second June meeting.

We appreciate your consideration of this request as the college seeks to enhance the efficiency of its operations and ease the burden and the stress of last minute budget changes on our students, while providing sufficient Budget Review opportunities for this body and for the Executive Branch of County government. Thank you for the opportunity to present the college's concerns with IR 1327.

P.O. LINDSAY:

Thank you, Ms. Taggart. If you could just come back for a second because Legislator Viloría-Fisher has a question for you.

MS. TAGGART:

Okay, I'll try to answer it.

D.P.O. VILORIA-FISHER:

Thank you. And you timed that so well, you had twenty seconds left.
Lori, I was at the meetings where we worked out a lot of the issues with the college and the County.

MS. TAGGART:

Uh-huh.

D.P.O. VILORIA-FISHER:

And I just want to be certain that -- and I get it with regards to the academic year --

MS. TAGGART:

Right.

D.P.O. VILORIA-FISHER:

-- as opposed to our calendar year.

MS. TAGGART:

Uh-huh.

D.P.O. VILORIA-FISHER:

And the problems with trying to get the bills out and the registration, utilization, the whole thing --

MS. TAGGART:

Right.

D.P.O. VILORIA-FISHER:

-- that rests on the budget being approved. But I thought -- and I asked Robert to come in, because I thought that Budget Review had said that there might be a problem getting to it because we're in the middle of the Capital Budget at this time. And I just wanted to pass that by Robert again, because our Budget Review Office works very hard and they juggle many, many issues and I wanted to make sure that this wasn't something that was going to be an undue burden on them and that we would be able to have a good, close scrutiny of the budget before we voted on it. Robert?

MR. LIPP:

Yes. Our view is we will be able to handle it. Will we be able to do the level of scrutiny that we did in the past? No. But given the change in agreement -- and it's up to the college to make a determination, the college board, whether or not they want to make any changes other than the contribution -- we think we'll be able to handle it. We have been meeting with the college and we believe moving forward it will work out. Of course, this being the first year, there may be some bugs and we'll have to work it out. But we're confident that there won't be a problem.

D.P.O. VILORIA-FISHER:

Robert, do you think that those -- or Gail is here now. Do you think that those quarterly reports that we have in our agreement will help in making this a smoother process at this time of the year?

MS. VIZZINI:

Yes, I do. I think they'll be very constructive. And as we feel those medias are necessary, we'll initiate the process.

I do want to add to what Robert said. One of the reasons that we are able to get to the review of the college budget is because this year it's very straight-forward; I don't expect that that's going to be the case forever. I think there will be discussions over the level of the County contribution, I think there will be information that should be presented not only to you, the Legislature, but the Board of Trustees also uses our report to understand some of the things from another perspective. So that's why I was not particularly enthusiastic about agreeing to a date that would require us to

always do it early June, but we are really trying to do as much as we can.

D.P.O. VILORIA-FISHER:

Isn't this requiring you to do it by a certain date in early June?

LEG. HORSLEY:

Yes.

MR. NOLAN:

The problem that the Community College has is that it still has a drop-dead date of August 31st.

LEG. HORSLEY:

Right.

MR. NOLAN:

Which is consistent with the agreements that were negotiated with the college recently. We had a lot of conversation with the Budget Review Office about the idea of moving forward that date. It was thought best, at least in this initial draft, to leave it as August 31st as an outside date. That doesn't mean we're not going to be able to do the budget for the community college in June, we might be able to do that this year. But to leave a long outside date, as Gail said, in those instances where it's not so simple what we do with the community college, and of course we normally are not here in July which is another complicating factor and the community college and the Capital Budget are done at the same time. So that's why we left it at August 31st as a drop-dead date.

D.P.O. VILORIA-FISHER:

Okay, but we're trying to get it done in June. We're aiming for June but we have flexibility.

MR. NOLAN:

Right.

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

Okay. All right, thank you, Gail. I asked you the question but didn't let you answer. Thanks, Lori.

MS. TAGGART:

Thank you.

P.O. LINDSAY:

Okay. Nobody has any other questions? Does someone want to make a motion; Legislator Horsley?

LEG. HORSLEY:

Motion to close.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 1347-09 - A Local Law banning e-cigarettes in Suffolk County (Cooper). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject?
Seeing none, Legislator Cooper?

LEG. COOPER:

I would like to make a motion to close, please.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 1410-09 - A Local Law to amend the Living Wage Law and establish a new date for Cost Of Living Adjustments (Presiding Officer Lindsay). I have no cards on this subject. Anyone in the audience like to speak? Please come forward and identify yourself.

MS. ALLEN:

Thank you. I'm Janet Allen, Program Director at the Suffolk Community Council. Judy Pannullo was sorry, she had another obligation this afternoon that she couldn't be here.

The council has been looking at many procedures having to do with not-for-profit contracting with the County for five or more years, and so we want to thank Legislator Lindsay for introducing this proposal to begin to conform the Living Wage Law increase date with the budget cycle itself. We feel that it will save lots of staff and personnel time, both for the County and for the not-for-profit agencies, those endless budget modifications and other things. And we hope that the budget process that will start in the fall for the County and the not-for-profit agencies can work closely together so that there will be adequate funding available for the agencies that are affected by this law so that they can fully comply with it at its new starting date of January. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much. Is there anybody else in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 1415-09 - A Local Law banning the sale of drop-side cribs in Suffolk

County (Horsley). I have no cards on this subject. Is there anyone wishing to speak on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on Procedural Motion No. 9-2009 - Authorizing the inclusion of new parcels into existing agricultural districts in the Towns of Brookhaven, Riverhead, Southampton and Southold (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Okay.

D.P.O. VILORIA-FISHER:

We closed that already.

P.O. LINDSAY:

Back to Procedural Motion No. 9, I'm going to make a motion to recess. Second by Legislator Stern. All in favor? Opposed? Abstentions ?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That is it on our Public Hearings. We have one woman that has shown up late on the Domestic Violence Registry. Being we've had such a short, you mind if we let her speak being that she came here?

D.P.O. VILORIA-FISHER:

Not at all. Anything for Pam.

P.O. LINDSAY:

Okay. Pamela Johnston? It is -- we've already closed the Public Hearing, but go right ahead.

MS. JOHNSTON:

I am sorry, I couldn't get here any sooner.

D.P.O. VILORIA-FISHER:

We recessed it.

P.O. LINDSAY:

Oh, okay.

MS. JOHNSTON:

I just wanted to speak to Legislator Gregory's resolution on offering a Domestic Violence Offender

Registry, and I just wanted to make some cautionary statements.

I think it's a wonderful concept to have information available to the public about people who might be dangerous and cause some kind of threat, particularly to women who might be dating, sometimes women who are newly divorced and are trying to figure out how to do dating after a lot of time and they want to find out about people that they might be interested in or even meet on the Internet, but we have some concerns about a public registry like this. And so in crafting such a bill, I would hope that these things would be kept in mind. And I met with -- along with the other domestic violence programs, we met with Legislator Gregory yesterday, so he, you know, has heard this already. But I just wanted to bring up some things, I did a little more research.

We're concerned that some survivors names might end up in a registry. There's a lot -- in domestic violence there's a lot of cross-filings and sometimes both parties end up with orders of protection which really shouldn't happen but do happen sometimes, particularly when there's a contentious marital proceeding going on and an arrest on a violation of an order of protection is a felony, so could result in an arrest and so it's possible that some survivors might actually end up on a registry. Often offenders are never arrested, so the registry could never be a comprehensive list, and I think we understand that. But it could give the public a false sense of security. It can raise a lot of victim blaming in a case when a survivor does check a database but decides to date somebody anyway, because sometimes these abusers can be very smooth and convince somebody, "Well, I had a drinking problem that's been resolved," or, "I was wrongly convicted." It could be a deterrent to victim reporting if a victim who is still financially dependent on the abusive partner fears that he would lose his job or be denied employment as a result of being on a public registry.

But I think all of those things could be resolved and probably there'd be a greater good in having a registry, but I think one of our biggest concerns is confidentiality. Most victims of domestic violence do not want the public to know what to them is still a private matter. Abusers on a public registry can easily be linked to their family members, outing both the victim and the children. And then a further concern with the confidentiality, victim's confidentiality is protected in the Federal Violence Against Women Act. All grantees of the Violence Against Women Act funding must ensure the highest level of confidentiality to victims. Suffolk County Probation Department and the Suffolk County Police Department are both recipients and/or administrators of Violence Against Women funding and some of that funding comes to VIBS, The Retreat and the Suffolk County Coalition Against Domestic Violence.

So any type of domestic violence registry should protect victim's confidentiality or risk putting these funding -- these funds in jeopardy. And I have some information and -- I did some more research since we talked and got some stuff in writing about the confidentiality and I could give that to you at another time, e-mail it to you so that you can, you know, share that with whoever you need to, but I did want to follow up and show up. And I'm sorry to be late and I really appreciate you hearing me out even though I did not get here on time. So thank you.

P.O. LINDSAY:

Thank you, Ms. Johnston.

Okay, that concludes our Public Hearings. I want to set the date for the following Public Hearings of June 9th, 2009, 2:30 PM in the Rose Caracappa Auditorium in Hauppauge; IR 1418, a Local Law to reduce the use of disposable bags by retail stores. And that's all I have.

Back to the agenda, we're on page eight, **Budget & Finance:**

1344-09 - To amend Resolution No. 905-2008, to enhance consumer responsibility and ensure depositories informed transactions (credit) to Suffolk County (Horsley). Legislator Horsley? Horsley?

LEG. HORSLEY:

Sorry.

P.O. LINDSAY:

You want to make a motion? 1344, credit.

LEG. NOWICK:

Budget & Finance.

P.O. LINDSAY:

It's your bill on credit advice.

MR. PERILLIE:

It's the new bill?

D.P.O. VILORIA-FISHER:

Yes, the new bill.

LEG. ALDEN:

Take your time, Wayne, we have all day.

LEG. NOWICK:

That's your bill.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. HORSLEY:

My apologies.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consumer protection:

1282-09 - Adopting Local Law No. 2009, a Local Law to enhance public safety by regulating the secondary gem market (Kennedy).

LEG. KENNEDY:

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

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy, seconded by Legislator Alden. Any discussion? Okay. All

in favor? Any Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Gregory).

LEG. ALDEN:

List me as a cosponsor, please.

Economic Development, Higher Education & Energy:

P.O. LINDSAY:

1251-09 - Adopting Local Law No. 2009, a Local Law setting lease terms pertaining to leases for real property acquired for airport use (County Executive). And I assume that's why Mr. Heaney is here and Mr. Rechler; the whole crew is here, okay. I'm going to make a motion to approve --

D.P.O. VILORIA-FISHER:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

-- the terms of the lease. Seconded by Legislator Viloría-Fisher?
Any questions?

LEG. ALDEN:

Explanation?

P.O. LINDSAY:

Yes, okay. George, you want to explain it? And then we have a whole host of people that can help you out with this.

MR. NOLAN:

In our code there's a limitation on leases of 40 years. What this bill does, it amends that provision to state that there is a four year limit except within the Airport Plan Development District it can be leased for an initial term of 40 years and there can be an option for an additional 40 years, and that is what this particular law does.

P.O. LINDSAY:

And if I could just expand on that. The reason for this, and we've met with Economic Development and there was testimony here at committee, the Rechlers, through Rechler Equity, has been selected as the main developer there and they're going to invest a tremendous amount of money in the infrastructure as well as the buildings, but they needed a longer term to justify their spending that kind of capital. At the end of -- if they should renew the lease -- if I'm saying something wrong, you guys correct me -- that at the end of the lease extension, the properties revert back to the County.

LEG. ALDEN:

Through the Chair. The primary statements of the lease, if they could be put on the record. Because it's a little hard to predict four minutes from now as opposed to even 40 years from now and now it's 80 years from now. So what are the terms of the lease?

P.O. LINDSAY:

Ms. Fahey, can you --

MS. FAHEY:

It's 40 years with a 40 year option, at year 38 they have to write that they want the option of the second 40 years. And they have to be a tenant in good standing and have met all of the scheduling criteria that's laid out in the lease.

LEG. ALDEN:

And they're not going to pay us for the lease?

MS. FAHEY:

Oh, they are going to pay us for the lease. The lease has a payment schedule in the back that you have.

LEG. ALDEN:

I don't have that with me, so.

MS. FAHEY:

It's Resolution 1372 that you have in front of you in a few minutes.

LEG. ALDEN:

Wait a minute, I'm going to have it in a few minutes or we have --

P.O. LINDSAY:

There's multiple bills having to do with this. The first one extends to use the second 40 year option. The lease itself is down three resolutions, it's 1372.

LEG. ALDEN:

Okay. To vote on this extension of 40 years, if I could just hear the terms of the first 40 years?

P.O. LINDSAY:

Okay. That's fair enough.

MS. FAHEY:

Which terms exactly?

P.O. LINDSAY:

1372.

LEG. ALDEN:

Okay. Well, now I know the term limit, right? So it's 40 years.

MS. FAHEY:

Correct.

LEG. ALDEN:

And then there would be an extension of another 40 years if it's in --

P.O. LINDSAY:

Do you have it handy, George?

LEG. ALDEN:

So just what's the payments?

P.O. LINDSAY:

Go ahead, he'll go over it with you right now. 1372, George.

MR. NOLAN:

Give me a second.

LEG. ALDEN:
Do you have it?

MS. FAHEY:
Yeah, we have the terms, if Counsel would prefer us.

LEG. ALDEN:
Good, because George is digging it out and maybe you could give us the terms.

MS. BRADDISH:
It's 55 acres, roughly. The term is 40 years from the commencement date. There are some interim periods from the effective date which is the signing time up until the commencement date which is really when they have their first building permit, because there's time for them to do some environmental studies and things like that. The rent schedule is attached at the back of the lease; do you want me to read that for you?

LEG. ALDEN:
Just give me what it starts at and what the escalator clause would be.

MS. BRADDISH:
There is not a -- there is not an escalator clause, it's a fixed amount through the schedule. But the first year is 572,275; however, that amount includes \$350,000 which is part of an up-front payment which will also include \$650,000 upon the commencement date. So there's a kind of an upfront million, and then the first year rent is actually -- what is that, two --

MS. FAHEY:
Two twenty-two.

MS. BRADDISH:
Two twenty-two.

LEG. ALDEN:
Okay. And it doesn't go up for 40 years? It just says --

MS. BRADDISH:
No, it goes up at a varying scale, basically every either two or four years, and that was --

LEG. ALDEN:
Approximately what was the percentage it would go up?

MS. FAHEY:
There isn't a percentage, but through year ten the County will receive over seven million through year ten, and through year 40 just about 38 million. So it goes incrementally up each year.

MS. BRADDISH:
And then in the -- for the 40th year, for the renewal, there is a procedure where a fair market estimation is prepared, but it's capped for their financing reasons, that was a financing requirement that they needed, that it wouldn't go over a certain amount more than 10% over the preceding year.

LEG. ALDEN:
I'm sorry, from year 40 on it wouldn't go up more than -- it's capped at 10%?

MS. BRADDISH:
For the first year, and then after that it escalates to every four years by --

MR. ZWIRN:

Carolyn?

MS. BRADDISH:

The fortieth -- I have to check that. I don't remember the -- the renewal period is at page 18, so me just take a look at that.

LEG. ALDEN:

And I'm also confused, this only goes up to -- okay.

MS. BRADDISH:

In the renewal period, it's 4% every five years. It's a ground lease, you have to remember; it's not for the buildings, it's only for the ground.

LEG. ALDEN:

Right, the current lease. Four percent every five years?

MS. BRADDISH:

Yes.

LEG. ALDEN:

All right. And this only hits a million dollars a year between years 21 and 25, unless there's some other payment that was included that you gave us.

MS. FAHEY:

No, that's correct. Each year it's a million dollars. Overall, for the 40 years it's almost 38 million.

LEG. ALDEN:

Oh, okay. That was overall accumulation of rents for 40 years.

MS. FAHEY:

Correct, for the 40 years.

LEG. ALDEN:

And that you established by fair market value for the land?

MS. BRADDISH:

Right. The original RFP process started with the fair market value appraisal that was prepared for the property

LEG. ALDEN:

What exception did they use for subsequent years? I mean, you can pretty much predict for a year, but for years going out, what assumption did you use as far as an escalator clause? You're not using a percentage and you're not using COLA, so what was the presumption on the ways of the value of that lease?

MS. BRADDISH:

I believe the proposal was 4% every five years.

LEG. ALDEN:

And how did somebody come to 4% over five years? Because inflation is going to be, or it could be possibly quadruple that.

MS. BRADDISH:

That was the submission through the RFP process.

LEG. ALDEN:

Oh, I see. So this --

MS. BRADDISH:

This was subject to an RFP. The proposals came in pursuant to an RFP.

LEG. ALDEN:

So we're approving a proposal from the developer.

MS. BRADDISH:

Correct. Well, no, they didn't propose the million dollars upfront, that was negotiated. The construction, if you recall in the beginning, I believe the project was for the County to do all of the infrastructure, whereas now the County is only doing the infrastructure for the main artery into the airport and the side arteries, which would go into the industrial park, will be constructed and maintained by Rechler.

LEG. ALDEN:

Okay. So how much is the County's investment in this and over how many years?

P.O. LINDSAY:

That's the next bill.

LEG. ALDEN:

I know, but I have to understand that to vote on 40 years after 40.

MS. BRADDISH:

It's roughly two-and-a-half million, but that's not just for the industrial park, that was required --

MS. FAHEY:

No, that's the industrial park.

MS. BRADDISH:

Oh, that's just the industrial?

MS. FAHEY:

Yeah. The County's contribution to the infrastructure and the industrial park is about two-and-a-half million. It was estimated to be about seven if we were to do it all on our own. So the County's only incurring two-and-a-half million out of the seven million and Rechler will borne the rest.

LEG. ALDEN:

And we're going to do that by bonds?

MS. FAHEY:

Yes.

P.O. LINDSAY:

Okay? Legislator Barraga.

LEG. BARRAGA:

When the RFP went out, was that predicated on a 40 year lease?

MS. BRADDISH:

Actually, no. It was predicated, I believe, on a 20-year lease, but the respondents all came back with the same --

LEG. BARRAGA:

They wanted 40.

MS. BRADDISH:

Forty plus 40.

LEG. BARRAGA:

They all wanted 40 plus 40.

MS. FAHEY:

For financing purposes, yeah.

LEG. BARRAGA:

And if Rechler doesn't get this, are they saying they'll walk?

UNKNOWN AUDIENCE MEMBER:

Yes, we will walk.

MS. BRADDISH:

They'll answer that.

D.P.O. VILORIA-FISHER:

They're nodding yes.

P.O. LINDSAY:

Anyone else? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a little clarification on the last point. When the RFP was done it was -- was there a specific lease term? My concern is that if the lease term is changed, that changes the whole RFP so that other bidders might have, you know, looked at that short lease and said, "No, we'll never be able to amortize our investment there," and with a longer lease, then they may have participated in the RFP. So I just want to make sure that everybody had an equal opportunity here and this wasn't changed after the fact.

MS. FAHEY:

No, I don't believe that there was a specific term noted in the RFP. But both accepted respondents came back with 40 plus 40 in order to be able to recoup their investment and access the financing necessary.

LEG. SCHNEIDERMAN:

So the original RFP packet did not specify a lease term, it just said, "Tell us what you want and what you're going to offer?"

MS. FAHEY:

No. Well, keep in mind that the RFP wasn't just targeted towards developers, it was also targeted towards individual businesses if they wanted to respond, so we needed to leave the term open for them to be able to respond also. If an individual local business wanted to respond and ask for three or five acres, they had the ability to and the ability to request a term that worked for them.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I think I got the answer to one part of it, and that's two -- you had two responses?

MS. FAHEY:

We had two accepted responses.

LEG. ALDEN:

And that means?

MS. FAHEY:

We had, I believe, five responders of which three were disqualified because they didn't give proposals, they gave letters or just, you know, letters of intent, but not -- but didn't submit the necessary documentation.

LEG. ALDEN:

Okay. On a proportionate basis, how much of our remaining space that we can develop in this park, how much does this represent?

MS. FAHEY:

This is 99% of the park. There are three and a half acres that AHRC sits on that is not included in this leasehold, but it includes the remaining balance of the industrial park. The Airport Planning Development District, that's zoned by the Town of Southampton.

LEG. ALDEN:

Was that in the original plan, to have one developer?

MS. BRADDISH:

Well, the RFP provided alternatives. It was either a developer who would develop and basically manage the park for us, you know, with the tenants, or there was also the ability to bid for individual units. We actually didn't get any respondents for that.

LEG. ALDEN:

So they're going to -- this respondent is going to manage the park for us also?

MS. FAHEY:

Correct.

MS. BRADDISH:

The business and technology park, they're going to rent their buildings, yes. We are not going to be involved in renting.

LEG. ALDEN:

And we'll just audit.

MS. BRADDISH:

Well, our only interest during the 40 years is the ground lease, not the building leases.

LEG. ALDEN:

And they're subject to which town's building codes?

MS. DEREN-BRADDISH:

That would be the Town of Southampton.

MS. FAHEY:

Town and New York State Building Code and the Town of Southampton Zoning, New York State Building Code.

LEG. ALDEN:

All right.

P.O. LINDSAY:

Okay. Anybody else? No? Legislator Kennedy.

LEG. KENNEDY:

Carolyn, this is just a question that maybe would have been more appropriate at the Economic Development Committee. But the structures that are being proposed by the principals at this point, you know, we're talking about any time we do any kind of construction now, looking at LEAD standards, looking at energy efficiency, even though we're not necessarily constructing, we're making land available for them to construct. I'm curious as to whether or not they've spoken at all about what the nature of the composition is that they're going to build.

LEG. HORSLEY:

Guys?

MS. FAHEY:

They did at the Economic Development Committee. But Greg Rechler can, you know, reiterate what he said.

MR. RECHLER:

Good afternoon. You know what? I'm sitting here listening, I think it would be a great time to actually introduce the project. I brought some handouts as to the design of the site and the design of the building. So let me hand these out, or have Carolyn hand them out.

P.O. LINDSAY:

Mr. Rechler, could you introduce yourself for the record, please?

