

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SEVENTEENTH DAY**

**November 17, 2009**

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

**Verbatim Transcript Prepared By:  
Alison Mahoney, Lucia Braaten & Diana Flesher - Court Reporters**

*(\*THE FOLLOWING WAS TAKEN & TRANSCRIBED BY  
ALISON MAHONEY - COURT REPORTER\*)*

*(\*The meeting was called to order at 9:43 A.M. \*)*

**P.O. LINDSAY:**

Call the roll, please.

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

**LEG. ROMAINE:**

(Absent).

**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:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Alden - Absent: Legislator Romaine).

**P.O. LINDSAY:**

Before I introduce our visiting clergy and salute to the flag, you all heard me speak many times from this horseshoe about how proud I am to be a Suffolk County Legislator and how proud I am of this organization. About two weeks ago we finished a very contentious election where we all worked very hard for our respective parties. But one of the unique things about this body is when the elections are over, politics are put aside and we all work for the betterment of the people. And this organization, as anybody who has tackled this organization finds, that regardless of party affiliation, we come to each other's side and, likewise, when a tragedy happens to any one of us, it's a tragedy to all of us.

Last Saturday Legislator Romaine lost his son Keith, which is a pain that I cannot imagine. I can't imagine anything more painful to an individual than to lose a son or a daughter. And I just want to say on behalf of this body, Legislator Romaine's pain and suffering is felt by every one of us and our prayers are with him. And I don't know how you recover from this, but anything we can do to help him, we will help him.

Having said that, I would like Legislator Browning to lead us in the salute to the flag. Please stand.

***Salutation***

And Legislator Browning is going to introduce our visiting clergy.

**LEG. BROWNING:**

Good morning. Today I have invited Pastor Erik Rasmussen from the Bellport United Methodist Church, he's been there for about four years. I'm finding out that he's also a good friend of Legislator Horsley, went to college together. But he graduated Yale Divinity School, he served as Vice-President of the Long Island Council of Churches and has been President of -- became President in 2008.

Pastor Rasmussen, I have to say, one thing that I love so much about him is that he has a long-standing commitment to social and economic justice for the poor and other marginalized Long Islanders. This year I'd like to say also congratulations. The United Methodist Church in Bellport will be celebrating their 150th Anniversary. So with that, Pastor?

**PASTOR RASMUSSEN:**

Thank you, Kate. Let us be in a time of reflection and prayer. Gracious God, we pray this day for the Suffolk County Legislatures (sic) as they begin their session. They come from diverse backgrounds and serve in even more diverse constituency. They come to serve knowing they will face challenges large and small, known and yet to be discovered. Some come as newly minted Legislators, while others begin this journey with the wealth of experience and the political scars that go with them. As we gather now in prayer, we pray not in the name of one God whom we name in many different ways, but in the nouns and adjectives that define the meaning of the divine.

God of strength. Give these representatives the courage of Abraham as they venture into uncharted waters of tomorrow. God of wisdom, give them discerning eyes, the eyes of Soloman for the choices that come their way, that they might discern the wisest course. God of justice, enable those here gathered that they may work for our communities, not for the small matters of individual justice only, but for the larger justice, the common good that is the fruit of compromise and legislation. God of compassion, we pray for the Legislators that they may labor well, not only for those who support them -- but for all constituents, most especially for the least of these among us, the poor, the sojourning alien, the ill and the addicted. God of grace, even as we seek safety for our own communities, may these chosen look with the eyes of mercy and with the voice of healing, even for those who are a threat to communal life, that they might lift up the redemptive spirit. Finally, God of healing, lift up the Romaine Family and all those we carry in our hearts for healing, for peace and for the restoration of hope. Pray all these things in the spirit of a loving God, amen.

*(\*Amen said in unison\*)*

**P.O. LINDSAY:**

Thank you, Reverend. If everybody would remain standing for a moment of silence for Ed Romaine's son, Keith Romaine, who was a Town Councilman in the Town of Brookhaven. 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 Observed*

Before I start with the public portion, just an announcement about a little bit of change in schedule today. We're going to break for lunch at noon, there's going to be a press conference in the lobby, for that purpose, and we're going to come back earlier, we're coming back at two o'clock. There's going to be a presentation made by Economic Development about Legacy Village from 2 to 2:30 and 2:30 public -- the public hearings start. So we're breaking at 12, we'll be back at 2, okay?