MR. RECHLER:

Certainly. My name is Greg Rechler, I'm a manager partner of Rechler Equity Partners. For those of you who don't know, we're a 50-year old real estate development company here in Suffolk County and Long Island. We've developed some of the, you know, most major industrial parks here on Long Island, including the John B. Klein Industrial Park in Hauppauge in the 1960's and Airport International Plaza in the 1970's and '80's and, you know, much of the office and industrial space in Suffolk and Nassau County.

So we're thrilled that we were chosen to be the developer of choice for this project. And what we really did want to look at was, you know, the best use for the site and the best configuration and how to really serve the markets. The handout I am distributing now really outlines the master plan of the site. You know, the key elements here were flexibility and use, and as you can see, they're different size and shape buildings that will lend themselves to different uses, manufacturing, assembly, distribution, high-tech, movie studios as well as a hotel on the site. But more importantly, we've designed each of these buildings that they're flexible, and while they're rather large buildings ranging from 100,000 square feet to about 41,000 square feet, they're subdividable which means we could accommodate the smallest tenant in this community, you know, as low as 5,000 square feet and as big as 100,000 square feet. So we have complete flexibility in doing that.

If you turn the page, you'll see the design looks anything but, you know, than high-tech industrial building or a manufacturing building, and that's because we spent a lot of time talking with the town and the town Planning Department, understanding what they wanted to see within the park and they wanted something that was contextual that tied into the community that didn't feel like it was harsh and modern, which was fine. But we didn't want to do that without incorporating 21st Century technology and standards. And to that -- you know, to that extent this park will be a LEAD Certified park. You know, we will be incorporating those standards to accomplish that; I can't tell you which standard of LEADS we'll ultimately achieve, but it will be a LEAD Certified park and it will have 21st Century technology to communication, wireless communication and the like.

So as you can see, it looks like it's something that might have been here, you know, for the last

hundred years, but I assure you it has 21st century technology.

LEG. KENNEDY:

All right, thank you, Mr. Rechler. And as a matter of fact, now as Chairman Horsley reminded me when I saw the drawings, I do recall that you did speak towards some of the vision associated with this. And the fact that we'll have some of that energy efficiency built in to structures that will be on County property certainly is a plus.

Thank you.

P.O. LINDSAY:

Legislator Horsley?

LEG. HORSLEY:

Yeah, thank you. Greg, you want to come back for one second?

MR. RECHLER:

Sure.

LEG. HORSLEY:

My first question is how many jobs do you think this is going to produce into the neighborhood?

MR. RECHLER:

That's a great question. I think the range will be as little as -- you know, as maybe 600, as many as twelve hundred. You know, it really varies. We build these parks, we've had a lot of experience building the parks. We find the population could be, you know, as little as one-and-a-half employees per thousand square feet to four employees per thousand square feet, so it will depend on the ultimate usage as we rent it out.

LEG. HORSLEY:

And what type of businesses do you see coming in there? I mean, there's been talk about studios and the like, and of course the hotel and the like. Give a little description of what types of business you envision going into these and who have you talked to so far?

MR. RECHLER:

Great question. So really the first tenant of interest is actually a movie studio who's currently in Wainscot, you know, on the east end who expressed significant interest in 70,000 square feet, which would be -- you know, would really be an anchor tenant for this site.

In addition, we are talking to other tenants that are in the military security business, technology business, who are interested in actually coming out. At the same time, we also believe there are a lot of businesses that exist on the east end who are looking for, you know, class A space, you know, so bakeries, assembly companies, construction companies, show rooms. We really think this could be a major combination of all different types of uses and sectors.

LEG. HORSLEY:

Now, this -- I didn't -- I don't know this answer, I've known the other ones before you said it. Have you taken a look at the economics; is it like a multiplier effect of what this could bring to the region out on the east end? Have you done any -- you know, have any thoughts on that, what this can bring to the local community?

MR. RECHLER:

I haven't done any specific numbers, but I will tell you, you know, in our years of history, it always is a multiplier effect. You know, jobs spur jobs. People who will work in this park will go into town and have lunch and buy merchandise and go out after work, it just -- it always happens that way. So we do believe it's a multiplier, I can't tell you what that multiplier is.

LEG. HORSLEY:

Yeah, I wasn't sure whether you would be able to do that or not, I just threw that out anyway. But I think this is terrific for the east end and I think it's good for Long Island. So I'm glad you're here.

MR. RECHLER:

Great. Thank you.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

What's your build-out proposal or just your idea of how long it's going to take to build this out?

MR. RECHLER:

We think it's going to take -- you know, dependent upon the status of the market, you know, from the time we break ground. So the schedule would be from the time we have an approved lease, we believe it will be 12 to 14 months by the time we actually have building permits from the Town of Southampton. And then it could be, you know, between three and seven years, really depending upon how robust the economy is and what the market is at the time.

LEG. ALDEN:

So you actually think you're going to have this built out in about eight years, basically?

MR. RECHLER:

Yeah, yeah, I really do. It's the right size. I mean, I'll give you an example. We built out a similar size project adjacent to McArthur Airport about ten years ago and we built that out in about three years and, you know, that's a more established market. The difference is, we believe this is -- that we're in a market that is lacking product, so we think we'll have greater demand for this product than what we probably did in Bohemia by McArthur Airport, so.

LEG. ALDEN:

And there's conflicting reports. Some of the reports say that we're over built on Long Island, some of them say that we're under built and we haven't really experienced a recession in this type of a market. You're one of the major players on Long Island, so what's your experience?

MR. RECHLER:

It's a good question. I'll tell you right now that while, you know, this is probably one of the toughest markets we've experienced and I've seen in my 25 years, I'll also tell you that we're at 94% occupancy in our industrial portfolio today. So I think that speaks very well to Long Island and Suffolk County.

I will also tell you that, you know, we believe that there are certain areas that maybe are over built, and genuinely we're believers in developing in infill locations that have already been developed and really require redevelopment. This is one of those locations; this is already a developed site that's under utilized and not functioning at its fullest capacity. At the same time, it's a market that doesn't really have any kind of, you know, I'll use the word downtown business district, if you will. There's no central business district for various sectors and companies to come and be in business and interface with each other and we think this fills that market void.

LEG. ALDEN:

Just two more quick things. Your company, and correct me if I'm wrong, but you tend to purchase the property and then build on the property. This is a departure, then, from your normal business

plan?

MR. RECHLER:

No, this is -- yeah, we've often bought existing properties and redeveloped them. I mean, I will tell you that's a big part of our business; we've acquired existing buildings and released them. But you know, at heart we're developers, I will tell you we're developers at heart. And this is -- I would say this really fits our power alley, this is specifically what we've been doing for 50 years.

LEG. ALDEN:

No, and I say quite well. You're going to recruit to fill this from outside the area? Because I notice the first tenant you said actually exists on Long Island, hopefully they would come in here and expand their business. But you'll be recruiting from outside the Suffolk County area?

MR. RECHLER:

There will be some of that, naturally. And I'm actually talking to a an existing -- a certain tenant, a tenant that's actually in Nassau County that's in several places that's looking to consolidate; so in that case, yes. But we believe --

LEG. ALDEN:

Well, even Nassau County I don't mind, but go ahead.

MR. RECHLER:

Yeah. I don't know if we're pulling people off of Long Island and bringing them out here, not that we're not going to try, but I don't think that's really the goal. I think the goal is to create better efficient space on the east end and, you know, give people the ability who want to grow their business the ability to grow their businesses.

LEG. ALDEN:

And that can create a multiplier, but that's also -- there's a negative side of that because wherever that company exists today, they're going to experience a small loss in whatever you want to call it, revenues and generation or creation of new jobs, things of that nature. So by pulling some people that are in different areas of Long Island right now out to this area will give them the opportunity to grow, but there's a little bit of a negative.

MR. RECHLER:

I mean, look, you've got to look at it as a net growth. There could be a loss associated with the growth, but it should be a net growth. At the same time, you know, when that does happen, it's usually an opportunity to reposition or redevelop other obsolete properties that they're moving out of as well.

LEG. ALDEN:

And one final question; if you don't want to finance it, that's fine. You guys are very sophisticated. What's the value of this property if you were to go out and buy it and then develop it?

MR. RECHLER:

If you had to put a value on the land, I mean -- you know, I've got to tell you, if you asked me that question a year ago I could give you a straight answer. I can't give you a straight answer for what land is worth today. You know, if you ask most brokers they'll tell you today land is worth nothing. We're not -- I think you've got to look --

LEG. ALDEN:

I'd like them to show me that land that's worth nothing because I'll play nothing plus a couple of pennies.

*(*Laughter From Panel*)*

MR. RECHLER:

I'll tell you -- yeah, because land doesn't trade. I'm not saying it's worth -- I'm not saying the land is worth nothing, I'm just saying it's a hard thing to say what it's worth today. I think the value is what gets created on the land.

LEG. ALDEN:

That's a good answer.

MR. RECHLER:

Thanks.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Rechler, for coming here today. You had mentioned that you may bring 600 approximately, maybe 1,200 jobs with this project?

MR. RECHLER:

Yes.

LEG. GREGORY:

Have you given any consideration on the traffic that it will bring to the area and resistance that you foresee?

MR. RECHLER:

You know, I'm going to let -- yeah, there actually was an environmental impact study done, so I'll let the County speak to that.

MS. FAHEY:

The Town of Southampton did the GEIS on it and a finding statement. This Legislature adopted a finding statement based upon the Town of Southampton's environmental impact statement; all of the traffic and everything were addressed in that. Any traffic patterns that need to be addressed the County will address at the intersection, but it was minimal. Bill Hillman is here if you want more details, but it was minimal compared to the existing infrastructure now.

LEG. GREGORY:

Okay. That's all I had.

P.O. LINDSAY:

Legislator Kennedy I think has another question for you, Mr. Rechler.

LEG. KENNEDY:

Just one other question. Legislator Alden spoke about some of the dynamics associated with occupancies. And again, your firm does a superior job. In the past we've had Mr. McGowan from the Long Island Visitor's & Convention Bureau speak to us about the occupancy rate for hotels, and I know that Flagship Hotel is one of the anchors that you're speaking about bringing in here. Is that something that you factored in, or how do you expect that to play?

MR. RECHLER:

You know, also a very good question. I think the hotel is something that is needed and was expressed to us by the Town of Southampton that is needed really, you know, for business functions, for people who are conducting business, for people who are on holiday. We think it makes sense, we think it's actually the last piece of the puzzle. We think that the park has to be developed

first for the hotel to make sense. When that happens, we think occupancy, you know, could be sustained. We wouldn't build the hotel first. We think if we built it first, occupancy would be, you know, very low.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Ms. Fahey, could I just ask something that was talked about? I think what maybe is missing here is we have an industrial park on the site now.

MS. FAHEY:

We have vacant property.

P.O. LINDSAY:

Yeah, but don't we have buildings out there that we lease to tenants now?

MS. FAHEY:

There are two current tenants in the boundaries of the leasehold that are both leaving this summer, in September.

P.O. LINDSAY:

Okay. The point that I'm making, I know that over the years that I've been here, we've tried a lot of different things out there to increase the bottom line really for years and have not been successful in making that place pay for itself at all, I think probably going back to when the Federal Government gave us the property.

MS. FAHEY:

Although I might say this year we were in the black.

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

P.O. LINDSAY:

We are in the black, which is real, real progress, but this should add to that bottom line.

MS. FAHEY:

Yes. This will definitely help us to be routinely self-sufficient.

P.O. LINDSAY:

Okay. That's all I wanted to get on the record. Thank you very much.

LEG. BEEDENBENDER:

Mr. Chairman.

P.O. LINDSAY:

Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

Carolyn, is the cheesecake company staying, we're not getting rid of them?

MS. FAHEY:

I'm sorry?

LEG. BEEDENBENDER:

The cheesecake company is staying?

MS. FAHEY:

The cheesecake company has actually -- it's Holy Moses Cheesecake -- has relocated out of the boundaries of the industrial park into another building. So they are there, they will stay there, but they won't be in the industrial park. They're not in there now. If they move back in, that's something else.

LEG. BEEDENBENDER:

Okay.

MS. FAHEY:

Mr. Presiding Officer, if I could, just to answer -- Legislator Alden left, but --

D.P.O. VILORIA-FISHER:

He's right there.

MS. FAHEY:

Oh. Where is he?

LEG. BEEDENBENDER:

Right there.

MS. FAHEY:

Oh.

D.P.O. VILORIA-FISHER:

Speaking to Mr. Rechler.

MS. FAHEY:

If I could just read into the record real quick, the rental payments as we move forward, so that there's some understanding. In the first year we're at about 222,000, plus a \$350,000 payment that Ms. Braddish talked about; in year two, the same amount, 222,275; years three and four, 444,550; years five and six, 666,825; year seven and eight, 777,962; years nine and ten, 889,100; years 11 through 15, 924,664; year 16 through 20, 961,650. This is per year, all right? Years 21 through 25, per year, \$1,000,116; years 26 through 30, \$100,040,121; years 31 through 35, 1,000,081,726; years 36 through 40, 1,124,995, for a total of about 37-million-six over 40 years.

P.O. LINDSAY:

Thank you, Ms. Fahey. There's nothing else. We have a motion and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor?

MS. FAHEY:

Could I ask which resolution we're on, just so I could keep track?

P.O. LINDSAY:

1251.

MS. FAHEY:

Okay. Thank you.

LEG. ALDEN:

That's a four-year extension, right?

P.O. LINDSAY:

Yep, option.

LEG. ALDEN:

Option.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1332 - Amending Resolution 186-2009, authorizing funding for the Suffolk County Cultural Programming for 2009. (Co. Exec.) I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. We probably need an explanation. I heard somebody mumbling. Could we have an explanation, George?

MR. NOLAN:

This is money that was -- it's \$7,235 that was going to go to a film festival on Fire Island, but it was cancelled. So now the money is going to prepare marketing materials for film locations.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1334 - Authorizing the creation of a blanket utility easement for use by selected utility service purveyors at Francis S. Gabreski Airport. (Co. Exec.) Motion by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1372 - Authorizing a lease agreement with Rechler at Gabreski LLC, for the use of property at France S. Gabreski Airport. (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Stern. On the motion, Legislator Alden.

LEG. ALDEN:

We just had the terms, so, you know, I'm not going to go through all that again. But at best, because of the -- and I'm going to support this, because I have faith in the company that's going to do this development. I think they're more successful than most everyone that does developments, so I think that in the end we're going to have a little bit of economics, and as far as generation of jobs and things like that. I think you're going to have a little bit of negative where they pull from one area and bring them in here. But this seems to be an opportunity for some people to grow and to expand in that area.

The old survey that we did, and it's going back about seven or eight years ago, as far as for hotel rooms, this is one of the areas that there's a need for hotel rooms, because it leads out into wine country, and there basically is no large hotels that would service that, so that's a positive.

As far as the negative, I say we're going to be putting up two-and-a-half million dollars and we're going to have to bond for it. That's going to negate any gains that we get or we see from the lease. But I have to balance whether I'm going to support it for the overall benefit to Suffolk County. We're not going to make any money on this, and probably not even in the next 40 years. If it's optioned and they pick the option up, this is not a money-maker for us, especially since we're going to be laying the money out originally, so -- but I think, overall, the benefits will provide for people to relocate there and to grow in that area outweigh the negatives, in my mind. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. SCHNEIDERMAN:

Bill.

LEG. D'AMARO:

Yeah, thank you. I just want to ask Ms. Fahey, I'm also going to support the resolution, and I appreciate the fact that it's a fine company that's coming in to do the development, but Legislator Alden is mentioning, is this a break-even venture that we're going into?

MS. FAHEY:

No, no. If the County had received and accepted and found more viable applications from numerous businesses to build in the industrial park, we would have to have incurred that 7 million-plus to do all of the infrastructure. You know, the Legislator might see it as a two-and-a-half, you know, million dollar loss. I look at it also as a five-and-a-half million dollar gain that we're not going to have to pay for the rest of that infrastructure to go through the industrial park, that's going to be carried by the developer.

P.O. LINDSAY:

Legislator Schneiderman, and then the vote.

LEG. SCHNEIDERMAN:

I'm certainly going to support this. I've been waiting for this a long time, not as long as Carolyn has been working on this.

MS. FAHEY:

Not that old.

LEG. SCHNEIDERMAN:

I've been here, I guess, six years and this predates my service. I want it, one, I think it's going to

be a great thing, not only for my district, not only for Westhampton Beach Village, because a lot of people will go in to buy coffee or eat at the restaurants, or see the movies, whatever it might be, but it's a good thing for the County in terms of generating sales tax revenue, lease fees, etcetera.

I just wanted to really thank you, Carolyn and Skip. I know that you've worked on this a long time, getting the infrastructure in place, getting the tax credits in place. This has been a lot of work to get us to this point. We had a lot of hurdles to clear, and you've been very good at getting us through that and very patient. And I know you've been waiting a long time for this day, so congratulations.

And, also, I wanted to thank Commissioner Heaney as well. He not only had been working on it since he's been Economic Development Commissioner, but was Supervisor of the Town of Southampton, which handled all the SEQRA and all the planning of it. So, Commissioner Heaney's been involved for quite sometime now as well. So thank you both.

MS. FAHEY:

Presiding Officer, if I could build on that real quick. There were a lot of hurdles in front of us. We did have the debate over who was zoning, we did have a lot of community opposition. The land was zoned for a lot more acreage, but in order to have the community be acceptable and be looking forward to this development, we reached compromises with what they were looking for. The Town, underneath Supervisor Heaney, did a great job in taking all those concerns and comments, what the County needed to get out of the property as an economic engine for the East End and what the community was willing to welcome with open arms. The Commissioner and Former Chief Deputy, Jim Morgo, were instrumental in that and they do deserve the credit.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I do want to congratulate you on all your hard work. But to Budget Review, two-and-a-half million dollars costs us how much?

MS. VIZZINI:

I'll need a minute.

LEG. ALDEN:

And while you're doing your calculation, I'm just going to point out that that two-and-a-half million is an upfront cost that we're going to incur. We're going to be paying it off for the next probably 15 or 20 years. And that's all okay, because, obviously, we're going to make a priority that this is where we want to spend two-and-a-half million dollars. But I just have to remind my fellow Legislators that we just went through a whole process over the last, I'm going to say, four or five years where we built up our debt service to the point where it was 99 million dollars a year, then we had to sell off a stream of income to bring that debt service back down. And now, going forward, if we build it back up to the 99 million dollars again, we don't have that much of a revenue stream that we could sell off to bring it back down to make our lives affordable and to provide our constituents with what they're expecting Suffolk County Government to provide them with. So I just want to point that out, that this is a priority. Fine, but let's also look at some of the other debt that we're going to incur and make sure that we keep in mind the priority, and not go through that whole thing where we get it back up to 99 million dollars a year, the debt service, and then have to give up more revenue streams.

P.O. LINDSAY:

Okay. Everybody done? We have a motion on 1372 and a second; am I correct, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Yeah. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1384 - Approving fee schedule for Suffolk County Film Permits and rules and Regulations for notification and review of Suffolk County Film Permits. (Co. Exec.) Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make it.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1387 - Making certain SEQRA determinations and authorizing completion of infrastructure improvements in the vicinity of Homeland Security Technology Park at Gabreski Airport. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion:

P.O. LINDSAY:

A motion by Legislator Viloría-Fisher, second by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

This is the SEQRA.

MR. NOLAN:

And the infrastructure.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution, **1387A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1392 - Designating Poet Laureate of Suffolk County, Tammy Nuzzo-Morgan. (Horsley)

LEG. HORSLEY:

She appeared before the Committee and was just wonderful, and I make the motion to approve.

D.P.O. VILORIA-FISHER:

I second it.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Viloría-Fisher. And I'm not going to comment. Legislator Alden.

LEG. ALDEN:

How was she selected?

D.P.O. VILORIA-FISHER:

It was very clean this time.

LEG. HORSLEY:

Yes, it was. How she was selected was as -- there was a resolution that I put forth a couple of months ago to change the procedure to make it more upfront and involve outside entities. And those entities were the former Poet Laureates; chose Ms. -- whatever her name is.

LEG. KENNEDY:

Poet Laureate.

LEG. HORSLEY:

The Poet Laureate as our choice.

LEG. ALDEN:

I withdraw the question. Thank you.

P.O. LINDSAY:

The Lady's name is Tammy Nuzzo-Morgan.

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1398 - Accepting a grant award from the United States Federal Aviation Administration, amending the 2009 Capital Budget and Program and appropriating funds in connection with the pavement management rehabilitation at Gabreski Airport (CP5739). (Co. Exec)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution, 1398A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yeah.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yep.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. 1338 we already approved. ***1359 - Approving planning steps for the acquisition of Farmland Development Rights --***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

-- ***March 2009. (Co. Exec.)*** Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I'm behind you, Renee.

P.O. LINDSAY:

Any questions? No questions? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

P.O. LINDSAY:

I'm opposed. Okay. Who do we have opposed? D'Amaro, Gregory, Barraga.

MR. LAUBE:

I've got four.

LEG. ALDEN:

And I abstain.

LEG. D'AMARO:

I'm not opposed to that.

P.O. LINDSAY:

Oh, you're not opposed?

LEG. D'AMARO:

No. I apologize.

P.O. LINDSAY:

I'm sorry. I saw you raise your hand.

LEG. D'AMARO:

Yeah, my mistake. I'm sorry.

P.O. LINDSAY:

All right.

MR. LAUBE:

So I've got three opposed, one abstain.

P.O. LINDSAY:

All right.

MR. LAUBE:

Montano opposes?

LEG. MONTANO:

Put my as an abstention.

P.O. LINDSAY:

Do you have it?

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Do you have it right now? I mean --

MR. LAUBE:

I have three opposed, two abstained.

P.O. LINDSAY:

Okay.

MR. LAUBE:

That's thirteen.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Could the Clerk, please, list me as a cosponsor?

MR. LAUBE:

Will do.

P.O. LINDSAY:

1363 - Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477 Water Quality Protection, from the program ending November 30, 2007, amending the 2009 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to County Road 36, South County Road, at Patchogue and Bellport Bays, Phase I, Town of Brookhaven (CP 8240.321). (Co. Exec.)

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning.

LEG. ALDEN:

Explanation.

LEG. BEEDENBENDER:

On the motion.

P.O. LINDSAY:

Explanation. Okay. Who's going to explain it? I think this -- go ahead.

MR. NOLAN:

This is a transfer of 2 million dollars from 477 to perform a stormwater remediation project at South Country Road, Patchogue. So it's 477.

LEG. SCHNEIDERMAN:

This has been in the works for a long time. It's worked its way through the system through water quality. And is the one we discharged without recommendation?

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Because there was a question procedurally on this. Mr. Hillman, maybe you can answer that.

LEG. BEEDENBENDER:

No. Legislator Schneiderman, the question at Committee, if you'll forgive the interruption, a member from BRO had said they were unsure of whether the funds were available, that we had enough money in the account to pay for it. So we discharged it in hopes we could get an answer to that question by this time.

LEG. SCHNEIDERMAN:

I think there were two questions.

P.O. LINDSAY:

Mr. Hillman. Mr. Hillman, you're at the mike, you want to shed some light on this?

MR. HILLMAN:

I do know that Commissioner Gallagher submitted a memo that answered the two questions that were posed at Committee and she submitted it to the Legislature.

P.O. LINDSAY:

We have the money.

MR. HILLMAN:

Unfortunately, I didn't get a chance to read the memo. I saw it via E-mail about a half an hour ago.

LEG. MONTANO:

Yeah, because it came in at 2:10.

LEG. BEEDENBENDER:

Mr. Chairman, I have the memo in front of me.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

It's just -- it's a bunch of pages and I scanned it quickly. I guess, you know, the only reason I asked the question is because, at the time, the County Executive's Office had said we had the money, but BRO said we didn't. So I guess my question would be to BRO. Do they concur that the money is there? And, if not, I think we need to figure out why we have a two million dollar discrepancy between the two Budget Offices.

P.O. LINDSAY:

Well, wasn't this one of the resolutions we kicked back to see if it could be funded out of -- no, it wasn't. Okay.

LEG. BEEDENBENDER:

No, this wasn't one of those.

P.O. LINDSAY:

Okay.

LEG. BEEDENBENDER:

I don't have any particular opposition to the project itself, it's just if BRO says we don't have the money.

P.O. LINDSAY:

Okay. Ms. Vizzini.

MS. VIZZINI:

Yeah. It really boils down to whether this is old money or new money. If we could skip over this just until I can get a chance to read --

P.O. LINDSAY:

Okay.

MS. VIZZINI:

-- Commissioner Gallagher's memo.

P.O. LINDSAY:

We could skip over it, but Legislator Eddington wants to say something first.

LEG. EDDINGTON:

Yeah. I know this was a project that was put in under Brian Foley and it had to be funded at the time. I remember when I took office, he said this is a program that's -- the money's been allocated, it's all set, and I've just been watching and waiting. And now I'm hearing the money isn't there. And we're talking about an allocation that was made in '05.

MR. HILLMAN:

I can tell you what I know. There is three-and-a-half million dollars in bond money, and the project that has already been approved, that was approved in June of '04, I believe, and there -- the drainage portion of the project went before the Water Quality Committee and was approved, I believe, in '06. And, again, we thought all the money was there also and proceeded about with the project. We're moving forward with it and trying to work these issues out.

P.O. LINDSAY:

Let me see if they can reduce this to the simplest denominator, is we've been -- you know, a number of projects that we felt should be under Water Quality have come through as bonds that we object to. We keep wanting to use 477 money. In this case, we are using 477 money and we're objecting to it. If there isn't the money in 477, we can't pay for it, so how could it move forward? That, you know --

LEG. EDDINGTON:

What happened to the money? I want to know.

MS. VIZZINI:

If I could --

P.O. LINDSAY:

The money, original money was bonded money. We object to using bonded money for something that could be -- we could use Water Quality money for.

LEG. EDDINGTON:

This was done, though, years ago --

P.O. LINDSAY:

But it was still --

LEG. EDDINGTON:

-- before the objections were raised.

P.O. LINDSAY:

Yeah, but she still said it was -- Mr. Hillman said it was bonded.

LEG. EDDINGTON:

I mean, you can object today, but I don't think it's right to cancel -- I mean, object from this day forward, but that's like changing the rules after you've been playing the game.

P.O. LINDSAY:

Nobody's objecting to anybody. We're approving this to use 477 money to do the Water Quality.

LEG. EDDINGTON:

I guess I'm not being clear. I'm saying --

P.O. LINDSAY:

You're being very clear.

LEG. EDDINGTON:

Oh.

P.O. LINDSAY:

Read the resolution, it says use 477 money.

LEG. EDDINGTON:

No, I understand that, but it was -- it had been bonded.

P.O. LINDSAY:

I know. We don't --

LEG. EDDINGTON:

So that took care --

P.O. LINDSAY:

We don't want to use bonds, we want to use 477 money, if it's -- if it's available.

LEG. EDDINGTON:

Okay.

LEG. MONTANO:

Can I speak?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Bill, this is not your fault, but the memo you're talking about, is this the one that was just sent over 2:10 today?

MR. HILLMAN:

Yes.

LEG. MONTANO:

What good does it do to send a memo while we're having lunch if we're going to bring this up? And it's not your fault, but don't you think that maybe we should have gotten this sooner so we would have a chance to read it? I'm looking at the memo, it's like five pages. Do you follow my point?

MR. HILLMAN:

I do.

P.O. LINDSAY:

I don't think that came from Mr. Hillman.

LEG. MONTANO:

No, it came from -- that's what I said, it's not Bill's fault, it came from -- he referred to it earlier. I looked on my E-mail and it came in at 2:10 today. So are we going to pass over this or what?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Good.

LEG. BEEDENBENDER:

I think Gail might have an answer to this.

LEG. MONTANO:

An answer to what?

MS. VIZZINI:

Mr. Presiding Officer, you're absolutely right, it was the Legislature who rescheduled the funding for this. When we amended the Capital Program, we wanted to do this through Water Quality money. The problem for Budget Review is that the manner in which the Executive's Budget Office counts the beans and presents it in the budget. We don't know whether this is old money. And if it's old money, there is enough Water Quality money versus other Water Quality money. So, if it is old money -- are we okay with that?

MR. DUFFY:

Well, we would want them at some --

MR. NOLAN:

This is the old program.

LEG. MONTANO:

Oh, the old program.

MR. DUFFY:

For the last eight years, we've asked for a breakdown of the fund balance. The fund balance just shows one lump sum, and there are seven programs that fit under that, that are contained in that one amount. If the Executive wants to indicate that this is old money, it's up to Gail, but I would want to see a breakdown of what they're saying the fund balance is, breaking out the parts between the Old Water Quality Protection money, the New Water Quality Protection money, the three land programs, anything that relates to sewers, and anything that may be tax stabilization.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

So just so I -- are you recommending that we skip over this or table it so that we have more time to -- is that what you're saying now?

MR. DUFFY:

Yes.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

I don't know. Ms. Vizzini, I mean, am I being too simplistic with this? The County Executive has forwarded a motion to do this project with 477 money. If we don't have money in the account, whether it be old or new, we can't go forward with it, so what harm would it do to pass it? If they're wrong, you don't have the money to pay for the project.

MS. VIZZINI:

Well --

LEG. ROMAINE:

They use all the money up.

MS. VIZZINI:

Yeah. If for some reason this is not old -- it would be more helpful if this was clear, either in the title, or even, as Kevin suggests, that the County Executive communicate with us that this is, in fact, so much in old money, which there is available. In Commissioner Gallagher's memo, which Legislator Beedenbender shared with me, indicates that they are desperately trying to use the available old money; that would make it more clear. But, certainly, Mr. Presiding Officer, it's a policy decision on your part. If you move ahead and there's a problem, you will hear about it from them.

P.O. LINDSAY:

Well, we asked for clarity. And Mr. Zwirn is at the microphone. Mr. Zwirn, can you clarify this issue?

MR. ZWIRN:

No, so could we table this bill?

*(*Laughter*)*

After all that. We believe there is money there, but let's table it so we can go through it and you don't get a memo just moments before you have to vote on it.

P.O. LINDSAY:

I'll entertain a motion to table.

LEG. MONTANO:

Second. I'll make the motion.

P.O. LINDSAY:

Motion to table by Legislator Montano, seconded by Legislator Alden. On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

There was a second issue that came up in committee besides whether we have the money to pay for it. And the reason why we discharged it without recommendation, because we knew this project was ready to go and we didn't want to hold up the project. The other issue had to do with -- because this was approved under the old program, it hadn't gone through the New Water Quality Committee, and there was a question about the law and whether it required it to go back to the new committee under the new program. And, George, do you remember this? I don't know if you were present for this discussion. But I think we're going to need an answer to this before we move forward as well.

MR. NOLAN:

We'll get it.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1374 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk

County Drinking Water Protection Program (effective December 1, 2007) for the Hilty property – Hilty Horse Farm Town of Riverhead – (SCTM No. 0600-045.00-01.00-013.002 p/o). (Co. Exec.)

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

LEG. GREGORY:

Opposed.

LEG. ROMAINE:

Would the Clerk, please, list me as a cosponsor?

MR. LAUBE:

Legislator Gregory, you're opposed?

LEG. GREGORY:

(Nodded Yes).

MR. LAUBE:

That's fifteen. (Not Present: Leg. Horsley)

LEG. EDDINGTON:

List me as a cosponsor also.

MR. LAUBE:

Gotcha.

P.O. LINDSAY:

1375 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] – for the Long Island Realty Company property – Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-461.00-03.00-027.000). (Co. Exec.)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Leg. Horsley)

LEG. ROMAINE:

Would the Clerk, please, list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1378 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Davies property – Wading River Wetlands - Town of Riverhead – (SCTM No. 0600-024.00-01.00-010.000). (Co. Exec.)

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

P.O. LINDSAY:

List him as a cosponsor.

LEG. ROMAINE:

Yes, thank you.

MR. LAUBE:

Fourteen. Gotcha. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1379 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Widenor property – Seatuck Cove - Town of Brookhaven – (SCTM No. 0200-834.00-04.00-002.007). (Co. Exec.)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

LEG. GREGORY:

Opposed.

LEG. ALDEN:

List Ed as a cosponsor.

MR. LAUBE:

Fourteen. (Not Present: Leg. Horsley)

LEG. ALDEN:

List me as a cosponsor, too. I'm opposed.

*(*Laughter*)*

P.O. LINDSAY:

1381 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Bell Mier, Inc., property – Tuthill Creek/Pine Lake - Town of Brookhaven – (SCTM No. 0204-012.00-06.00-029.001). (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. GREGORY:

Opposed

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

LEG. GREGORY:
Opposed.

MR. LAUBE:
Fourteen. (Not Present: Leg. Horsley)

P.O. LINDSAY:
1382 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the estate of John Sullivan property – Miller Place/Yaphank Road NP addition - Town of Brookhaven – (SCTM No. 0200-189.00-04.00-016.000). (Co. Exec.)

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by --

LEG. BROWNING:
Second.

P.O. LINDSAY:
-- Legislator Browning. On the question. Is this -- does this have a building on it? Are we buying another old mansion?

LEG. LOSQUADRO:
Not to my knowledge, no. This is --

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
-- adding into an existing nature preserve. It's increasing our holdings.

LEG. ALDEN:
That's the guy who's a squatter.

P.O. LINDSAY:
Do you know? Ms. Greene, no?

MS. GREENE:
Good afternoon, everyone. The proposed acquisition is .358 acres. No, it does not have a building.

P.O. LINDSAY:
So it isn't big enough for a mansion?

MS. GREENE:
Not to my knowledge.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Tim, opposed.

LEG. ALDEN:

Opposed.

LEG. LOSQUADRO:

Tim, cosponsor.

MR. LAUBE:

Fourteen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1385 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Katala-Gruber and Katala property – Mastic/Shirley Conservation Area II - Town of Brookhaven – (SCTM Nos. 0200-983.50-02.00-050.000 and 0200-983.50-02.00-069.000). (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington. Sounds like we're buying the whole Town of Brookhaven.

LEG. BROWNING:

Yep.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Fifteen.

LEG. ALDEN:

This is new Montauk. Ninety-two percent of Montauk is owned by public entities. Not bad.

P.O. LINDSAY:

1386 - Authorizing the acquisition of land under the New Suffolk County Drinking Water

Protection Program (effective December 1, 2007) – open space component - for the Brookside Park Associates, Inc. Property – Tuthill Creek/Pine Lake - Town of Brookhaven – (SCTM Nos. 0204-003.00-03.00-013.000 and 0204-003.00-03.00-022.000). (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Fifteen.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

Health and Human Services. ***(1227) A Local Law clarifying membership requirements for the Child Protective Advisory Board. (Lindsay)*** I'll make a motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Anybody want an explanation?

D.P.O. VILORIA-FISHER:

Nope.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1288 - Establishing the Next Generation Citizens Advisory Board. (Pres. Officer)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Legislator Viloría-Fisher made a motion. I'll second it being that my name's on it. Anybody want an explanation?

LEG. EDDINGTON:

What's the next generation?

P.O. LINDSAY:

Go ahead. Go ahead.

D.P.O. VILORIA-FISHER:

Well, let's let Counsel do it, because I just read the bill.

LEG. EDDINGTON:

Brian gave me the answer. He said it's him.

MR. NOLAN:

Well, it creates this Advisory Board. It's going to consist of 36 members. Each Legislator will pick two youngsters to be on this advisory board, one of, I believe, high school age, one of college age, and they will -- the Youth Agency Director is going to work with this particular Advisory Board. And they're created to advocate on behalf of youth, to encourage civic participation by young people, and to improve communication between the government and young people.

LEG. EDDINGTON:

What a unique idea.

LEG. BARRAGA:

Cost? Cost?

MR. NOLAN:

The cost cannot exceed \$5,000 a year.

P.O. LINDSAY:

That's for lollypops.

LEG. EDDINGTON:

Pizza.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Tim, cosponsor.

MR. LAUBE:

Sixteen. (Not Present: Leg. Montano)

LEG. EDDINGTON:

Cosponsor.

P.O. LINDSAY:

1300 - Declaring the second week of May as "Youth Arthritis Awareness Week" in Suffolk County. (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:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

1352 - Establishing a policy to aid families seeking child care assistance. (Lindsay)

D.P.O. VILORIA-FISHER:

Explanation.

P.O. LINDSAY:

I'll make the motion for the purpose of debate, second by Legislator Viloría-Fisher. I believe this is to establish a list, isn't it?

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

This is the one we did. Okay? All right. I just wanted to make sure. I didn't recognize the title.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

1360 - Amending the 2009 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Mental Health for the Cost Of Living Adjustments (COLA) and to transfer funding from the Maryhaven Center of Hope to the Federation of Organizations for the provision of transportation services. (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

1408 - To amend Resolution No. 882-2008, creating an Oversight Management Committee for the John J. Foley Skilled Nursing Facility. (Pres. Officer) I'll make a motion, second by Legislator Browning. What this does is our original resolution called for the Oversight Committee to

meet every two weeks. And a lot of the work has been done over the last four months, and we want the option that if we can skip a meeting if we don't have anything on the agenda. Legislator Romaine?

LEG. ROMAINE:

Yes. To err on the side of caution, I'd like the Clerk to note that I am going to recuse myself from the vote and from the discussion of this resolution.

P.O. LINDSAY:

Any other questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Recused: Leg. Romaine)

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

1306 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Southampton for affordable housing purposes. (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by who?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman. Do I have a second?

LEG. ALDEN:

It fails for lack of a second. Let's go on.

(*Laughter*)

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. ALDEN:

Just on the motion, I just want to point out that when the County sells a Town a piece of property, we get a dollar for it. When a municipality sells it to us, it costs us a couple of million.

(*Laughter*)

Just to point out.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1313 - Establishing an application fee waiver policy for Civil Service Examinations for volunteers in the Suffolk County Community Emergency Response Team. (Browning)

LEG. BROWNING:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Romaine. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Please, list me as a cosponsor.

LEG. ALDEN:

Does anybody pay for civil service exams anymore?

P.O. LINDSAY:

1358 - Transferring and appropriating the living wage contingency funds to the Federation of Organization for the New York State Mentally Disabled, Incorporated, Respite Fee Subsidy. (Co. Exec.) Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1383 - Amending the temporary classification and salary plan for Nurses Aides. (Co. Exec.) I'll make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. KENNEDY:

Mr. Chair, on the motion.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Can I just ask, similar to the LPNs, these will be CNAs that come on and work for wage only, is that it?

P.O. LINDSAY:

That's correct. It's an attempt to create a --

LEG. KENNEDY:

Per diem pool.

P.O. LINDSAY:

A per diem pool, and to get -- well, I don't think we ever had a per diem pool for CNAs, we did for nurses.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

And we're trying to wean ourselves off of that to save money.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1299 - Authorizing the use of Southaven County Park property to hold a free concert for Child Abuse Awareness. (Browning)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? On the question, Legislator Alden.

LEG. ALDEN:

All right. I was not present at Parks. What's the fee that they pay?

LEG. BROWNING:

They're paying the same fees as anybody else, they're not getting any breaks.

D.P.O. VILORIA-FISHER:

It's the standard fee. I think it's 250, 250 to -- what is it, George?

MR. NOLAN:

Two-twenty-five.

D.P.O. VILORIA-FISHER:

Two-twenty-five.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Eighteen.

P.O. LINDSAY:

1309 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Public Safety Services Fund Drive. (Browning)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1336 - Authorizing the use of the Long Island Maritime Museum by the Sayville Rotary Club for the annual Beefsteak Fundraiser. (Pres. Officer) I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. ALDEN:

What's the fee?

P.O. LINDSAY:

The fee on this one is 500. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1337 - Authorizing use of Long Island Maritime Museum property by Friends of Bradstock for a Music and Arts Festival Fundraiser. (Pres. Officer) How about same motion, same second, same vote, all right?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1353 - Authorizing the use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help us Save You Program". (Browning)

LEG. BROWNING:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1377 - Reappointing Steven H. Gittelman, Ph.D., as a member of the Suffolk County Vanderbilt Museum Commission Trustee (No. 11). (Cooper)

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

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper, second --

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1393 - Accepting the donation of one "Land Rover" sport-utility vehicle for the use in the Suffolk County Parks Department's Piping Plover Monitoring Program. (Co. Exec.)

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

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1394 - Increasing the amount of petty cash fund for the Suffolk County Department of Parks, Recreation and Conservation. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second?

LEG. LOSQUADRO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Losquadro. Legislator Losquadro has a question.

LEG. LOSQUADRO:

Just for a member of the Committee or the Chair, what was the explanation given for needing the additional petty cash amount?

MR. NOLAN:

I'm trying to recall. I know the amount of the petty cash went from 15 to, under this resolution, 22,500, but I'm having trouble recollecting their explanation why they asked for the higher amount. I just -- I'm drawing a blank.

MS. VIZZINI:

According to the comments by my staff, it had to do with having sufficient petty cash for their cashier transactions, probably for the summer.

LEG. LOSQUADRO:

Gail, I'm sorry. Could you repeat the beginning of that?

MS. VIZZINI:

Yeah. It had to do with having adequate funds for the cashier transactions coming in the summer.

LEG. LOSQUADRO:

All right. And the request, obviously, came from the Parks Department. Thank you.

D.P.O. VILORIA-FISHER:

Right, came from the Commissioner's Office; he was at the meeting.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1397 - Amending Resolution No. 33-2009, to amend the user fee schedule for Suffolk

County Parks. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher to approve. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. ALDEN:

Brief explanation on this.

P.O. LINDSAY:

Yeah, Legislator Alden, explanation.

D.P.O. VILORIA-FISHER:

Okay. This came from the County Executive's Office, because with the marinas, as you remember, in the fee schedule, we didn't include Friday as a weekend, we included it as a weekday, which is very appropriate for activities like golf. But with the marina, the weekend begins on Friday, because, you know, they're using it from Friday to Saturday. So the County Executive's Office had put in this resolution to count Friday as part of the weekend in the fee schedule. George, correct me.

MR. NOLAN:

That's correct.

LEG. ALDEN:

Just as a point of clarification, then, for golf, Friday is a weekday?

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Yeah, the weekend -- the weekend for marinas starts Friday night and ends Sunday, all right, because nobody stays over Sunday night in a marina, they stay Friday night and Saturday night. Legislator Romaine.

LEG. ROMAINE:

So that would mean for the marina we would define it as Friday and Saturday, but not Sunday; is that correct?

P.O. LINDSAY:

That's correct.

LEG. ROMAINE:

That's okay with me. I thought we were going to define weekends now and make them a three-day weekend for -- as far as the fees; only two. As long as it's Friday and Saturday and you're not -- people come on Sunday and stay overnight, they're paying a weekday fee. Okay, no problem.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1291 - Appoint member of the Hate Crimes Task Force, Laura Ahearn. (Pres. Officer)

LEG. EDDINGTON:

Motion.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1292 - Appoint member to Hate Crimes Task Force, Reverend Roderick Pearson. (Pres. Officer) How about same motion, same second, same vote?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1393 - Appoint member to the Hate Crimes Task Force, Mohsen Elsayed. (Pres. Officer). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1294 - Appoint member to Hate Crimes Task Force, David Scott Kilmnick. (Pres. Officer) Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1295 - Appoint member to Hate Crimes Task Force, Reynolds E. Hawkins, Jr. (Pres.

Officer) Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1349 - Declaring May "Motorcycle Safety Awareness Month" in Suffolk County. (Eddington)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1365 - Appropriating DWI Seizure Funding to further support the Suffolk County Special Traffic Options Program for Driving While Intoxicated (STOP-DWI) Program in its efforts to educate the public on the dangers of driving while intoxicated and to work with Suffolk County Law Enforcement Personnel to eliminate drunk drivers from our highways. (Co. Exec.)

LEG. EDDINGTON:

Motion.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1380 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the expansion of the Sheriff's Enforcement Division at the Criminal Courts Building. (CP3013) (Co. Exec) Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation.