Okay. With that, we have no proclamations. Nobody has a proclamation?

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

No.

**P.O. LINDSAY:**

Okay. We're going to go into Public Portion and I'm going to turn over to Deputy Presiding Officer Viloria-Fisher to start the public portion.

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

Our first speaker is John Coraor.

**MR. CORAOR:**

Thank you, Deputy Presiding Officer Fisher and distinguished Legislators. My name is John Coraor, I'm a resident of Huntington speaking to you today as Chairman of the Suffolk County Cultural Affairs Citizens Advisory Board. Before I go on with my statement, I want to say on behalf of the Cultural Affairs Advisory Board that we offer our heartfelt condolences to Legislator Romaine and the Romaine Family in this time of tragic loss.

The Advisory Board applauds the Legislature's recent quadripling (sic) of the County's Hotel/Motel Tax. This expanded tax is projected to generated revenues designated for discretionary grant support of cultural programs, museums and historical organizations totaling \$983,854 in aggregate in 2010. That's almost twice the 511,000 and change in total grant support awarded by the Legislature through the Office of Cultural Affairs in 2009. During the current recession, when other sources of cultural program support have been significantly reduced and several longstanding cultural organizations have cancelled their programming and all but gone out of business, this

increased County support is both heartening and much needed.

I faxed to each of your offices last night the content of remarks made on this topic to the Legislature's Committee on Economic Development, Higher Education & Energy last Friday, so I won't go into the details of the potential shortfall that we have identified in the remaining funds that are available for discretionary allocation based on the competitive grant process and review by the Cultural Affairs Advisory Board. But suffice it to say, even if our calculations turn out to be incorrect or there are additional monies allocated, we'll only get back to where these groups were funded in 2009 at a time when the County has available to it for cultural affairs funding almost twice the amount that it gave out last year.

And there is a clear imbalance that is evident when you look at the allocation of grants and you recognize that in 2010, a VFW Post giving a concert program in its locale is getting \$35,000, whereas the Long Island Philharmonic last year got only 10,000 for all of its services County wide. And that's just one example of the kind of imbalance that the advisory board is concerned about in this current 2010 line item allocations.

For 34 years, the Legislatively-appointed members of the advisory board have carefully reviewed all cultural affairs grant applications and made annual recommendations based on objective evaluation of a wide range of relevant criteria. The recent failure to utilize this review process for the bulk of 2010 cultural affairs grant allocations is an unfortunate new precedent in a longstanding and successful tradition. The advisory board, in its grant review process, have been repeatedly praised over the years by the media, the cultural community and Legislators of both parties for its objectivity and fairness. Furthermore, members of the advisory board are appointed by the Legislature and its recommendations are non-binding and advisory in nature. So final approval of grant allocations, either with or without advisory board review, always rests ultimately with the Legislature.

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

Could you please wrap it up, sir?

**MR. CORAOR:**

I have two sentences more, if that's all right.

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

Okay. Thank you.

**MR. CORAOR:**

We hope that the Legislature will turn to reliance on the 34-year history of service provided by the advisory board and consolidated review of all cultural affairs grant applications, and I urge you to consider this going forward from this point. Thank you.

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

Thank you, Mr. Coraor. Our next speaker is Patricia Snyder, and she will be followed by Steve Bard.

**MS. SNYDER:**

Pat Snyder. Good morning, Ladies and Gentlemen.

**LEG. LOSQUADRO:**

You have to hold down the button, ma'am. The light will light up.

**MS. SNYDER:**

Good morning.

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

To all our speakers, as you come up you have to put your finger on the microphone that's on the

podium and keep your finger on it so that your voice will be picked up for the stenographer and for all of us to be able to hear your. Go ahead, Ms. Snyder. You have three minutes.

**MS. SNYDER:**

Thank you. Good morning, Ladies and Gentlemen. My responsibility to the arts organizations in Suffolk County is twofold; I am the Executive Director of the East End Arts Council serving the 1st and 2nd Legislative District, and I'm also on the Suffolk County Cultural Arts Advisory Board. And I take that role, I take both roles very seriously and I look out for the organizations that I represent.