MR. NOLAN:

I will explain it. This Capital Budget amendment moves \$500,000 from a project for the expansion of video conferencing and moves it to the Sheriffs Enforcement Division at the Criminal Courts Building.

D.P.O. VILORIA-FISHER:

Why?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I'm supportive of this resolution. I'm just concerned about the offset. Video conferencing I think is a critical component for the future of the Sheriff's Department. I've spoken to that in the past. Because, with video conferencing, the need to transport prisoners, specifically to Central Islip is, in most cases, done away with, because they can do an arraignment right there in Riverhead. They have the video conferencing. The Judge is on one side, there's a two-way that you can see both, and they can do the conferencing right there. That saves a great deal of time if we were to implement that. And I'm just making this speech, because I see we're using this as an offset. I'd like to see that project come back again for that reason. We will save a great deal of time in transport, because we wouldn't have to transport all these prisoners to C.I. to be arraigned, or for other judicial appointments. That can be done with the prisoner right there in Riverhead and the Judge in C.I. by video conferencing.

P.O. LINDSAY:

We have Under-Sheriff Sharkey. Do you want to -- do you know anything about this?

CHIEF SHARKEY:

Yeah. The video conferencing project is not being eliminated, it's merely being delayed. We felt that, at this point, due to the construction in Yaphank, it's more likely that we're going to expand the video conferencing in that facility when that facility is closer to being completed. So, we intend to proceed with that, it's just going to be delayed into further years.

P.O. LINDSAY:

Okay. Legislator Montano had a question.

LEG. MONTANO:

Yeah. Chief, can you give me a brief explanation of what your Enforcement Division at the Criminal Courts Building is about?

CHIEF SHARKEY:

It's our main Headquarters section in Riverhead. The majority of our transportation work is handled out of that -- prisoner transportation work is handled out of that division. Initially, that facility was designed for approximately 20 people. We have in excess of 90 people working in that building now.

LEG. MONTANO:

Oh, so you're doing renovations?

CHIEF SHARKEY:

It's a renovation --

LEG. MONTANO:

Okay.

CHIEF SHARKEY:

-- and expansion.

LEG. MONTANO:

Now I understand. Thanks.

P.O. LINDSAY:

And that's been part of the Capital Program for sometime. I remember addressing that a couple of years ago, right?

CHIEF SHARKEY:

Yes, it had.

P.O. LINDSAY:

Okay.

CHIEF SHARKEY:

It had.

P.O. LINDSAY:

Thank you.

LEG. ROMAINE:

One last comment, Legislator Lindsay. I'm going to support --

P.O. LINDSAY:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

I'm going to support this. I would ask maybe someone from the Sheriff's Office to -- in the next few weeks, if they could just give me a call and let me know what the progress on video conferencing and video arraignments could be, because I think that's very important to the long-term savings of this County and to the administration of justice. We will not have to transport these prisoners if we can do video arraignments and other judicial proceedings via video conferencing.

P.O. LINDSAY:

Okay. We have a -- oh, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I just wanted to ask whether anyone here knows why the additional appropriation, the additional 500,000. I don't know. Mr. Hillman, maybe you would know. Seems to me there -- you know, by amending the Capital Budget, we're now taking a capital project that was originally allocated "X" amount and now it's increasing, and I just wanted to know why the cost is increasing.

CHIEF SHARKEY:

This project is -- I want to say somewhere in the neighborhood of originally five years old, maybe longer. There was significant delays in the planning phase of this project. The project went to bid last year, just about a year ago. The bids were open, and, at that point, the project was coming in somewhere in the neighborhood of a million dollars over budget and we couldn't proceed with the project. The decision was made to return the project to planning to do some value engineering to try to get the cost down, and it's in the process of being rebid now, and the feeling is that this half a

million will cover the project. It's a desperately needed project. It was the --

LEG. D'AMARO:

Well, when you say it's being rebid, so there's -- the work hasn't commenced on this project?

CHIEF SHARKEY:

You could speak with DPW on that, but my understanding is you can't -- you can't begin a project unless you have adequate funding to cover the total cost, and when we opened the bids last year, it was a million dollars over our budgeted amount. We were not able to award the project.

LEG. D'AMARO:

Yeah. I'm not sure, because we're actually appropriating the funds here. So I would assume we have an accepted bid and we're moving forward.

CHIEF SHARKEY:

I can defer to DPW. I believe the bid opening is next week.

MR. ANDERSON:

We would have -- and I can't speak on specifics, but, generally, under a DPW project, we have to have money appropriated before we can even go out to bid, if the bid came in low. And I think there were some questions of whether we were going to proceed with this or not, but then we found -- you know, we found an offset and that's what we're using to pursue to get the funding. We then are rebidding it. And, as Sheriff Sharkey said, we will be getting bids next week.

LEG. D'AMARO:

So both our budget, as revised, as well as the expected bid now would require the additional 500,000?

MR. ANDERSON:

We anticipate the fees wouldn't go down, right.

LEG. D'AMARO:

Okay. Thank you. Thanks for answering that.

P.O. LINDSAY:

Okay. 1380 --

D.P.O. VILORIA-FISHER:

Tom has a question.

P.O. LINDSAY:

No, I'm sorry. Legislator Barraga.

LEG. BARRAGA:

Just to clarify it in my mind, the additional 500,000, that's why we have the bonding resolution? You're going to bond that?

MR. ANDERSON:

Yes.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second on **1380**. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bonding resolution **1380A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *1329 - To approve the lease of two additional 15-passenger vans in the Suffolk County Department of Labor in compliance with Local Law No. 20-2003. (Co. Exec.)*

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:

1350 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land to Michael and Jean Carr (SCTM No. 0200-726.00-07.00-006.000) pursuant to Section 125 of the New York State Highway Law. (Beedenbender)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, I'll second it.

D.P.O. VILORIA-FISHER:

Can I just ask a question?

P.O. LINDSAY:

On the question, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Beedenbender, what is the size of this property?

LEG. BEEDENBENDER:

The property, if I remember correctly, is -- it's an oddly shaped parcel. I don't have the number. I can pull up the bill right now and tell you exactly what it is. The history behind this is that this is a parcel that's adjacent to Patchogue-Holbrook Road. It has one neighbor, which is the Carrs, the family listed on this bill. This is the bill that was tabled on the floor of the Legislature. I believe it's 1987 was tabled on the floor of the Legislature.

D.P.O. VILORIA-FISHER:

Okay.

LEG. BEEDENBENDER:

Yeah.

D.P.O. VILORIA-FISHER:

That answers my question, because now I have a recollection of what it was. Okay.

LEG. BEEDENBENDER:

Yeah. And it's only done through highway funds, because this was held as highway, as opposed to something we took from tax deed, but I don't have the exact size in the bill right in front of you.

D.P.O. VILORIA-FISHER:

It's okay, because I remember it, now that you've pointed that out.

LEG. BEEDENBENDER:

Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *I.R. 1356 (Appropriating funds through the issuance of serial bonds for the expansion and improvements to Suffolk County Sewer District No. 18 Hauppauge Industrial (CP 8126))* is the next resolution. Rather than me read it, Counsel's telling me it has to be tabled, because there's no bond. So I'll make a motion to table, second by Legislator Vilorina-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And it makes the bonding resolution moot, so we can skip over that.

1357 - Amending Resolution No. 202-2007 in connection with improvements at Raynor Beach County Park. (Co. Exec.)

LEG. KENNEDY:

Mr. Chair, I'll make a motion for this. And if I can, this is the other half of the infamous "Hundred Thousand Dollar" sidewalk project that has lurked for the better part of four years. Half of it's in. We're still trying to get the rest of it resolved. I'm told this is supposed to do it.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Okay. A motion by Legislator Kennedy, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1366 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the reconstruction of County Road 67, Motor Parkway from North Service Road of L.I.E. (Exit 55) to Veterans Memorial Highway (NYS 454), Town of the Islip, Phase 1, replace bridge at L.I.E. (CP 5172, PIN 075614). (Co. Exec.)

LEG. KENNEDY:

Motion.

LEG. MONTANO:

Motion, or John, either way.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, **1366A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MONTANO:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1367 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with dredging of County waters (CP 5200). (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. All in favor?

LEG. ROMAINE:

No, Mr. --

P.O. LINDSAY:

Yes, on the question.

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. At Committee I raised a question. First of all, I asked, this is 3 million dollars. Dredge Screening Committee hasn't met in two years. I think they mentioned that this was going to be for three separate projects. And all of these are worthy projects and I support the projects, but 300,000 of this was to hire an environmental consultant to do the paperwork to submit to the various agencies, paperwork that in the past, most of which had been done -- almost all of which had been done in-house. And I raised that question, and I don't want to put words in Mr. Anderson's mouth, or Mr. Hillman's mouth, but I believe they said, "Well, these -- the paperwork now is more complicated, the permits are more complicated, and, therefore, we need to hire a consultant." And I said, "Oh, okay. So I guess we're going to vote, because this is 300,000, if you're going to do an RFP." "Oh, no, we're not going to do an RFP." "Oh, why is that?" "Well, because we have an existing contract." I said, "Okay. And how much is that for?" And, if I'm not mistaken, you said between 150 and 300,000, because you couldn't recall. And I said, "Okay. Did that ever come in front of the Legislature for approval?" "No."

So you're going to do an extension of a contract that we never approved for an environmental consultant, and you're going to extend it for another approximately 300,000, and not go to bid, and it just raised a lot of questions in my mind. It also raised a lot of questions in my mind, because while this work may be more complicated, it had been done in the past inhouse. And now they say, "Well, look, we only have to apply for a permit once every ten years," but they're applying every single year for multiple projects. It's not they apply once every ten years, there are multiple projects each and every year that come up.

So these are questions that I asked at committee, and I asked for a response before today. Our committee met about a week ago and I haven't got a response on any of those questions. And I guess they thought, "We'll let it go," but here I am asking them again and wondering why over the last week those things could not be answered. I guess I'm going to ask them again and hope they'll be answered now.

MR. ANDERSON:

And I'll be glad to. And while I was compiling information, I wasn't able to get the letter out to you or the information out to you, but the -- let me address the first issue, which is the detail of permits that are required. In the past, prior to the last couple of years, environmental reports were done by the various regulatory agencies, fish habitat studies. There's another one, not off the top of my head, but these are two detailed environmental studies that were always done through the Army Corps permit. The regulatory agency says, "We're not doing it anymore, you have to do it." These are detailed reports that need to be accomplished for the permit. Having said that, we're in the process of trying to get approved a number of ten-year permits. The way the cycle works out, the ten-year permits are all due, and we anticipate getting all those permits over the next couple of years, not all in one shot, so -- but after that, we won't need to have those permits, because we don't get the permits on an annual basis, we get ten-year permits. So there's going to be a gap where we're not going to be able to --

LEG. ROMAINE:

Any year you're applying for ten-year permits for different dredging projects.

MR. ANDERSON:

But only from the immediate few years, from what I understand. It's only going to be the next couple of years where we have to submit for these 10-year permits. Then there's a period where we won't have to have as many permits submitted.

LEG. ROMAINE:

But you'll have permits almost every single year for these requirements.

MR. ANDERSON:

Most likely, yes. But, again, the specificity and the detail that are required are such that we feel it is better to bring in a consultant who is -- specializes in this type of stuff, you know, clams and, you know, fish habitats, things like that.

LEG. ROMAINE:

And how is that consultant contract going to be approved, since I believe it's a sole source contractor?

MR. ANDERSON:

This was a contract that was approved, Capital Program 5200 approved last year -- no, in '07, and we were looking -- it was Resolution No. 1175, and we were going to addend the contract to include this work. We can go about -- you know, we can go about sending out enough --

LEG. ROMAINE:

Were you going to seek approval of this Legislative body, since this is a sole source contractor and it's for \$300,000?

MR. ANDERSON:

It's not a sole source contractor, but we did get a waiver for the work as part of the process.

LEG. ROMAINE:

A waiver from whom?

MR. ANDERSON:

From the Waiver Committee. I mean, we went through the process, got ourselves --

LEG. ROMAINE:

Who's on the Waiver Committee? I'm not familiar with how that operates, maybe you could educate me.

MR. ANDERSON:

The Waiver Committee is made --

LEG. ROMAINE:

Because the last time I looked, sole source contractors over a certain amount, and this certainly qualifies, usually requires the approval of this Legislature.

MR. ANDERSON:

But this isn't -- again, this isn't a sole source, these are specialized services that warrant a waiver, so you don't have to go out and publicly bid. You then get proposals from those qualified professionals.

LEG. ROMAINE:

How many proposals did you get originally, since you're not getting any more new proposals, just renewing the old proposals that you had? How many proposals originally did you get for this?

MR. ANDERSON:

That I can't -- I don't know, but I do know we have two consultants on board, local consultants, that deal with these type of specialities, and we were looking to addend their contract to continue this so we can get this work done quickly. As for -- what were the other questions? I'm trying to think. The three areas that were anticipated to be done, they include the Forge River, Narrows Bay, Stony Brook Harbor, Yacht Club spur, Porpoise Channel up in Brookhaven and Smithtown, and then in Islip, Awixa Creek.

LEG. ROMAINE:

They're all worthy projects --

MR. ANDERSON:

Right.

LEG. ROMAINE:

-- and I definitely want to support them.

MR. ANDERSON:

Right.

LEG. ROMAINE:

I'm just concerned about how we're back-dooring this for these consultants without --

MR. ANDERSON:

We're not -- these are professional services and we're following, you know, operating procedures. I mean, this is -- we're not doing anything back-door with this.

LEG. ROMAINE:

Well, I'm going to say this to the Presiding Officer, because I know he shares some of my concerns anyway. I'm going to approve this, because these projects are worthy and they're necessary. But, Mr. Presiding Officer, hopefully, the resolution, of which I offered to cosponsor with you, is going to address some of these issues, I mean, because this is -- these are the consultants that were selected two or three years ago, they're being renewed. There's a waiver that no one on this body knows about. This is 300,000. The original amount was for 300,000.

You know, this is the body that's supposed to have the purse strings, and the only thing I see is one branch having all the decision-making, and this branch, who is supposed to have some decision-making, being cut out completely and there's no oversight here. There's absolutely no oversight about the selection of these consultants, which raises the question. A lot of this used to be done inhouse, and now it seems that we're letting people go in Public Works, we're doing less and less inhouse with County workers, we're hiring consultants. Most of these consultants we never hear about, never come before us for approval, though they involve hundreds of thousands of dollars, you know. And then we hear about a Waiver Committee. None of us knew about this Waiver Committee. None of us knew, until I asked the question, that these -- that the Public Works Commissioner got a waiver.

I simply am raising these questions, because I think procedurally there's something wrong here. I'm going to vote for the projects, because they're desperately needed, but we've got to take a look at how we hire consultants. And I think the Comptroller addressed this in his 80-page report that all of us got that fired flares loud and clear over the financial management practices of this County, and the duties and responsibilities for this Legislature for oversight regarding consultants, particularly at this level. And I'll just drop it. The hour's late and I don't want to get on my soapbox anymore. Thank you.

P.O. LINDSAY:

To answer your question on the procurement bill that I am the sponsor, and be happy to have you

as a cosponsor, and I have a number of other cosponsors on it, was tabled in committee.

LEG. ROMAINE:

I know.

P.O. LINDSAY:

There was a lot of questions about some of the -- well, we'll be working on it this week and it will come back to you.

LEG. ROMAINE:

Thank you.

D.P.O. VILORIA-FISHER:

Can I ask a question?

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. And, actually, Legislator Romaine, to further expand on some of the comments, the waiver issue was one that was discussed at great length in Committee, because although that's something, Gil, that your department has become accustomed to as a matter of, you know, course, for those of us who heard of it for the first time, it was disturbing, because we didn't see the oversight in that. And waiver, when it's for so many different projects, it did raise a red flag. But these are very, very important dredging projects. I know in my district there are areas where the boats can only move at high tide.

MR. ANDERSON:

Absolutely.

D.P.O. VILORIA-FISHER:

They just can't even come into that channel--

MR. ANDERSON:

Right.

D.P.O. VILORIA-FISHER:

-- at all. So it's a real safety situation. So I'm glad, Legislator Romaine, that you are supporting the projects, because they're very critical to public safety. But we are going to be talking a lot more. And isn't Fish and Wildlife also one of the agencies that's --

MR. ANDERSON:

Yes.

D.P.O. VILORIA-FISHER:

-- causing you to go through so many hurdles, because they have recently changed their criteria?

MR. ANDERSON:

Absolutely. Absolutely.

D.P.O. VILORIA-FISHER:

Okay. So I understand your dilemma, but we do want to look at that. Thank you.

MR. ANDERSON:

Okay.

P.O. LINDSAY:

Okay. 1367, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen -- sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:

The accompanying bonding, 1367A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1368 - Amending The 2009 Capital Budget And Program And Appropriating Funds In Connection With Rehabilitation Of Various Bridges And Embankments (Cp 5850). (Co. Exec.)

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. STERN:

Yeah. Thank you, Mr. Presiding Officer. This is a project that's going to be moving funds from Capital Project 5560, which is reconstruction of Commack Road. We're able to do this, Gil, because the monies that were going to be allocated for that project now are no longer going to be necessary, because Federal stimulus money will be able to fund that project in its entirety.

MR. ANDERSON:

Correct.

LEG. STERN:

Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, 1368A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The other accompanying bonding resolution, **1368B**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1369 - Appropriating funds in connection with the traffic signal improvements on various County roads. (Co. Exec.) I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Gil, is this for particular traffic signals? And if so, is it for one on Motor Parkway at Shinbone?

MR. ANDERSON:

67 and Shin Bone?

LEG. KENNEDY:

Yeah.

MR. ANDERSON:

It is part of the number that are included to be under this, yes.

LEG. KENNEDY:

How many traffic signals, approximately, all tolled, are you looking at?

MR. ANDERSON:

About 36, plus there'll be additional funds in case there's other immediate needs.

LEG. KENNEDY:
Okay. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
On the accompanying bonding resolution, **1369A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1370 - Appropriating funds in connection with improvements to County Center C-001, Riverhead. (Co. Exec.) Motion, Legislator Romaine?

LEG. ROMAINE:

Sure.

P.O. LINDSAY:

Motion by Legislator Romaine. We remember that place. We were there once.

LEG. ROMAINE:

Right, that's -- I want to ask some questions. I want -- at some point.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. And we are looking forward to going back there.

LEG. KENNEDY:

On the motion.

LEG. ALDEN:

After January 1st.

D.P.O. VILORIA-FISHER:

Ed had a question.

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

Yes, I do have a question. By the way, in the '80's, every other meeting was in Riverhead. Every

other -- George remembers that, right, George?

P.O. LINDSAY:

I think you told us that before.

LEG. ROMAINE:

That's right. In any event, this is \$2,050,000 extra on top of what we've already spent for the Riverhead Center.

MR. ANDERSON:

Yes.

LEG. ROMAINE:

And why do we need this extra money?

MR. ANDERSON:

There were -- as with any building construction, there were things that were discovered, once we started the construction, that need to be addressed.

LEG. ROMAINE:

Oh, the "Whoops" factor. Where are we in the scheme of getting this building done? Now, I remember when I was County Clerk, they laid out a plan, they said this is -- they were going to spend 32 million dollars to renovate this building, "We're going to do it right." Then I came to the Legislature and someone said, "No, they're only spending 20." I said, "Well, I guess they're not doing it right, but, okay we're spending 20." Now you need, you know, a little bit more. But when do you think you might be finished? When might the Legislative auditorium, specifically, might be finished?

MR. ANDERSON:

The beginning of next year. When Lou mentioned at the committee --

LEG. ALDEN:

That was at my request.

MR. ANDERSON:

-- committee meeting, he said it would be very unlikely that, you know, we'd get it done this year, but --

LEG. ROMAINE:

So our first full meeting in January after the organizational meeting we can schedule for Riverhead?

*(*Laughter*)*

MR. ANDERSON:

We're going to try. We're going to try. I mean, that's something we'll -- you know, again, there's unforeseen things that could happen during construction.

LEG. ROMAINE:

I was in there a few weeks ago and it looked almost exactly the way it looked a year ago when I was in there.

MR. ANDERSON:

No, no, I don't --

LEG. ROMAINE:

Okay.

MR. ANDERSON:

I don't agree with you. I mean, you know, having been in there --

LEG. ROMAINE:

It looked very similar.

MR. ANDERSON:

Right.

LEG. ROMAINE:

It was very off-stage.

MR. ANDERSON:

There are a lot of -- you know, there's a lot of ceiling, you know, boards that are out of there, because we're still doing work. And, again, doing work at night to facilitate the facility and keep it open, you know, that's --

LEG. ROMAINE:

And, hopefully, you remembered Legislator Browning's request about the beam.

LEG. BROWNING:

The beam?

LEG. ROMAINE:

About the beam right behind her chair.

LEG. BROWNING:

I hope it's gone.

LEG. ROMAINE:

All right. Thank you. See, I remembered.

P.O. LINDSAY:

Okay. **1370**, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen.

LEG. ALDEN:

One quick question.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Alden, I forgot you had a question. Go ahead.

LEG. ALDEN:

Gail, can we use the Federal stimulus money as offsets?

MS. VIZZINI:

I'm not sure that this particular --

LEG. ALDEN:

No, no, not this one, but in general.

MS. VIZZINI:

Basically, the Charter provides that if a project is 50% or more funded, Federal, State-funded, you can add it to the Capital Program without an offset. So, you know, we approved a couple of Federal stimulus -- received the Federal stimulus monies in '09 already using that method.

LEG. ALDEN:

Can you just take this as a request? I'd like to see if that money is being used to expand our Capital Program as offsets.

LEG. BEEDENBENDER:

It is.

MS. VIZZINI:

Yeah, we'll take a look at that. The proposed 2010-2012 program is rather judicious in terms of the presentation of the Federal money, so as not to inflate the program in the event we don't get what we're asking for. But we are asking for about 330 million dollars in stimulus monies. '09 is 55 million dollars more than when we originally adopted reflecting what we've -- what we're pursuing in Federal stimulus.

LEG. ALDEN:

But, specifically, there was a project, and I think it was pointed out by Legislator D'Amaro, that the money originally was supposed to go to a project that was going to be funded by bonds.

MS. VIZZINI:

Yeah, the Julia Circle project.

LEG. ALDEN:

Right. So now we ended up with Federal stimulus money that's going to do the project -- a project, so it frees up money to change into another project. That adds -- does that to our Capital Program?

MS. VIZZINI:

The Federal stimulus money has made the current adopted '09 budget 55 million dollars bigger than when we originally adopted it, net, with all the pluses and minuses.

LEG. ALDEN:

That answers the question. Thank you.

P.O. LINDSAY:

Mr. Anderson, did you want to add something to this discussion?

MR. ANDERSON:

No. I thought if you needed me.

P.O. LINDSAY:

That's a very judicious man. Okay. We have a -- same motion, same second on 1370. Roll call. **1370A**, the bond. We didn't do the bond, we did the resolution; am I right?

LEG. MONTANO:

Yes.

MR. NOLAN:

Did he call the vote on 1370?

P.O. LINDSAY:

Did you --

MR. LAUBE:

Yes, I called the vote, sixteen.

P.O. LINDSAY:

Okay.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *1371 - Appropriating funds in connection with the purchase of heavy-duty vehicles for Police Department (CP3135). (Co. Exec.)*

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. GREGORY:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Not being on the committee, can I get an explanation as to what these vehicles are?

LEG. BEEDENBENDER:

They are -- it's a replacement two-car carrier for the Police Department.

LEG. KENNEDY:

The flatbeds that pick up the --

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

The larger ones, not a single car. These are the larger two-car models for transporting vehicles.

LEG. KENNEDY:

And are we at the point where we have to get these things? I mean, the existing fleet is aged out or

--

LEG. LOSQUADRO:

Well, I'll let Mr. Anderson answer, but --

MR. ANDERSON:

Yes. Yeah, it is.

LEG. LOSQUADRO:

Yeah, we have a limited number of these type of vehicles, not as though we really have a fleet. And the one that it's replacing has ended its life expectancy.

MR. ANDERSON:

Correct.

LEG. KENNEDY:

It's pretty well trashed?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

Okay, fine. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution, **1371A**. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yep.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

**LEG. HORSLEY:
(Not Present)**

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

1399 - Appropriating funds in connection with rehabilitation of Smith Point Bridge (CP 5838). (Co. Exec.)

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

(1399A) Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1400 - Amending the 2009 Operating Budget and the 2009 Capital Budget and Program and approving the purchase of approximately 70 hybrid electric vehicles of various models for County fleet and accepting Federal Aid. (Co. Exec.) I'll make a -- motion by Legislator Beedenbender, I'll second the motion. I'm surprised Legislator Losquadro didn't want to second that motion, they're hybrids.

LEG. LOSQUADRO:

I was right behind you.

P.O. LINDSAY:

And Legislator Vilorio-Fisher. Okay.

LEG. LOSQUADRO:

I was right behind you, Mr. Chairman.

P.O. LINDSAY:

All right.

LEG. BEEDENBENDER:

Mr. Chairman, in Committee, the Committee had had some questions about this bill. We were concerned that there's only 38 cars listed in the resolution, but it authorizes up to 70. And in the discussion, we had wanted the bill to come -- the approval for the rest of the cars to come back to us. The Second Resolved Clause of the resolution reads that the balance of the approximately 70 hybrid vehicles to be purchased under this grant shall be authorized by resolution, so that was addressed.

P.O. LINDSAY:

Okay, very good. Any, Mr. Anderson? No?

MR. ANDERSON:

No.

LEG. ALDEN:

Quick question.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

To Gil. This is the normal replenishment of the fleet or replacement of the fleet?

MR. ANDERSON:

Correct.

LEG. ALDEN:

So we're taking the actual corresponding number of vehicles out of service.

MR. ANDERSON:

Off line, yes.

LEG. ALDEN:

Okay. And they're being junked or --

MR. ANDERSON:

Yes. Whatever our normal procedure is, either junked, or if they can be resold, they're resold.

LEG. ALDEN:

Okay.

LEG. MONTANO:

Question.

LEG. ALDEN:

Thanks, Gil.

LEG. MONTANO:

Gil, how much is Federal Aid on this, is it sixteen hundred.

MR. ANDERSON:

No.

MS. VIZZINI:

This accepts 1.6 million in Federal dollars.

LEG. MONTANO:

I mean, not sixteen hundred, that's what I meant.

MS. VIZZINI:

1.6 million.

LEG. MONTANO:

One-million-six-hundred is the Federal component?

MR. ANDERSON:

Correct.

LEG. MONTANO:

Okay.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

And this is unique? This part of stimulus money to promote these alternative vehicles, or is this something available on an annual basis?

MR. ANDERSON:

This is CMAQ funding that we applied for and obtained.

LEG. MONTANO:

What's CMAQ?

MR. ANDERSON:

CMAQ is air equality, C-M --

LEG. MONTANO:

It's all right.

MR. ANDERSON:

Sorry.

LEG. KENNEDY:

So we don't have the same kind of time constraints that we do with some of the other things that we're doing? In other words, that money is available, multiple year, or is it just in this twelve-month period?

MR. HILLMAN:

CMAQ stands Congestion Mitigation Air Quality funding, and it does have very similar time constraints. It's through the Federal -- FHWA. And if it's in -- if it's in Federal Year 9, which these funds are, they need to be obligated or authorized to move on by September 30th of '09, so there are definite time constraints. Once they're obligated and we then go out and purchase a vehicle, we do have a number of years to do that. However, we have to have an invoice to the Feds once every 12 months. So, basically, they're basically the same rules and guidelines and timelines.

LEG. KENNEDY:

And I know you spoke to this before, I'm just going to ask it again. So the intention is to acquire these 70 hybrid vehicles and to pull out 70 existing vehicles in our civilian fleet?

MR. ANDERSON:

Correct.

LEG. KENNEDY:

Okay. And you must have mapped it out. There should be a substantial fuel savings that we're going to achieve with this?

MR. ANDERSON:

As they are hybrid vehicles, yeah, we anticipate there will be a fuel savings, depending on the vehicles that we purchase.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

If we don't -- if we don't go through this program, then we're going to have to replace the vehicles on our own?

P.O. LINDSAY:

Right.

LEG. ALDEN:

So it costs us the whole amount instead of getting the government, Federal government to pay 80%, which I know we paid Federal taxes, too, so, eventually, we paid for that also, but this lessens the burden.

P.O. LINDSAY:

But the question is, do you want 1.6 million or not?

D.P.O. VILORIA-FISHER:

Right.

LEG. ALDEN:

That's the question.

D.P.O. VILORIA-FISHER:

Good question.

LEG. ALDEN:

And, in a minute, I'll answer that question.

*(*Laughter*)*

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Take the money.

P.O. LINDSAY:

1222 - A Local Law to improve protections to residents of planned retirement communities. (Romaine)

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Losquadro.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Dennis, if you don't mind just to speak here. There were some issues that came up at the Committee meeting. I'm a -- I actually was one of the cosponsors initially, but there were some -- there was a presentation made by the -- I guess the owner and one of the attorneys, and there were some issues that I was unclear on. Can you speak to -- my understanding is that your office worked to draft this resolution as a result of the lawsuit that was filed initially, once we passed our first resolution; is that correct?

MR. BROWN:

That's correct.

LEG. MONTANO:

Now, your position -- it's going to go back to court, you're fully aware of that; am I correct?

MR. BROWN:

That's what they say. I don't necessarily know if that's the case, because --

LEG. MONTANO:

Well, I think they made that clear, that it's going to go back to court.

MR. BROWN:

Well, that's what they say.

LEG. ALDEN:

That's a threat.

LEG. MONTANO:

No, it's --

LEG. MONTANO:

I agree with you, that's what they say.

LEG. MONTANO:

What was that?

MR. BROWN:

I agree with you, that's what they say.

LEG. MONTANO:

Well, I just want to make sure that the aspects of the bill that you modified are in conformity -- your confident that they're in conformity with the decision that was rendered by the Second Department, and that we don't really face, at least none that you're -- you're confident that we'll prevail on this litigation, should it commence?

MR. BROWN:

Yes, that's correct. If you recall from the decision, that there were three or four provisions of the prior law that was stricken down. They were stricken down on the grounds of unreasonableness. And so, when the bill was redrafted, it was redrafted and we tried to cure those objections rendered by -- levied by the Appellate Division by couching the language in either reasonableness in terms of -- in terms of the rights and obligations of the tenants, or reasonableness and arbitrary and capriciousness on the rights of the -- rights and obligations of the landlord. So we tried to -- we tried to accommodate the position of the Appellate Division.

LEG. MONTANO:

All right. There was one issue, and I don't remember exactly what it was, but there was one issue

that I thought we had said that we would look at. Were you at the meeting, the committee meeting?

MR. BROWN:

I was, yeah, yes.

LEG. MONTANO:

Do you remember the point that the attorney made when he said it was sort of inconsistent to have, you know -- and I don't have the minutes with me, I didn't get a chance to read -- I don't even think they're ready yet, but do you know which point I was referring -- I'm referring to?

MR. BROWN:

If it's the one you're eluding to, the one that I recall specifically, and, in fact, George and I had discussed it after the meeting, was he raised the issue that the tenant had the right to cancel the lease and --

LEG. MONTANO:

That's correct, that's --

MR. BROWN:

And he basically made the argument that the tenant would be able to cancel the lease for no reason or for any reason. Now, the way the bill is written, it says that the tenant would have the right to cancel on reasonable grounds on 90 days notice. So, to cancel for no reason or to cancel for any reason doesn't necessarily comport with the bill. That doesn't necessarily mean that the tenant has met the reasonable grounds or reasonable cause standard. So, basically, I didn't put a lot of credit in that argument.

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

MR. BROWN:

Well, it doesn't say that. It does allow the tenant to cancel a lease on 90 days notice on reasonable cause. And, you know, if you get into the practical application of it, that doesn't then -- let's say the tenant did elect to do that, that doesn't leave the tenant with very many rights because the landlord is the land owner and now -- and that's his or her residence. Now, that residence may or may not be personal property, but now you would have the tenant on the landlord's property, and if he or she cancelled the lease with, in effect, no rights. And so the landlord I think would have strong grounds to eject, and not even evict, but to eject the tenant who is holding over on a canceled lease, then the landlord would have a lot of remedies. And I don't envision the same problems that the landlord envisions because of that clause.

LEG. MONTANO:

All right, thanks.

P.O. LINDSAY:

Legislator Nowick?

LEG. NOWICK:

Again, I'm not sure who could answer this question, but if we were to pass this resolution, would the already existing residents -- and maybe, George, you would know that -- would the landlord existing residents then be able to demand certain -- like demand the rules and regulations of the community can't be changed, even though they're there already? Can it work for the people already in these communities?

MR. NOLAN:

Yeah, I think that it can. The tenants, the homeowners can avail themselves the rights under this

law.

LEG. NOWICK:

So -- okay. And the term "planned retirement community", is that a legal term, or would a Fairfield be a planned retirement community; is that a legal term of some sort?

MR. NOLAN:

Well, it's defined in the original law and it was really geared towards these communities where the operators of the communities are given land leases where there are land leases, so the operator owns -- maintains ownership of lands, but the people who live there own the house on top of the land. And that's really a key element of the definition of a planned retirement community in this bill, the fact that you're dealing with land leases, and also people who -- most of the residents are 50.

LEG. NOWICK:

So they buy the unit, is that correct? They buy the unit but the land is not theirs; is that what this is?

MR. NOLAN:

They lease the land.

LEG. NOWICK:

Okay. Thank you.

LEG. BEEDENBENDER:

Legislator Nowick, I live in a Fairfield Complex, so I don't think that that qualifies as a planned retirement community.

LEG. NOWICK:

I thought you had to be 55 or older. I don't live there personally, but --

LEG. BEEDENBENDER:

No, I couldn't imagine you would.

LEG. NOWICK:

Okay. I want to make that clear.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I was confused by something that was said this morning; I was just looking back at the legislation. Because the attorney who came to speak on behalf of Greenwood Village seemed to indicate that we were being arbitrary and capricious because it seemed as if we were targeting that particular entity and not -- and that the law wasn't applying to every other planned retirement community that was similar to this one? Can you explain? I really didn't quite follow what he was saying and I'm just trying to qualify that in my own mind. Because arbitrary and capricious was what they argued when they won the case, right?

MR. BROWN:

I think I can answer your question but can't necessarily speak to what he was saying. So if your question is whether or not the law would apply equally to similarly situated land owners, I would say the answer is yes. Now, his argument that the law might be arbitrary and capricious, I would say that that's a different legal argument about the law. And his argument in that case is basically that the law, as applied not only to him but all similarly situated people, would be unreasonable. But it should apply equally to all landlords similarly situated.

LEG. ROMAINE:

If I may, I just want to add to that. That was one of the issues he brought up, I thought that was interesting since both the Supreme Court and the Appellate Division rejected that argument out of -- right off the bat, that this was an exclusive law that would apply only to Greenwood and that was rejected. He also said that most of this law was thrown out; I think Mr. Brown will tell you that most of this law was ruled correct. Only a few provisions were thrown out for unreasonableness, of which the County Attorney addressed.

And last, I just want to put on the record, my father is not a homeowner, nor does he have any interest in any property in Greenwood Village, and I want to state that for the record as well because that was another thing the attorney mentioned and I just thought I'd clarify the record on that. Thank you.

P.O. LINDSAY:

So attorneys lie?

LEG. ROMAINE:

Misstate the facts is better.

P.O. LINDSAY:

Legislator Montano.

LEG. ALDEN:

Some might.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I just wanted to put on the record. At the committee meeting, Legislator Romaine had presented me a list of questions that we turned over to the attorney, and I guess one's an attorney or maybe a partner, the other one is the son and he's the owner. Have those questions been answered? Have you received anything from the attorney?

MR. BROWN:

I have not, no.

LEG. MONTANO:

Legislator Romaine, has he gotten back to you on that?

LEG. ROMAINE:

Absolutely not. In fact, the one time I tried to reach out to him when we started this process a few years ago, he didn't want any communication whatsoever.

LEG. MONTANO:

Right, but didn't he -- I thought he said that he would be here at the meeting and that he would address these by this week.

LEG. ROMAINE:

I guess he forgot to do that as well.

LEG. MONTANO:

Well, just put that on the record; we gave him the questions, we haven't gotten a response to them.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, Ed, you got your bill again. Let's see how you're doing it this time.

LEG. ROMAINE:

They're going to be very happy, and I'm going to rely on the legal expertise of the County Attorney's office who helped me tremendously. And I want to put on the record, my thanks to Christine Malafi and her staff for her assistance in this process, both in the legal process for the first law and in drafting the corrections in the second law. So thank you to the County Attorney's Office.

P.O. LINDSAY:

IR 1303-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Stephen O. Harrison and Deborah Harrison, husband and wife (SCTM No. 0200-026.00-02.00-034.001) (County Executive).

Do I have a motion?

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator D'Amaro.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen?

P.O. LINDSAY:

IR 1307-09 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Jeong Bok Kang) (SCTM No. 0100-023.00-02.00-001.000).

LEG. EDDINGTON:

Say that again.

(*Laughter From Panel*)

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Legislator Alden makes a motion so I don't have to repeat it.

Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:
On the motion?

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
In committee we had asked for a brief explanation of why it was \$78.47. Hi, Pam.

MS. GREENE:
Good evening, everyone. I brought a tax map for your distribution. Believe it or not, this is actually a very, very small piece of property and that was the total amount of unpaid taxes. That was the amount the tax deed was taken for, the redemption application was made within the statutory period of time and they are all paid to date.

LEG. ALDEN:
Point of clarification; that was the total tax on this piece of property?

MS. GREENE:
When you see the tax map, I think it will be explanatory.

LEG. ALDEN:
Okay. Good.

P.O. LINDSAY:
We have a motion and a second. Do you want --

LEG. LOSQUADRO:
Hold on a minute. I just want to --

P.O. LINDSAY:
You want to see a tax map? Okay, we can take a second.

LEG. LOSQUADRO:
The only reason is there seemed to -- in looking at it, there was a shortage because part of it was paid by HSBC Mortgage. So, I mean, that's not the total tax amount, that was the deficiency in the taxes that were paid, correct? Because part of the taxes were paid. These were -- this was a shortage in the amount and part of it was -- part of the problem was what was reported to HSBC on our part, unless I was reading that incorrectly.

MS. GREENE:
What we have is the deed that was taken by the Treasurer's Office. If you can see the amount that's been -- the property that's been highlighted, that was the property for which taxes were not paid for three years. There was a tax deed taken in 2007, there was an application for redemption made within the one year, and all taxes have been paid to date now.

LEG. NOWICK:
Okay, they were paid.

MS. GREENE:
Happy to help.

P.O. LINDSAY:
Are we okay now? Okay, we have a motion and a second.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1318-09 - Authorizing the transfer of certain property to Suffolk County Department of Public Works (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion; where was that? Motion, Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1319-09 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation & Conservation (County Executive).

LEG. BROWNING:

Motion.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote, all right?

LEG. ALDEN:

Sounds good.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1326-09 - Approving the appointment of a relative of an Acting Supreme Court Judge in the Suffolk County Treasurer's Office (Emily E. Hudson) (Presiding Officer Lindsay). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1396-09 - Authorizing the County Clerk to file an application for additional State Mortgage Tax reimbursement (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1409-09 - Authorizing the granting of a permanent easement to the Selden Fire District across County-owned property (SCTM No. 0200-538.00-05.00-001.005) (Beedenbender).

LEG. BEEDENBENDER:

I'll offer a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Beedenbender.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. BEEDENBENDER:

On the motion?

P.O. LINDSAY:

On the motion, go ahead. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. It was my intention to move forward with this today, and I'm not tabling it because of the concerns that were raised earlier. The resolution needs to be amended because it did not include the provision that would require the easement road that the plans be approved, reviewed and approved by our Department of Public Works. So that's why I'm amending it. It would be my intention to move forward with this next time.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

We have a motion to table and a second. Oh, on the motion, Legislator Alden.

LEG. ALDEN:

As long as this -- this isn't going back to committee where normally we would go through this. I would ask the sponsor to ask Suffolk Community College to come down and just brief us very quickly on their plans and how this might or might not affect their plans. And also, I'm going ask the Department of Real Estate how this would impact the value of the property; for the report that I had asked for, this could be used for affordable housing or workforce housing. So I'll take care of that end of it, but if you would ask Suffolk Community College to come down and testify that this doesn't or does impact what their future plans are, I would appreciate it.

LEG. BEEDENBENDER:

Sure, I'll have them come down. But I'll repeat, it's 135 feet on the north end of the property that is not adjacent to the college at all because it's adjacent to private property owners, residential, and it's adjacent to the Fire District property. It's 20 acres that Suffolk Community College has requested on this property be transferred to them for their permanent use and future use, and that's what we plan to do. But if you would like them to come down and say that, I'll be more than happy to have them come down.

LEG. ALDEN:

Good, because it could -- as far as in my mind, what we really want is we can make a determination what we really want to do with this. Do we want to return it to the tax rolls and receive possibly tens of millions of dollars in taxes, in future tax on it, do we want to sell it to a developer who would actually pay us cash for it and then receive tens of millions of dollars in tax, or do we want to leave it lay fallow and cost the taxpayers money?

LEG. BEEDENBENDER:

Sure. That is in reference to the other bill that I have, it's to create a park and I look forward to that debate to discussing the future use of this property.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1409 stands tabled.

Last page on the regular agenda, *Home Rule Message No. 7-2009* -- and George tells me there's an amended copy in the packet -- *Home Rule Message requesting the State of New York to authorize the County of Suffolk to establish a wireless surcharge (Senate Bill S.4026 and Assembly Bill A.7336) (Horsley)*.

LEG. HORSLEY:

What was the change?

P.O. LINDSAY:

George, you want to do the change? And then as soon as I get a motion and a second, then we'll start the debate.

MR. NOLAN:

There's no change in the substance, it's just the Senate bill number was changed.

LEG. HORSLEY:

The Senate bill.

MR. NOLAN:

Senate Bill number was changed.

P.O. LINDSAY:

Okay, do I have a motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Kennedy.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, I have Legislator Barraga and then Legislator Alden and then Legislator Romaine.
Okay, Legislator Barraga.

LEG. BARRAGA:

Thank you. I pretty much expressed my personal opinion with reference to this 30 cent surcharge in the committee meeting; I'm not going to belabor that. I mean, I just have to take a look at it from the standpoint of all the other things that are happening and the effect that another tax or a surcharge has on the people we serve.

For example, we talked about the lag payroll and the affect that it has on County employees. This morning we spent a great deal of time on the MTA in terms of its effect on municipalities and small businesses, not too long ago, in this chamber, a couple of weeks back I think, to bailout the Vanderbilt Museum, increase the fees on golf. Not too -- before that we had some problems with reference to the Police District and increased the tax associated with that, but it's an accumulation of things and I just have a problem with it based on our economic scenario.

But something happened last week in the committee that kind of jogged my memory. Mr. Losquadro was standing -- sitting beside me and he brought out a bill, a wireless bill and, you know, he was sort of going over the different taxes. I began to remember a debate several years ago in the State Legislature, and I went home and I pulled out my own wireless bill and I found that on a \$40 basic plan, there's something like over \$8 of different surcharges, taxes and government fees; it's about a 20% increase over the base cost of cell service that I am paying and most people are paying when they have cell phones. But the interesting thing, one of those surcharges has to do with New York State 911 fee, \$1.20. A New York State E-911 fee, \$1.20, it's already on the bill. And the question is, you know, before we jump in and go for the surcharge, and I understand other counties have done that, one should be asking some questions. I noticed this morning Newsday editorially embraced this bill; the question is did anybody there or anyplace else say, "What is the dollar twenty? What happened to the dollar twenty?" And back in 2002 there was a debate on this and the original fee was 70 cents and it was supposed to fund 911 programs. In 2004 in the State Legislature, if I recall correctly, there was another debate to increase the fee from 70 cents to \$1.20 because there wasn't enough revenue coming in to fund the 911 programs throughout the state.

At the same time, if I recall correctly, the New York State Comptroller came out with a report and

said that the entity that wound up with these funds, the New York State Police, had misspent the funds. What they were saying is that some, a good chunk of the money never even went to the 911 program format; the State Police spent it someplace else, and there was a big debate on that. To this day, I don't know where those 911 monies are going. I know what the Legislative Intent was, but there's a big difference between Legislative Intent and what an agency apparently does with the money, and I've seen this over and over again.

You're going to pass this, I'm not going to support it. But I think the question has to be asked and it should have been asked, where are the 911 monies that you have been paying as citizens of Suffolk for the last seven or eight years; what happened to those dollars? I understand that, you know, the State Police can give some grants out to local municipalities for the individual 911 programs. What happened to the rest of all those dollars? I think someone this morning said there was something like a million three hundred thousand cell phones in the State; you know, that's a lot of money, even at 30 cents.

LEG. ROMAINE:

A month.

LEG. BARRAGA:

Say \$1.20, that's a million two hundred thousand dollars per month, multiply it by 12, that's got to be like 16, \$20 million for 911 programs and it just didn't happen in the State. Because in so many cases, unless it is specifically stated in the Legislature, once the bureaucracy, once the agencies get the money, once the 400 people in the Governor's budget office in the State of New York get those dollars, they all go off into different areas. It's like when you go up and you pay a toll at a bridge, you think they're going to be modernizing the bridge; well, it may wind up in Medicaid or education or health care. But these 911 monies, the whole intent was to fund the 911 program and that has not been the case.

P.O. LINDSAY:

Legislator Alden?

LEG. ALDEN:

I'll start by saying that if it's a good government program, then it should be included in the basic government budget, and that way people can see what they're getting for their money. This is just another hidden tax, it's another way of getting around, taking responsibility for taxing people. I looked at my land-line bill, and for \$12 worth of service there's \$8 worth of tax; an excise tax, 911 tax, whatever you want to call it, there's line after line after line. When you go buy a product, there's hidden fees in every product that we go and buy, including milk, including things that you might not think of because you don't pay a sales tax on. There's excise tax, there's value added taxes, there's all kinds of hidden taxes. And I'm just going to repeat it; if it's good, good government, then put it in the budget so people can see what they're paying for. And I'm just going to ask a question; does this exempt the people that are already paying on the land-line?

MR. NOLAN:

No.

LEG. ALDEN:

No. So unfortunately, if you have a land-line and also a cell phone, now you're going to get double taxed for the same thing, with the same intent and the same amount of money. It just isn't fair and especially not in this economic climate for people that are already suffering. Thirty cents a month, people are going to say that's nothing, but just start looking at your bill where it doubles because of excise taxes and add-ons and add-on taxes. It really puts people in a bad position.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

Yes. You know, I think Legislator Barraga and Legislator Alden made extremely valid points. I grabbed my aide, Bill Faulk, who is very helpful, as most of our aides are, he just gave me his recent cell phone bill; I'm not going to read the bill, but I will read the charges.

Okay. Regulatory Cost Recovery Charge, 91 cents; Federal Universal Service Charge, \$1.03; MTA Telecom Surcharge, 41 cents; State Telecommunications Excise Surcharge, \$1.69. These are all great sounding charges, you wonder how this money is actually getting spent. A 911 service fee, \$1.20; there's already a 911 service fee and we're going to impose another at a Local level. New York State Sales Tax, \$2.68; County Sales Tax, \$3.10. I mean, already on every cell phone there's charges.

I think Cameron Alden makes a very valid point. We're not saying that the 911 services that are provided by our local emergency services and by the County aren't important, they're very important. We're not saying that the way it's funded now through the land-lines is inappropriate. But now we're looking to put a fee on cell phones as well? I think we should take the fee off land-lines and cell phones and include it in our budget so that we're honest and upfront. If the County is going to provide 911 services in addition to the State, and hopefully we do a better job than Tom has indicated the State has done with their money, how many fees are we willing to put on people? I mean, how many fees?

Look, I've got to tell you, you know what the average Joe says to me when I meet him on the street? "Mr. Romaine, every time I look at something I'm getting hit with a fee or a service charge or something. Then I get school taxes, I get town taxes, ambulance taxes, fire district taxes, County taxes, then I get State Income Tax and Federal Income Tax. Geez, why don't you guys just tell me how much I owe, take one pot of money, take half my income" -- by the way, I think May 15th is Tax Freedom Day, because we pay taxes for the first, you know, four and a half months of the year, and I think it's May 15th this year that it's Tax Freedom Day and the rest of the time we start making money for ourselves. But he says, "Take half my money and then you guys, all you guys decide how you want to divide it up. Just tell me what I owe and stop nickel and diming me on everything; just give me one flat fee and tell me what I owe so I can be done with it." And there's a level of frustration there that I hear in the supermarket, every time I go and talk with people, that they're just saying, "Just tell me what I owe. Stop nickel and diming me on everything and taxing everything as a back-door tax with these fees and everything else." I think there's a valid point there. I'm not saying that 911 services isn't worthy of support, I don't know if this is the best method to do it by.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I had a statement. Gail, what is the amount that this would generate? I don't see -- I didn't see the fiscal impact statement, if there was one. What are we looking to collect on this? Because I notice that in the bill there's a 2% administrative fee, so I'm just curious what it is that we're looking to collect and what it's going to cost or what the company is going to make for purposes of just printing a 30 cent surcharge on a bill.

MS. VIZZINI:

Do you know? (*Speaking to Ben Zwirn*)

LEG. MONTANO:

The question is what's the revenue expected from this?

MR. ZWIRN:

A little over four million.

P.O. LINDSAY:

I think, if you would permit, Legislator Horsley, who is the sponsor of the bill, has the answer to that.

LEG. MONTANO:

Sure.

LEG. HORSLEY:

Yeah, the amount that will be raised for our 911, I'm not sure where you're thinking it's going to, but it's four million two.

LEG. MONTANO:

I'm sorry, what was that, Wayne?

LEG. HORSLEY:

I wasn't sure where you were thinking the monies are going to, you said it was going to where?

LEG. MONTANO:

No, I'm looking at the bill and it --

P.O. LINDSAY:

How much is this going to raise?

LEG. HORSLEY:

Four million two.

LEG. MONTANO:

How much is it going to raise?

LEG. HORSLEY:

Four million two.

LEG. MONTANO:

All right. So then the administrative fee to the carrier is 80,000 if it's 2%? Which doesn't come to us, actually, it goes to the carrier. The second thing I note is there's an Assembly sponsor, but the Senate sponsor is the Committee on Rules? There's no individual sponsor on this bill?

MR. NOLAN:

That is the change; the original sponsor is Senator Foley, the bill was substituted last night from the Rules Committee.

LEG. ROMAINE:

(Inaudible).

LEG. MONTANO:

All right. You know --

*(*Laughter From Panel*)*

LEG. ROMAINE:

He can't take any more hits, come on.

LEG. ALDEN:

Cut him some slack.

LEG. MONTANO:

You know, I'm just -- I have to agree with Legislator Romaine and Legislator Alden. I'm reading a statement from Matthew Crossen from the LIA and it says, and I'm going to paraphrase it because there are certain things that I don't want to -- but it says that in the last -- wait a minute, where was I? "In the last five weeks, the State Senate has raised taxes over \$9 billion, 11 billion if you count the elimination of the STAR Property Tax Rebate," etcetera, etcetera. We're really raising a lot of money in taxes. And it says here that, "These taxes fall squarely on the small business people, the very people on whom the recovery of our economy depends," etcetera, etcetera, etcetera. I think we really need to take a look at all these fees. I know that a while back we passed fees to increase the park to fund the Vanderbilt, a lot of good programs out there, but we're really just -- you know, we've got a lot of taxes here and, you know, I think we ought to look at this comprehensive and I would like more time to consider this. This comes in as a Home Rule, I don't think this was -- this went to committee; am I correct on that, Legislator?

P.O. LINDSAY:

Yes, it did, it went to committee.

LEG. MONTANO:

Yeah, I have some problems with -- because I know there are other -- there's a cigarette tax bill, I think, that's going to come before us today; am I accurate in that, Mr. Presiding Officer?

MR. ZWIRN:

Yes, we filed it.

P.O. LINDSAY:

I haven't seen that yet, but Mr. Zwirn is saying yes.

MR. ZWIRN:

Yes, we filed it. There are three, I think there will be -- not counting the succession bill that the Presiding Officer filed this morning, there are three; there's this bill --

LEG. MONTANO:

Well, that doesn't raise taxes, does it?

LEG. ROMAINE:

That gives us back some of the taxes they took.

MR. ZWIRN:

But you've got three --

LEG. MONTANO:

That will be the day.

MR. ZWIRN:

You'll have three Home Rule Messages before you. You have to remember, what this does, these bills go to the State which allows -- we'd still have to -- you'd still have to take a vote to opt into the program, this would just allow the County to have that option down the road.

LEG. MONTANO:

Ben, what are the three -- what are the three --

MR. ZWIRN:

The cigarette tax bill.

LEG. MONTANO:

Okay.

MR. ZWIRN:

You've got this, the PSAP bill and then you have the hotel/motel.

LEG. MONTANO:

The PSAP? I'm sorry, what is --

MR. ZWIRN:

The PSAP which is the one right before you now.

LEG. MONTANO:

The one before us, okay. And what's the third one?

MR. ZWIRN:

Hotel/motel increase.

LEG. MONTANO:

And that's the one that increases taxes from, what, three-quarters to 3%?

MR. ZWIRN:

Yes, it brings it I think to parody with Nassau County.

LEG. ROMAINE:

One last quick question.

P.O. LINDSAY:

Not yet, you've got a list.

LEG. MONTANO:

I'll yield.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, to my colleagues, I agree that it seems that we are coming forward with a whole host of methods to raise some revenue, if you will, but I'll also say to them that nothing seems to stay static in time. And as we saw at that time committee, in 2003 the 911 surcharge resulted in about, I think it was four or four and a half million dollars to help operate the E-911 system County-wide.

We have 12 PSAP's, the Township of Smithtown has a PSAP which discharges its six volunteer fire departments, as does the Town of Babylon and other areas throughout the County. These volunteers all do an outstanding job. They've seen across the County the revenue from the land-lines plummet to \$1.8 million. And as you have said many times, Mr. Chair, it takes money to operate these functions, and in a time where people, many, no longer even have land-lines anymore, or like my own basically never gets used, we all live off of these things. It seems to be a function that we have to go to in order to help maintain that 911 function. We can all talk about how we're impacted, burdened and do not want to saddle our constituents with fees, but every one of us wants an ambulance to arrive quicker than one would call, and that's a function of funding. And that -- Legislator Horsley and I have talked about the enabling legislation and the fact that, to Legislator Barraga, the revenues from this go to a dedicated or enterprise fund/a lock box. Not something that's fungible money that gets dumped into a black hole of a general budget, but something that's specific to go towards PSAP operations.

P.O. LINDSAY:

Okay. We have Legislator Romaine.

LEG. ROMAINE:

Yes. I don't disagree with everything that John Kennedy says, I think he made a number of valid points. My question is going to be is this money, in fact, going to a dedicated fund just for 911 services? Because I believe there was a quote in the newspaper that said it was going to be revenue to offset our budget deficit.

LEG. HORSLEY:

No.

LEG. ROMAINE:

That may have been a misquote, I don't know. However, I just want to confirm for the record that this money is going to be spent, all of this money, other than the 2% administrative funds, on 911 services.

P.O. LINDSAY:

Could I just take a stab at -- it's in the bill.

D.P.O. VILORIA-FISHER:

It's in the bill.

P.O. LINDSAY:

I believe our fixed cost for providing the PSAP's, both County FRES and the regional PSAP's, is something we have to pay. And as the land-line revenue has dropped, that money is coming out of the General Fund; we're subsidizing the PSAP's now.

LEG. ROMAINE:

Well, I see the point. Like if we don't do this then it would come out of the County budget, and as a result we would have to raise property taxes as opposed to raising a fee on cell phones; is that -- am I correct in that?

P.O. LINDSAY:

Well, I think if the land-line continues on -- you know, they're going to have to raise the revenue somewhere because we can't eliminate the service.

MR. NOLAN:

Paragraph four.

P.O. LINDSAY:

You know, it's as simple as that. We can do without a lot of things, we can't do without the 911 service.

LEG. ROMAINE:

Thank you for your explanation, very helpful. Thank you.

D.P.O. VILORIA-FISHER:

Can I read the paragraph and the page that it's on?

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Legislator Romaine, the language is paragraph four, page two --

LEG. ROMAINE:

Okay.

D.P.O. VILORIA-FISHER:

-- where it says that the money will be kept separate; "The County of Suffolk shall separately account for and keep adequate books and records of the amount and source of all such monies," etcetera, etcetera.

LEG. HORSLEY:

May I add something?

D.P.O. VILORIA-FISHER:

It's paragraph four.

LEG. HORSLEY:

Vivian, may I add to that, if I could?

D.P.O. VILORIA-FISHER:

Oh, I'm sorry. Sure.

LEG. HORSLEY:

Let me just read line 31 on the Senate Bill No. 4; "All surcharge monies remitted to the County of Suffolk by the wireless communication service supplier shall be expended only upon authorization of the local County Legislative body and only for payment of eligible wireless 911 service costs as defined in Subdivision 16 of Section 300," etcetera. This was something that Mr. Sweeney wanted to do because he spoke to the fire departments and he was concerned that these monies could drift, as Mr. Barraga is.

P.O. LINDSAY:

You said Mr. Barraga is drifting?

LEG. HORSLEY:

No.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to -- I'm not going to echo some of the comments that were just made about this and the decline in revenues. But I think Mr. Zwirn brought up an interesting point which was that this gives us the ability, but that I feel we should look to move to keep up with technology. A large decrease in the revenue that we've seen comes from people not only going away from land-lines entirely with their cell phones, but comes from the many people who have switched to the voiceover IP systems, the cable-based systems, be it Optimum Voice or Verizon Fios or whatever it may be.

MR. ZWIRN:

Good point.

LEG. LOSQUADRO:

And looking to switch the surcharge to those type of services so that we just maintain a parody. That people who have these lines, who are using them and can use them to call 911, that they pay that surcharge which was set up to fund this system, you know. And that's something that if we do have the ability to do at some point in the future, then this gives us that sort of flexibility to look at this.

So, you know, given the trend that we're seeing on these -- you know, the downward trend of these revenues because of these changes in technology, I think this is -- and I had a lot of questions during committee regarding this, but after getting a lot of information from the fire departments, from the administration, from other members of the body, it became very clear that this is simply a replacement because of the changes in technology and just finding a way for us to actually keep up.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I think Ed was touching on what I was going to say. You know, I think it's \$4 million, a little over \$4 million, will be generated on the 30 cents? And if we do it in our Operating Budget and we don't have the revenue, we'd have to raise property taxes; correct?

MR. ZWIRN:

Yes.

LEG. BROWNING:

And to generate \$4 million, what would that be to a property tax owner, a property owner?

MR. ZWIRN:

It would be about an 8% property tax.

P.O. LINDSAY:

It's probably about 8% tax increase, because we only have \$52 million in real estate taxes,

MS. VIZZINI:

Seven dollars and twenty cents.

LEG. BROWNING:

So we have a choice between raising property taxes by \$7.20 per household or, no offense to my 24-year old son who still lives at home and has a cell phone, he pays the 30 cents instead of me having to pay that much money.

LEG. NOWICK:

Hey, good idea.

LEG. BROWNING:

You know, that's the way I see it. And it's very hard to sit here and say you want to support raising any kind of surcharges or taxes, but this is a public safety issue and I think that's how I'm trying to justify supporting this.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

Maybe Ben knows the answer; what's the total budget on 911 for the County?

MR. ZWIRN:

I don't know off-hand, but I think we're giving them a little over a million dollars, \$1.2 million now to offset the loss in revenue that they're facing.

LEG. ALDEN:

Do you know what their budget is? That's the point I'm trying to make.

MR. ZWIRN:

No, I don't know off-hand.

LEG. ALDEN:

All right. Because this is going to generate 4.2, we're not taking the land-line charge off and that still generates some revenue which is over a million dollars. Dan, you have the chart.

LEG. BROWNING:

One point two, one point three.

LEG. LOSQUADRO:

What's it down to now? The latest figures, it's down to either between 1.2 and 1.8, I'm not exactly sure.

MR. ZWIRN:

Those are the numbers I remember.

LEG. LOSQUADRO:

It continues to go down, so we're sort of extrapolating for the first quarter of '09 to what -- it may even be less by the end of '09 as more people switch away.

MR. ZWIRN:

I think Legislator Losquadro has made a very good point. This will give you the opportunity down the road, I mean, if things turn down, the economy, if things pick up with land-lines, you will have that option. But the Legislature is going to be leaving in the end of June, we don't have a lot of opportunities to be able to get a Home Rule Message up there and have them consider what we're requesting.

There are a number of Legislators who have PSAP's in their districts; I know Legislator Romaine has the Town of Southold and the Town of Riverhead. The County Executive feels this way, "Look, if you pass it, we're going to go up there," I'll be up there tomorrow trying to help get this thing moved along. If not, just be -- he wants to just say, "Look, I'm not going to keep raiding the General Fund to try to pay for this. You're going to either have to raise taxes to do it, which is about an 8% tax increase, or come up with another funding source." He understands everything that you're saying and does not disagree.

LEG. ALDEN:

How about this as an alternative? How about finding out, and I think Ed read the bill before, \$1.70, right, \$1.70 a month for a 911 fee.

LEG. BARRAGA:

A dollar twenty.

LEG. ALDEN:

I'm sorry, I stand corrected, \$1.20 from every cell phone is already being paid for 911. How about finding out where that money is going first before we impose a new tax to pay what the service is supposed to be paid for out of the old tax.

MR. ZWIRN:

How about if this gets passed today, we will have an opportunity to look into that before you have to come back for a second vote.

LEG. ALDEN:

Ask Legislator Barraga; New York State is not going to give us any of that money, they squandered it somewhere, not on our benefit, so that money is squandered. So now this is a tax on top of a tax

to pay for the same service that we already are paying \$1.20, plus the 30 cents on the land-line.

MR. ZWIRN:

I'm not disagreeing, I'm just saying give us an opportunity to look at that, but don't shut us down with the opportunity to at least keep the ball on the field until we have that opportunity. You'll have another bite at the apple, certainly.

LEG. ALDEN:

The other point that I was making, if I could establish what their budget is, and I'm just going to take a stab at this, their budget is probably around \$4 million; they're going to have a surplus of 1.6, \$1.8 million per year as far as money coming in there. And I'm sure that somebody is going to find a way to spend that, because if you tax it they will spend.

MR. ZWIRN:

Well, the Legislature has the control over that budget. It comes back to you for final say, you vote on what they get, how they spend it.

LEG. ALDEN:

I'm sure we'll take it up right up to whatever we're taking in.

P.O. LINDSAY:

Legislator Beedenbender?

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I just had a question. Legislator Horsley, some of the documents you gave me said that the 2010 estimate to support the 911 system is \$3.2 million, that's what their figures say; that's accurate?

LEG. HORSLEY:

I believe that is right.

LEG. BEEDENBENDER:

Okay. My question -- and we're assuming that this will bring in about \$4.2 million?

LEG. HORSLEY:

Yes.

LEG. BEEDENBENDER:

The State bill says that the County can authorize a surcharge of up to 30 cents and that, "Any Local Law adopted pursuant to this Section shall state the amount of the surcharge and the date in which the communication service supplier shall begin to add such surcharge to the bill."

LEG. MONTANO:

Where are you reading?

LEG. BEEDENBENDER:

This is Section 2 of the Senate bill, it starts on-line 18. My question to Counsel would be in the process of adopting a Local Law, we would need to authorize this. Would we have to authorize a specific figure or could we implement that as something we can address each year? Because what I'm thinking is, you know, if 30 cents brings in 4.2 million and we only need 3.2 million, then in the function of our budget process, as we're forecasting the cost of it, we could decide what the surcharge is. So maybe next year it will only need to be 20 cents, or the year after that it might only need to be ten cents.

Does the State bill allow us that degree of flexibility?

MR. NOLAN:

Right, it says we're allowed to go up to 30 cents. We don't have to go up to 30 cents, but when we pass a bill we're going to have to put a figure in it, but that's always subject to amendment, you know, year to year to year. We could adjust the figure if we like to do that, but we'll have to pick a surcharge, at least initially.

LEG. BEEDENBENDER:

Okay, so initially. But there wouldn't be anything that you see in this bill that would prevent us from revisiting that figure each year in accordance to what the budget forecast will be for the PSAP's.

MR. NOLAN:

Right, there's nothing in the law that would prevent that.

LEG. BEEDENBENDER:

Thank you.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Thank you, but my point was addressed.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm not sure who best to ask this to, and Mr. Zwirn should step up or maybe Legislator Horsley. Two questions, one has to do with how the money gets distributed, and we have a series of these PSAP's. We know from the Police Sales Tax that we thought we had that worked out and then it turned out that there was some disagreement as to how that money would be distributed. It was never codified at the State level, only at the County level which I guess is subject to change. With this new money, and it's \$4 million and we have all these PSAP's, and currently with the line charges that are in place, they do it based on recommendations of the 9/11 Commission -- 911 Commission, a different 9/11 commission -- the 911 Commission, and I think the way they do it is based on call volumes of 911's. So is there going to be any codification at the State level in terms of how the money will be split? That's my first question.

And the other thing has to do with how the money is used. Right now the Suffolk County PD is allowed to use their revenue for infrastructure and salaries, but for some reasons the PSAP's outside of Suffolk County PD can only use it for infrastructure, and if they could use it for salaries, that would help lower the taxes in the various Police and ambulance districts. So those are my two questions.

LEG. HORSLEY:

Okay. Do you want me to take a stab at that? One is that you're absolutely right on all accounts there, that sounded like you did your homework. The method in which they break out the dollars, it's formulated to the amount of phone calls -- the amount of calls or aided calls that go into each individual PSAP. So you are right, that's how it's broken out.

But one thing that this bill adds which has not been done before is that the Legislature is now going to be able to control where those dollars are going to be spent, and I think that's a key element to whether we should approve this or not. Because we know that the Police can use it for salaries as well and if you add the salaries to this dollar figure, it's considerably more than \$4 million; if you add the police phone calls and stuff like that to their call center, it's much -- it's more than \$4 million. So we've got to make sure that the PSAP's get their fair share, and that is what Mr. Kennedy and myself were going to do if -- if and once this is approved, we are going to put in an accompanying

piece of legislation that is going to clearly indicate where the dollars are going to go, how it's going to be broken out, etcetera, and codify that relationship.

LEG. SCHNEIDERMAN:

I just wish that was concurrent so we're doing the two pieces at the same time. Because --

LEG. HORSLEY:

As Ben mentioned before --

LEG. SCHNEIDERMAN:

Obviously I'm out numbered. The PSAP's -- and there's a few of you who have PSAP's besides me, but it gets back to the same issues with the Police revenue sharing, there are more of you that don't and it's hard to get the kind of protection we need. You know, I certainly will sport your efforts to do that and I hope that everybody here realizes -- recognizes the need in the future to make sure we don't have to fight this again as we go through the budget, that this money will permanently go according to a fair formula, whether it's 911 call percentages or whatever the formula is, I think it's important that we have a formula in place.

P.O. LINDSAY:

Could I just point out, this is a Home Rule Message; you know how many Home Rule Messages we've passed by this body that never see the light of day again or never became law? So, I mean, this is just the first step of many before this thing becomes reality, if at all.

LEG. SCHNEIDERMAN:

I understand that. I do believe this will be reality and I think down the road we're going to have to have a plan in place.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Chair, you really began what I was about to say which is that without passing this, we don't give ourselves the opportunity to ever act on it. There might be details that we have to address later on, but we need to pass this first and then address all of those details when we have the opportunity to. Either change the rate that we're charging -- as Legislator Beedenbender pointed out, we may not need to go to that 30 -- or if salaries are included, as Legislator Horsley said, we might need to have to -- remain -- go to that 30 cents. But we need to pass this today so that we're not closing the door on the opportunity of ever being able to address it. So that's critical.
The second point --

LEG. SCHNEIDERMAN:

If I may, I'm sure this --

D.P.O. VILORIA-FISHER:

Let me just get to my second point, and this is something -- I'm very disturbed by what I heard Legislator Barraga say. You know, for years it's driven me crazy that people buy all these lotto tickets that were supposed to be going for education and education never really saw too many pennies of that, and to hear it again where you have \$1.20. You know, I have few people in my family on one big telephone bill and I always say, you know, you get a 19.99 deal and it winds up costing you \$30 because of all surcharges. So to have Legislator Barraga point out, which, you know, I'm embarrassed to say that I didn't look at my bill carefully enough to see that we had \$1.20 going to this. So I need to ask Counsel, how do we address this? How do we begin to address this; do we go to the Comptroller and ask that this be investigated to see where that money is going and why it isn't going to the use for which it was intended? How do we begin to address that?

MR. NOLAN:

Well, that's a tough one, to find out -- I mean, this is money that's going to the State? Oh, Legislator Gregory may be bailing me out.

LEG. GREGORY:

I think I might have some answers. I did some research, and actually in March of 2002, the Comptroller did an audit of the 911 funds which was an amendment to the original bill in 1991, they wanted to included emergency services for cell phones. And yes, as Legislator Barraga said, there were some very alarming concerns about where the money was going and what it was spent on, but its intent was to provide and ensure that 911 or emergency service is provided for cellular users. So that's the intent of it.

D.P.O. VILORIA-FISHER:

And what happened

LEG. GREGORY:

At that point it was 70 cents, but now it's about 20.

D.P.O. VILORIA-FISHER:

Okay, but it's still not going to that, though. That's what I'm worried about, DuWayne; is it being used for PSAP's? It's not coming to our PSAP's.

LEG. GREGORY:

Well, the State law allows it to -- for the counties -- the PSAP's in the various counties to have access to that money. I'm going to through it. You know, it's an extensive report, but I'm just looking at it now.

D.P.O. VILORIA-FISHER:

Okay. All right, so we need to investigate that. But I don't think it should keep us from passing this Home Rule Message today. We can work in parallel tracks, go forward with this and see if we can -- this year we're not getting a hold of any State money, so we need to do this now.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Well, that's the question I was going to ask. Ben, I just want to be clear. This bill, as it's written, puts the 30 cents or whatever amount in a separate account, what we call the lock box. The 1.20 that was referred to earlier that we already pay in the cell phone, we're not really clear how that money is spent. And what you've asked us to do is to pass this now and then when we get to the second phase of the process, which is to decide how much up to the 30 that we're going to tax, you said you would have more information on the other amount; is that an accurate paraphrasing of what you said?

MR. ZWIRN:

I think we would -- we'll all -- I don't think anybody is going to trust just me to investigate it. We're all going to look into what happened with that money --

LEG. MONTANO:

Okay.

MR. ZWIRN:

-- where it goes in the State; I think those are valid questions.

LEG. MONTANO:

Right, that's the question I had. And I think the other group already, you know, kind of addressed

it, I just wanted to be sure. Thanks.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Mr. Presiding Officer, I'm looking at Chapter 278 of the Administrative Code that goes on for a couple of pages that deals with emergency telephone systems. It is my hope that we adhere to the Administrative Code, that none of this money be used for salaries, that this be used for maintenance and for expanding the system for hardware and things of that nature, but not for salaries.

I'm going to read -- I'm reading also on my laptop a memo from a Brendan Stanton of Wayne's staff where he says that the approximate, "The 210,000 estimate for core 911 services County-wide is \$3.2 million." Now, we're raising 4.2 from cell phones and we're raising approximately 1.8, maybe a little less, from hardware. I understand with the Home Rule Message you've got to be in it to win it; I got that picture. But when this comes back to us, if this comes back to us, I'm going to be raising a lot of questions about how much money we truly do need and how this is given out. Right now they say that the percentage of Suffolk County Police accounts for 92% of all 911 calls, which would mean the overwhelming majority of this money would go to, I assume, the Suffolk County Police 911 service, which leads me to believe how much is left for the PSAP's and how much are they getting? If you're splitting 8% amongst all the PSAP's including Babylon and all the other towns, it makes me wonder how much of this money are they actually getting?

I raise a lot of questions. And I will tell you, I get your point; you've got to be in it to win it. I understand that this is a Home Rule Message, but should this come back, I have done some research, my Aide has been very helpful in getting the Administrative Code. I am going to raise a great number of questions about this and how much we're raising and how much we should raise and how this is being dedicated and where this should go. Thank you very much.

P.O. LINDSAY:

You want to say something, Legislator Horsley?

LEG. HORSLEY:

Yes, to Mr. Romaine. Mr. Romaine?

LEG. ROMAINE:

Yes.

LEG. HORSLEY:

I would welcome you to be on any committee or any -- on any legislation that John and I are working on to make sure that we structure this thing properly. We want it in the hands of the people that are going to be making 911 calls. So I'm with you, you know, I think you're right on. And so -- the thing is we've got to --

LEG. ROMAINE:

I want it in the Legislative hands. I always want to give power to the Legislature.

LEG. HORSLEY:

And that's where it's going to go. If you'll see -- and that was the way Mr. Sweeney wrote the bill.

P.O. LINDSAY:

Okay, I'm just going to wrap up with just a couple of comments. You know, the earlier part of the debate, this was compared with the MTA tax. And I was pretty upset about the MTA tax this morning and why I was upset about it is that we're being taxed but we don't get anything in Suffolk County for it. You know, I can't say that any additional services come back to us at all, and it appears that we're paying the bulk of that burden. And that's, you know, one of the reasons why I

joined Legislator Romaine and Legislator Horsley at lunch time, to say if you're going to tax us on that MTA tax, you know, consider taking over the Suffolk County Transit to provide better bus service here. At least -- I still wouldn't like it, but at least it would provide some reasoning.

So I'm kind of -- I don't like -- you know, I don't want to see this compared to that. This is money that's going to Suffolk County to a vital service that we have to do, and if we don't do this, as the land-lines continue to decrease -- you know, I agree with the argument, let's be upfront, then just everybody has got to be prepared to be committed to raise property taxes. It's as simple as that; you've got to fund the service, one way or the another. You can't do without certain services. You know, and we're great on debate sometimes. We had a big debate here the other day about the overtime budget for the Police; no one wants to see that cut, but we've got to pay for it, we have to pay for it. I just agree with the concept that we have to push it forward to see if it comes back out. Because I'm one that's been here eight years and I've seen over and over again Home Rule Messages passed by this body that never got anywheres in the State Legislature. So with that, we have a motion and a second. Would you call the roll on this one, please?

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

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Pass.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

No.

LEG. EDDINGTON:

No.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

That continues -- that completes the paper agenda.

If you go into the packet of standalone bills, first one up is ***Procedural Motion No. 11-2009-Allocating additional funding in connection with the opposition to a proposed liquid natural gas project in the Long Island Sound (Horsley).***

D.P.O. VILORIA-FISHER:

What is the money?

P.O. LINDSAY:

Yeah, not to exceed \$100,000.

MR. NOLAN:

No, this adds \$25,000 to the Broadwater in line with what the Legislature wants.

P.O. LINDSAY:

Okay. I'm reading the --

LEG. LOSQUADRO:

The second RESOLVED.

D.P.O. VILORIA-FISHER:

It says three hundred and twenty-five thousand dollars.

MR. NOLAN:

Right, this is amending earlier resolutions. The amount we've expended up to this time is \$300,000.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Now we're authorizing 325,000, that's just \$25,000 additional that we're authorizing through this resolution.

P.O. LINDSAY:

I need a motion on this.

LEG. LOSQUADRO:

I'll second it.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Losquadro.

LEG. LOSQUADRO:

Tim, cosponsor.

P.O. LINDSAY:

Does anybody want to talk about this? The only thing that I want to say, I wasn't happy when we got involved in this lawsuit, but I guess since --

LEG. LOSQUADRO:

It was successful.

P.O. LINDSAY:

Yeah, but I don't know whether we made the difference as much as the State did; come on.

D.P.O. VILORIA-FISHER:

I don't think so.

LEG. LOSQUADRO:

Of course we did.

LEG. ALDEN:

We were on top of it.

P.O. LINDSAY:

But I guess -- all right, just vote. We have a motion and a second. You want a roll call or can it be a voice vote? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Procedural Motion No. 12-2009 - Authorizing funding for Community Support Initiatives (Phase III) (Presiding Officer Lindsay). You have --

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

It looks like about \$10,000 worth there. Motion by Legislator Viloría-Fisher. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

I thought this was Omnibus.

P.O. LINDSAY:

They're not -- they're CSI's.

D.P.O. VILORIA-FISHER:

Yeah, CSI's.

P.O. LINDSAY:

Home Rule Message No. 10-09 -- I took them out of order, I'm sorry about that -- *this is requesting the State of New York to enact legislation establishing a Bi-County Commission to study the feasibility of establishing the State of Long Island (Presiding Officer Lindsay).* And I will make that motion.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

Cosponsor.

D.P.O. VILORIA-FISHER:

Cosponsor.

P.O. LINDSAY:

Budget Review did a report on this, I had them passed out, they should be in front of you, if you didn't see it before. Legislator Barraga wants to speak.

LEG. BARRAGA:

I certainly understand the frustration of the body with reference to what has happened with not only the MTA proposal, but a lot of other programs that come from the State of New York. But, you know, there's a history of these types of bills going in, and it may make you feel good but the reality is that they go absolutely nowhere. I mean, I've been there, I've seen bills being submitted by Staten Island to succeed, bills by Fred Thiele to make a Peconic County. I've seen bills being proposed in Upstate areas where there is like economic depression to somehow succeed from the State or do something dramatically different.

There are 25,000 bills submitted during a two year period in the Assembly and the Senate. You know, this -- sometimes you have -- I think you made your point this morning. You know, I understand the Presiding Officer's frustration, I read the article this morning, I thought it was a good article. But, you know, sometimes you have to declare victory, because the reality is this is going to go up there and go absolutely nowhere. I'm kind of disappointed that Budget had to take the time to do an analysis. There should be better things that they're doing that, you know, we can ultimately accomplish as a Legislative body. You know, I will not support this because I know it's not going anywhere and they're not going to pay any attention to it. You've gotten your press,

which is good and it was meaningful and it was purposeful, but let it go. Just let it go.

LEG. MONTANO:

Bill, put me in.

P.O. LINDSAY:

Just to answer Legislator Barraga. I realize what you say, we weren't about to pick out a flag yet, you know what I mean?

*(*Laughter From Panel*)*

LEG. ROMAINE:

I like the bull.

P.O. LINDSAY:

Who wanted to speak? Legislator Beedenbender.

LEG. BEEDENBENDER:

No, I think Legislator Montano was next.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Tom, you left out New York City wanted to succeed from New York State back in the, I think it was the 60's or 70's. This is great political theatre. I think it makes a statement, but the reality is that this is not serious legislation. And I agree with you, I think that Albany has a lot of issues and we have a lot of serious issues that we have to deal with. So we made our statement, we had our political -- you know, we had the cameras in this morning, I think even CBS came, but I don't see this as serious substance of legislation. I had fun this morning, but I'm not going to vote for it.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. The issue at hand with the inequity in services and the money that we receive is a very serious issue to us. And yes, we have gotten some coverage on this. And while admittedly it's a long shot to get anyone up in Albany to pay attention to us, and I think that case was very clearly illustrated by the vote they took on the MTA tax, I think putting our force of law behind it, us actually passing a resolution gives us a much stronger case to actually get someone to pay attention, to actually have this discussion moved further along than it already has. I don't want to see this be a short-lived, flash in the pan, you know, one hit wonder on the news tonight. I want this to be a prolonged, protracted discussion about how we are going to solve the inequity in the way that we are treated by New York State. So I plan to vote for this.

P.O. LINDSAY:

Legislator Beedenbender and then Romaine.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. New York State clearly hasn't given us our fair share and I don't think there's any question in this body, in this County. I saw the Newsday polls earlier today, it was up to like 68% of people support this concept. And I understand the impulse to do this, I really do. It's an untenable situation, it's been made worse by the seeming abdication of the responsibility by some of our State elected officials.

What's broken here is this absurd system where as a County Legislature and as a County of 1.5

million people with a \$2.8 billion budget, where you have to go hat in hand to the State of New York whenever you want to do something. You want to develop a system to buy land? You've got to go ask them first. Want to put a system into make sure we have 911 calls? You've got to go ask them first. Want to levy a tax on the hotel/motel for the tourism industry? Well, hold on, you've got to go ask them first; I could go on and on. And that's what's broken. I mean, we were sitting here today, the last hour-and-a-half to two or three hours of this meeting will be spent on whether or not we should ask them to let us do something.

But despite all that, I think we need to step back a second and reflect on the gravity of this concept. An affirmative vote on this gives the incentive to this body to the idea that we should create a 51st state, which is a quite significant course of action. It's a course of action that, if it's successful, would change everything from the makeup of the United States House of Representatives to the number of people in the U.S. Senate to what the American flag looks like. And I heard a little bit this morning during some of the press and some of the discussion that this was akin to, you know, taxation without representation; well, it's not. This is taxation with poor representation, that's the problem. We have representatives, they stink. They ignore us. They vote not in our interests but for other people's interest. They ignore their constituencies, that's the problem. Creating a state would just create another entity where that will happen.

So I just -- I think we are absolutely used as an ATM here on Long Island and we are ignored, we are treated as we are rich and we are treated as if we should fund the entire State's education, public works and every other funding source that they need because we can pay and we don't have a majority like New York city does to fight anything. So we have problems and they need to be addressed and this system is unquestionably broken and somebody needs to fix it. However, I don't think this rises to a long train of abuses. You know, it rises to the fact that we're being ignored and our elected officials who are there in Albany, not all, some have done admirable jobs of fighting for us, some have done miserable jobs of fighting for us, they need to go. We don't need to go. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Our last State to become a state from succeeding from another part of a State was West Virginia in 1863 when it broke away from the State of Virginia. If we're serious about statehood, we should seriously look into the method that is required under Federal law to establish a State and to break away from an existing state.

However, however, I believe an active Congress adopted and accepted West Virginia as a state. However, I would say this; when I was first elected to the Legislature in 1985 with another young Legislator, Steve Levy, we were sitting having dinner one night and we were asking some questions about how to be effective representatives. And a wise old gentleman who had been around for a long time said, "Just remember this motto; the squeaky wheel gets the grease." And I assume Presiding Officer Lindsay wants to squeak a little bit and I'm with him. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just to add two cents. We're not being ignored, we're being exploited, we're being raped, so -- and both of those are a crime, I believe.

P.O. LINDSAY:

Okay. Anybody else?

LEG. KENNEDY:

Yeah, I'll go.

P.O. LINDSAY:

Legislator Kennedy and then Cooper.

LEG. KENNEDY:

Thank you, Mr. Chair. I would just add --

P.O. LINDSAY:

How come you switched chairs with Legislator Vilorio-Fisher?

LEG. KENNEDY:

Well, what could be a better spot, Mr. Chair, than to be on the right side of the PO on the right bill?

LEG. LOSQUADRO:

You're on the left.

LEG. KENNEDY:

Well, you know, but it's the proverbial right side. I would just say that I've listened to the debate throughout the day and I took the words of Legislator Barraga with great insight, because anybody who has been in a particular situation who can share with us brings practical wisdom. But I would also say, like many of my colleagues, notwithstanding the reality of the three men in the room, you've got the multiple millions remote from Albany who are consistently being exploited and it's incumbent on us to send this message there that no more do we go quietly, that we will not lie down and empty the pockets and slit another vein in order to cure a remote impropriety in mismanagement. It's time for us to go ahead and move forward forcefully and aggressively to take destiny back into our own hands. I'll support it.

P.O. LINDSAY:

Legislator Cooper?

LEG. COOPER:

Thank you. Like virtually everyone else on Long Island, for a long time I've been deeply distressed by the disparity between what Suffolk and Nassau County taxpayers contribute financially to Albany versus what we get back annually in State aid. Last year in a Newsday Editorial, I not only articulated my concerns but also offered up a plan on how to right that imbalance. The working group I proposed at the time would have been composed of economists, educators and lawmakers from all levels of government whose sole mission would be to work together to find a fair algorithm for the disbursement of revenues.

While I certainly understand the widespread frustration exacerbated by the current financial crisis and the recent vote on the MTA tax, I certainly don't think that anybody is seriously considering a true political succession from New York State, let alone armed in {surrection}. But while legislation like this would certainly send a forceful message to Albany, the message I would prefer to send is not one of division but rather one of confluence, of concerns, ideas and shared solutions. Therefore, Mr. Presiding Officer, while I do not cast judgment on this bill, I must respectfully decline to support any proposal that does not reflect a goal of shared solutions. Thank you very much.

LEG. ROMAINE:

And I'm running for Senate.

*(*Laughter From Panel*)*

P.O. LINDSAY:

I was going to say something, but I think I'm just going to hold my tongue. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Well, the problem is we can -- we'll wait till hell freezes over until we see that shared solution. But I do understand where Legislator Cooper is coming from, and he makes a great point. You know, we would all rather solve this problem. Legislator Barraga, you've been up there, you know how Albany treats Suffolk County and many of the other counties; we don't get our share, we say it over and over and over and over again. And if this even makes one person stand up and take notice and brings more attention to the issue of how we're getting shortchanged here on Long Island and in Suffolk County, then I'm all for it.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chair. In addition to authorizing a feasibility study, this would also authorize a non-binding ballot referendum for Nassau and Suffolk Counties. I guess, George, my question is a non-binding ballot referendum that would be on the ballot in November of 2010, it's non-binding so, in essence, it's just a widespread poll; isn't that true?

MR. NOLAN:

It's advisory so it will have no binding effect.

LEG. STERN:

All right. So nobody in November of 2010, as a result of a feasibility study, is voting for a succession if it happens to be on the ballot. It's an opportunity for voters of Nassau and Suffolk Counties to express how they feel about this potential.

MR. NOLAN:

Correct.

LEG. STERN:

All right. Well, I agree with Legislator Losquadro, that good things ultimately have to start someplace, and this is an extremely important message to send, not just today but every day, until something changes in Albany. So I'm just going support this resolution and hope that this is the very beginning of something that we're all going to continue to work on in the future.

P.O. LINDSAY:

Okay. Let's vote. We have a motion and a second. What do you want, a roll call, a voice vote? Voice vote. All in favor? Opposed?

*(*Opposed said in unison*)*

MR. LAUBE:

Hold your hand up for a second. Eleven. Make that twelve (Opposed: Legislators Beedenbender, Montano, Barraga, Horsley, Gregory & Cooper).

P.O. LINDSAY:

It fails -- huh?

MR. NOLAN:

It got twelve.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Oh, you got twelve?

LEG. ALDEN:

I voted twice, Bill. It's okay.

P.O. LINDSAY:

Do you want a roll call?

LEG. ALDEN:

No, we're good. We're good.

P.O. LINDSAY:

All right. Okay, *Home Rule Message No. 11-2009 - Requesting the State of New York to amend the tax law in relation to increase in providing for the distribution of revenue and extending the authorization for our Hotel/Motel Taxes in Suffolk County (Assembly bill A.8145, Senate Bill S.5476) (Presiding Officer Lindsay)*. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Okay. Seconded by Legislator -- I was going to say Losquadro.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry.

LEG. LOSQUADRO:

It doesn't matter.

P.O. LINDSAY:

Losquadro, go ahead. On the question; nobody wants to talk?

LEG. MONTANO:

Yeah. No, I have a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

How much is the revenue that we would expend from this increase?
Did you do that, Gail; was there a financial impact?

MS. VIZZINI:

Yeah, we currently get 1.8 million based on the .75 of 1% tax. This would -- if we brought this up to 3%, we would get additional new revenue of 5.6 million for a total of \$7.4 million; this is predicated on the '09 numbers.

P.O. LINDSAY:

If -- I don't know whether you're done yet, but it might help --

LEG. MONTANO:

Yeah, I'll yield.

P.O. LINDSAY:

Okay. I just want to explain the bill a little bit, because this is a bill that both myself and Legislator Losquadro worked on a whole bunch of other Legislators around here.

The bill does a number of things. It absolutely raises the Hotel/Motel Tax, but it more importantly designates where that money can be spent. They can't just go into the General Fund. Right off the top, another \$600,000 goes to the LICVB to promote Suffolk County for tourism, which they say that they can make great use out of and would really make a difference in how many tourists come to Suffolk County. That doesn't mean they support the bill, but they'll take the money. The other part of it, there's a portion that's dedicated to museums.

D.P.O. VILORIA-FISHER:

Yeah.

P.O. LINDSAY:

There's a portion dedicated to parks, historic structures, and there's a section devoted to cultural affairs that, you know, over the last year or so we found very, very difficult to keep our museum open. We struggled last fall with funding a lot of our cultural events around the County from the Staller Center to the Islip Arts Council to the Bay Street Theatre, the West Hampton Performing Arts to some of the community concerts, and I anticipate that this year, as we go into the budget, it will be much, much tougher. And I'm hoping that if -- again, this is a Home Rule Message, I don't know whether it's going to be approved in Albany, but if it should make it back to us we'll have to vote on it again, and it would give us the steady stream to keep a lot of the things that make Suffolk County a real enjoyable place to live, alive, like our museums and whatever. Legislator Nowick.

LEG. NOWICK:

I just wondered, does the State determine where the money would go, whether it would go to parks or historic sites or museums or cultural programs, or does the County get --

D.P.O. VILORIA-FISHER:

(Inaudible).

LEG. NOWICK:

If it should come to fruition.

P.O. LINDSAY:

Well, the bill, if it should come to fruition and it's in the bill, is designated by percentages with the exact designation being left up to us.

LEG. MONTANO:

Exactly.

P.O. LINDSAY:

Yeah.

D.P.O. VILORIA-FISHER:

Just groups.

LEG. NOWICK:

Cultural affairs, tourism.

LEG. MONTANO:

I will wait for my turn.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, Bill, to the sponsor; you, I guess. A quick question. I've been hearing all this about -- and I

didn't see it personally, but the Walt Whitman House, I understand that there's -- now, how does that -- how do we give monies to the Walt Whitman House? First of all, I was with State Parks for 19 years and Walt Whitman was always a State Park; I don't understand how that works, but okay. Could you explain that to us?

P.O. LINDSAY:

Well, it is not one of our parks but it is an historic structure and the bill doesn't limit our help with historic structures, just the County-owned historic structures. I mean, Walt Whitman, I can think of the Whaling Museum in Sag Harbor. You know, it gives us the ability to help other historic structures in Suffolk County.

LEG. HORSLEY:

It's our choice?

P.O. LINDSAY:

It --

MR. NOLAN:

No.

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

Can I read this now?

P.O. LINDSAY:

Go ahead, read it.

D.P.O. VILORIA-FISHER:

Wayne, there are a variety of subdivisions, and I'm reading from Englebright's law; "And 8% of all revenues collected shall be utilized by the County of Suffolk for the support of other museums and historical societies, historical residences and historical birth places. But of such 8%, an amount equal to one and one-half percent of all revenue collected shall be utilized by the County of Suffolk for program support of a not-for-profit museum organization that manages" -- so it gives us very broad parameters there under that 8%. So we can go outside of the County Parks to support other museums, but it has -- the aggregate of all of those has to come to the 8%.

LEG. HORSLEY:

So my -- like say my Babylon Village Historical Society could be --

D.P.O. VILORIA-FISHER:

Your mike. Wayne, your mike.

LEG. HORSLEY:

Okay. So my Babylon Village Historical Society could be eligible for some of these monies.

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

My interpretation is yes.

LEG. D'AMARO:

Well, just -- if I could just --

P.O. LINDSAY:

I have a list. Legislator Schneiderman and then D'Amaro.

LEG. SCHNEIDERMAN:

First just a technical correction on -- Mr. Presiding Officer, when you said that LICVB would be funded through this bill, it's the Tourism Promotion Agency that's funded, it may be LICVB.

I am going to not participate in the conversation, I'm going to recuse myself from the vote. The last time we had a discussion about hotel tax, I had sent for an opinion from the Ethics Commission because I'm a -- I own a hotel, and the opinion was that I could participate. Because my percentage ownership has changed in that hotel, I have gone back to the Ethics Commission and asked for a new opinion and I haven't received it yet. So it's unfortunate because I would like to participate in this discussion, but --

P.O. LINDSAY:

So you feel that you have to recuse yourself.

LEG. SCHNEIDERMAN:

I'm going to recuse myself.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Just two points. I wanted to just clarify -- I agree with Legislator Vilorio-Fisher, when you read the language of the bill, but just to Legislator Horsley, that you had stopped reading and it goes on further and says, "Manages the National Register of Historic Places," so the site would have to be on the Register of Historic Places and there are some other qualifications as well. So I'm not sure that the organization you were speaking to would actually fit within the parameters of the bill.

LEG. HORSLEY:

Old Town Hall could be on there.

LEG. D'AMARO:

If it's on the register. There's about three or four, there's a whole litany of -- there's a test here of whether or not you could receive funding.

My other point was we're talking about the Hotel/Motel Tax. I wanted to ask Budget Review, if you know the breakdown of the burden imposed on -- by this tax on residents of Suffolk County as opposed to non-residents or tourists/visitors from beyond the borders of Suffolk County.

MR. LIPP:

We don't have a breakdown on that. I could look and get back to you. We did have some old data from Long Island Convention & Visitor's Bureau from a few years back that I think spoke a bit to that, but we don't really have a breakdown right now. I'll take a look, though, as we're deliberating

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Anybody else? No? Okay. What I just asked Counsel is how many votes do we need to approve this, and I'll let him give you the answer.

MR. NOLAN:

The answer is if the County Executive expresses support for it, it would need ten votes; if it was just the Legislature, it would require 12. I spoke with the County Executive's Office a few moments ago, they expressed support for the bill, so this will require ten votes.

D.P.O. VILORIA-FISHER:

Mr. Chair, before we vote?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I just wanted to put on the record my appreciation to Steve Englebright. You know he can be very deliberative and spend a lot of time pondering on things and we had very, very long conversations on this, but I appreciate that he took the time. I mean, we had one conversation that went about an hour-and-a-half, and you know that can be done easily, Tom.

LEG. BARRAGA:

I know.

D.P.O. VILORIA-FISHER:

But he did spend a lot of time on it, so I just wanted to thank him on the record.

P.O. LINDSAY:

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

LEG. MONTANO:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. SCHNEIDERMAN:

Recused.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Fourteen (Opposed: Legislators Alden, Montano & Romaine - Recused: Legislator Schneiderman).

P.O. LINDSAY:

Go to the red folder.

D.P.O. VILORIA-FISHER:

No, we still have 12, don't we; home Rule 12?

P.O. LINDSAY:

Okay, I didn't -- this is the one that I didn't see. ***Home Rule Message No. 12-2009 - Requesting the State of New York to amend the tax flow to authorize Suffolk County to impose a tax on tobacco products (Senate Bill S.4989/Assembly Bill A08028) (County Executive).*** Do I have a motion?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern. Do I have a second?

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. ALDEN:
Just declare them illegal, tobacco products.

P.O. LINDSAY:
Well --

LEG. ALDEN:
No, I'm serious.

P.O. LINDSAY:
If you keep smoking after the fees here, you're --

LEG. LOSQUADRO:
You should be admitted.

P.O. LINDSAY:
Yeah, you really should.

LEG. ALDEN:
Some kids don't know; they target these kids.

P.O. LINDSAY:
Okay Mr. Zwirn, did you want to start off, or do you want to just answer questions?

MR. ZWIRN:
You know, I've had an opportunity to talk to some of the Legislators before this. This is, again, a bill that would allow us to entertain and opt in to having the ability to put a \$2 tax on a pack of cigarettes. It is similar to the bill that has been adopted in other counties including Nassau County which has done their Home Rule Message and which is on the verge of getting this passed up in Albany. It would provide us with a sizeable amount of revenue, we estimate it could be between 20, \$26 million. It could be even more than that if the State did not claw back a portion of the proceeds that -- which they have done say in New York City, they took some of the profits back. It would be a -- it's a little different than Nassau's bill in the sense that 10% of any revenue generated by this tax would be set aside for tobacco cessation education through the Health Department, so that would take a portion of the proceeds and the rest would be available to the County. It is a big revenue generator and I know a lot of you have expressed support.

We had a plan, trying to deal with the economic crisis that faces the County. Some of it was to try to cut expenses, we have had restrictions on hiring. Part of it was to take the Tax Stabilization Fund, \$30 million from that, and some of it was to try to generate some new revenues, and this is one way that we hope to do that. Because if we don't start generating some revenues, we're either going to have to cut even further or look at other sources of bringing in money, and nobody wants to raise property taxes but we're looking for ways to try to raise revenues, pay for services and keep the County going.

Nobody wants to do any of this, we understand that. We hear you today, the County Executive hears and agrees with you. And in the next coming weeks and months, if we can -- if the economy turns around or if we can find other ways between the Legislature and the County Exec's Office to

find places where we can still further cut, then down the road maybe we won't need some of these additional revenues. But in the short-term, we would urge you to support this. As I say, Nassau may get their approval this very week and the Legislature is not going to be in session much longer, we would like to have this Home Rule Message up there tonight -- tomorrow so that we can start urging Legislators to support it so then you will have an opportunity, you know, down the road to decide whether this is something that the Legislature decides that they would endorse.

P.O. LINDSAY:

Legislator Nowick and then Romaine and then Schneiderman.

LEG. NOWICK:

Yeah, this might be one time where I'm really not going to address the budget deficit. I think the real importance of this bill is that if we can in any way deter young people from smoking, whether it be they can't pay for a pack of cigarettes, then I say -- I'm really all for it. And maybe not even just the young people. If you've ever been down-wind of a golfer who has a cigar, it's not a good experience.

There's a portion of this I just don't understand, and you may be able to tell me, Ben.

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

LEG. NOWICK:

It says in the bill, in the Senate bill -- let me just get to the point here. "However, nothing in this section shall authorize the imposition of a tax on the use, retention of 200 cigarettes or less, or 50 cigars or less." I just can't make sense. I've been reading that over and over. What does that mean?

LEG. KENNEDY:

If you bought a carton of cigarettes --

P.O. LINDSAY:

Put it on the record.

LEG. KENNEDY:

I'll defer to Counsel, but I believe we're talking about if there is purchase for personal consumption out of jurisdiction or out of state and you brought it into the -- into the County.

MR. NOLAN:

I'm just really reading this for the first time. What section are you referring to?

LEG. NOWICK:

That's Section 471F on the first page of the Senate bill. So that's if you bought it someplace else. Maybe that's --

LEG. BARRAGA:

Right.

MR. NOLAN:

Right. It talks about cigarettes that are brought into the County and cigars, so that would be the answer.

LEG. KENNEDY:

For personal consumption.

LEG. NOWICK:

So, if you go out of the County -- well, because you're buying out of the County, so --

MR. NOLAN:

Right, correct.

LEG. NOWICK:

Okay. All right. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I'm a nonsmoker. I think tobacco is extremely destructive. I've seen it's destructiveness. That notwithstanding, the tobacco cessation program that Mr. Zwirn spoke about, I thought we had a tobacco cessation program. In fact, I'm going to request --

MR. ZWIRN:

We do.

LEG. ROMAINE:

-- the Budget Review Office to tell us about the tobacco cessation program for the last five years and the level of funding, because I've heard anecdotally, and I have no facts here to back me up, but while promises were made for the tobacco cessation program from the tobacco settlement that we made, the promises that were made on the record in the verbatim may not have been kept, and the level of funding may not have remained constant, and the tobacco cessation programs that were supposed to be put into place were gradually cut back. I hope that's not the case. And the next time I speak, I do want to speak factually. And I'd ask Budget Review if they'd take a look at that, and just a one-page review of the funding for the last five or six years and what was there, because I think, when someone talks about tobacco cessation program, I've heard that song before and somehow it doesn't ring true.

The other concern I would have, when I was getting lunch today. And right behind me on line was Legislator Stern. I'm watching the sign. A pack of cigarettes at that deli was 8.99. We're about to raise this by \$2. It would make a pack of cigarettes \$11. I think Legislator Schneiderman's going to address that point in terms of what that might do to tobacco sales. Obviously, I'd be happy to see that, but there's other areas I think Legislator Schneiderman will address what that might mean in terms of other things like tobacco securitization. And, finally, I get a cup of coffee at the same place every day, and they make the best coffee around. There's a gas station and convenience store and she sells cigarettes. And the last time the State raised this, she did nothing but complain to me as her Legislator. "You know what we have to do?" I said, "No. What do you have to do?" "We have to inventory every pack of cigarettes we have in our store, and whatever the tax is, we have to pay that tax up front for whatever we have in our inventory. I can't afford to do that, because that's upfront money that's coming out of my pocket." So, for example, if she has 1,000 packs of cigarettes in that store, she's going to have to pay \$2,000 up front the day this tax goes into effect. She has to do an inventory. It takes a lot of her time to do that. She has to do an actual count, they have inspectors to check on her count, and then she has to pay that up front.

And I just want to make that aware, because while I don't like cigarettes, she's -- you know, there's a lot of people that sell them, that depend on them, and it's a tremendous burden for the small entrepreneur to do that. And I just want to put that on the record, because I've heard these complaints before from constituents that are in this business. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I think it's certainly a fair assumption that if you put a large tax, a new County tax on cigarettes, that tobacco -- cigarette sales will go down.

MR. ZWIRN:

It's taken into account.

LEG. SCHNEIDERMAN:

I'm sure it is. What I'm not sure is taken into account, and this is maybe more of a legal question, and Legislator Romaine was hinting at it, we recently sold to Citi Group our right to collect from the tobacco settlement revenue that comes from tobacco sales. So now, if we pass a bill that's going to lower the amount of money that is collected and we just sold the right to collect this money to a company, are we -- can we do that after we just sold that right? I remember one of the arguments, when we secured tobacco, was that, well, there might be new taxes that come along, and things like that, that could lower the collection, so let's kind of get out of it, and here we are, imposing a tax that would lower the tobacco revenues.

MS. VIZZINI:

If I may.

MR. ZWIRN:

I'm sorry. Is there a question? I mean --

LEG. SCHNEIDERMAN:

Yeah. Can we do this --

MR. ZWIRN:

Yes.

LEG. SCHNEIDERMAN:

-- after we've just received all this money from Citicorp?

MR. ZWIRN:

Yeah, because as Counsel was indicating to me from the County Attorney's Office, that part of the settlement with the tobacco -- with the tobacco companies themselves, we're going to do, you know, anti-tobacco use advertising and programs, so we don't think that will have any impact on this.

LEG. SCHNEIDERMAN:

It affects the value of the securitization. So, if you knew -- if a company were bidding and they knew this was coming -- we didn't know it was coming at the time, but when we signed off on selling that right to those revenues, did we obligate ourselves to not do anything that would affect that revenue stream in the future?

MR. ZWIRN:

I think one of the reasons we did the tobacco securitization deal when we did is because tobacco sales, with the taxes, with the taxes to do it -- and, again, Nassau County did tobacco securitization and they're standing in line in front of us to do the same thing with this tax. I believe New York City did tobacco securitization and they were the first ones to put on the tax. It's not based on the volumes anymore. That's what we -- that's one of the reasons why we did the securitization, so we had that revenue stream, in anticipation that perhaps with all municipalities raising the taxes on cigarette use, that we would be protected from that, because, otherwise, that revenue could fluctuate.

LEG. SCHNEIDERMAN:

So, when we sold that right, we made no promises to the people who are buying it, that we would do nothing to affect the revenue stream? Really, it's a legal question.

MR. ZWIRN:

The answer is from -- the County Attorney's indicated to me that that's not a problem.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Actually, I think Jay asked some of my question. You know, I've battled whether I want to support this or not. It is a Home Rule Message. I'm not convinced that I want to support this, but I'll support the Home Rule Message and reserve how I feel later.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Very quickly, you know, two thoughts on this bill. I'm not sure that I'm prepared to support it just yet, because if Nassau wants to get in line in front of us and raise the cost \$2 that's great. So then come on into Suffolk and you can buy your cigarettes, and I think we'll increase our volume that way and generate some revenue. And the other issue in my mind is if we could enforce the sales tax we're already imposing at the Indian reservations specifically, you would make up the same, if not more, revenue. So this may be something we have to look at in the future, but I don't think it's quite ripe at this point, not in my mind.

P.O. LINDSAY:

Anybody else? No? Okay. We have a motion and a second.

LEG. ALDEN:

Slow roll call.

P.O. LINDSAY:

Huh?

LEG. ALDEN:

Slow roll call.

P.O. LINDSAY:

Slow roll call. Okay.

LEG. ROMAINE:

Everyone's back.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Pass.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes for the youth of America.

LEG. HORSLEY:

No.

LEG. GREGORY:

Pass -- oh, yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY

Yes.

LEG. ROMAINE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

We go to CNs, the red folder.

LEG. EDDINGTON:

Tim, no.

MR. LAUBE:

You're a no?

LEG. EDDINGTON:

No.

P.O. LINDSAY:

1460 - Appropriating funds in connection with the Capital Project 5713, Industrial Park Redevelopment.

D.P.O. VILORIA-FISHER:

Tim, do you have to call that vote again?

MR. LAUBE:

The final vote is 13 on Home Rule 12.

P.O. LINDSAY:

Okay. ***I.R. 1460 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with Industrial Park Redevelopment at Francis S. Gabreski Airport (CP 5713). And this is -- has to do with the infrastructure improvements that were talked about earlier.*** This is more money? Explain this. Yeah. Please, please help me with this one.

MS. FAHEY:

This is -- there was funds appropriated in 2003 for the planning and design of the infrastructure. We only took it so far, not knowing how much we would have to do in the planning and design. When we went back to finish our portion and our commitment, the monies had expired, so this really just re-ups the money that was appropriated back in '03. And it is part of the two-and-a-half million that we spoke of this afternoon, so it's all part and parcel of that.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher, was your question --

D.P.O. VILORIA-FISHER:

I'm still confused, because didn't we vote on infrastructure improvements --

MS. FAHEY:

That was the construction.

D.P.O. VILORIA-FISHER:

-- and voted on the bond?

MS. FAHEY:

That was the construction money. This is the planning and design money. It was after we reintroduced that resolution for the construction funds --

D.P.O. VILORIA-FISHER:

That you realized you didn't have enough for --

MS. FAHEY:

That the older money expired, correct.

D.P.O. VILORIA-FISHER:

I see. Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion --

D.P.O. VILORIA-FISHER:

I made the motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, seconded by Legislator Horsley. Right, Legislator Horsley?

LEG. HORSLEY:

Sure, fine.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

On the bond.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Is there a bond with this?

MR. NOLAN:

Yeah, there is.

D.P.O. VILORIA-FISHER:

Yes.

MR. NOLAN:

1460A.

D.P.O. VILORIA-FISHER:

1460A.

P.O. LINDSAY:

Okay. The accompanying bond, I.R. 1460A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yeah.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

P.O. LINDSAY:

And then we have I.R. 1461 - Authorizing acceptance of Federal Aid for participation in the strengthening and improving of County roads. (Capital Program Number 5014.345).

LEG. BEEDENBENDER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Oh, check that, Seventeen. (Not Present: Leg. Alden)

P.O. LINDSAY:

Okay. The only thing we've got left is late-starters. I'd like to make a motion -- I'd like to make a motion to waive the rules and place the following resolutions on the table:

1.R. 1452 (Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development and authorizing the County Executive to execute agreements), to the Labor, Workforce and Affordable Housing.

1453 (Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for an Emergency Shelter Grants Program and authorizing the County Executive to execute an agreement), to Health and Human Services.

1454 (Authorizing a feasibility study evaluating the MTA's assumption of Suffolk County Transit Bus Service), to Public Works.

1455 (Authorizing the filing of a grant application on behalf of the Disabled American Veterans (DAV) for federal capital assistance for the purchase of vans for its transportation programs and amending the 2009 Operating Budget and amending the 2009 Capital Budget to provide funds for the purchase of vans for Disabled American Veterans (DAV) (CP 5658), to Vets and Seniors.

1456 (Requiring the Department of Health Services to establish the objective criteria for dredging projects pursuant to Local Law No. 50-2006), to Public Works.

1457 (Reinstating the July 2009 Step increase for employees who are excluded from Organized Bargaining Units and instituting a lag payroll in 2009 for Bargaining Units 21 and 30 (Management and Confidential Employees, respectively and exclusive of the Suffolk County Community College and Employees of the Board of Elections) to address revenue shortfalls and avoid a reduction in workforce), to Budget and Finance. Why do I have two 1457s?

Okay. ***1458 (Adopting Local Law No. -2009, A Charter Law to amend the Drinking Water Protection Program to increase the allocation for property tax relief), to Budget and Finance,*** and to set the Public Hearing for June 9th at 2:30, at the Rose Caracappa Auditorium in Hauppauge.

1459 (Authorizing a voluntary lag payroll for elected officials), to Budget and Finance.

1462 is the next one?

MR. NOLAN:

Yes.

P.O. LINDSAY:

1462 (Amending the 2009 Capital Budget and Program and appropriating funds in connection with alternative fuel infrastructure and compressed natural gas vehicles (CP 5602), to Public Works.

1463 (Authorizing Suffolk County to enter into an Intermunicipal agreement with the Town of Southold in connection with planning for the Bay to Sound Integrated Trails Initiative – Land Stewardship Project (CP 8713.110), to EPA.

1464 (Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission), to Public Safety.

1465 (Accepting and appropriating a grant in the amount of \$358,500 from the New York State Office of Homeland Security for the State Law Enforcement Terrorism Prevention Program (SLETPP FFY2008) with 100% support), to Public Safety.

1466 (Amending the 2009 Operating Budget and transferring funds to the Middle Country Youth Association), to Budget and Finance.

I'll need a motion. Motion by Legislator Beedenbender, second by Legislator Gregory. All in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:

Motion to adjourn.

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden).

P.O. LINDSAY:

And I'll take a motion to adjourn from Legislator Beedenbender. I'll --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden).

[THE MEETING WAS ADJOURNED AT 6:48 P.M.]