As you know, I hope you know, as a cultural advisory board, we encourage the Legislature or encourage Steve Levy to veto the line items from DO-33 which I understand did not happen. But that being said, I look forward to going forward and working with the Legislature to make sure that the funding is equitable. Right now I am looking at several organizations that have not or will not receive funding as they have in the past; that will hurt them greatly. And I look forward to the opportunity to rectify this situation in the upcoming years.  
Thank you.

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

Thank you, Ms. Snyder. Steve Bard followed by Diana Cherryholmes.

**MR. BARD:**

Good morning, distinguished Presiding Officer and other members.

**MS. ORTIZ:**

You have to hold the button.

**MR. BARD:**

That's right, I remember that from the committee meeting the other day. Okay. Good morning, distinguished Presiding Officer and other members of the Suffolk County Legislature. My name is Steve Bard, and while I reside right down the road in Hauppauge, I'm speaking here today as President of Teatro Experimental Verbabruta with respect to allocation of the Hotel/Motel Tax funds, more specifically the line item allocations in the Omnicode DO-33 portion of Budget Amendment 2.

Now, as our brochure, which is attached to copies of our written statement, explains in somewhat greater detail, we are a not-for-profit cultural organization that undertakes many theatrical and other arts programs as a means of encouraging constructive social change among our County's numerous and widely diverse cultures. While we reach out to all such cultures, our name correctly implies that we focus to a large extent on issues relating to the Latino population residing in Central Islip, Brentwood and elsewhere in Suffolk County.

Now, our new programming, since Marcello Lucero's murder in November of last year, has to a considerable extent directly addressed hate crimes and other ethnic bias issues. We created for the County an anti-bias program for its high schools, and our recent social theatre work addressing these issues has to date been performed at Hofstra and Stony Brook Universities during the past -- during this month and has received very widespread media attention, both nationally and world-wide.

We have also begun to educate our business community regarding the relationship between the arts and economic development via our Arts on the Move Program that placed music and other arts in area restaurants, as well as our Spring & Summer Arts Festival and Latin Rock Festival. But it goes without saying that this all takes money. And while everyone seems to recognize on some level that for some has been a rapidly growing Latino population in Suffolk County and elsewhere, the fact remains that the County's discretionary funds for allocation to cultural organizations have not been allocated in a manner commensurate with those demographic changes to organizations with an understanding of the Latino communities and their needs. And the minority-focused cultural organizations don't appear even today to be sufficient in numbers or influence to acquire a more

equitable share of those discretionary funds.

Now, it seems certain that the County Legislature understood this impasse in adopting the DO-33 and that individual Legislators better understood and could advocate for the needs of their respective communities when those mandated line item allocations were adopted. Under the circumstances, we must, we feel, support such line item allocations and are grateful to --

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

Steve, can you wrap it up, please? Your time is up.

**MR. BARD:**

Yes, I'm just about finished. We're grateful to the individual Legislators for their understanding and action, just as we are very grateful for past CSI funds and for the unwavering support of Legislator Montano. We're quite distressed, however, that it has come to this because we do not wish to see harm come to those larger and long established cultural organizations with which we've had relations for years. We are now working with great pleasure with the East End Arts Council and actively supporting the economically and artistically successful Long Island Winterfest Jazz-on-the-Vine. And I hope very much that when the number crunching is refined further, we'll find that no harm comes to that superb enterprise. That's about all I have to say and I'd be happy to entertain any questions.

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

Thank you. We can't really have questions during this period. Thank you very much, Steve. Diana Cherryholmes followed by John Rather.

**MS. CHERRYHOLMES:**

Good morning. My name is Diana Cherryholmes, I'm the Executive Director of the Huntington Arts Council. At the Huntington Arts Council, we serve arts funding for both Suffolk and Nassau Counties through the New York State Council on the Arts and JP Morgan Chase. And this morning I'd like to thank you for your leadership in arts funding. And on behalf of the arts community, I request ongoing competitive arts grants through the Cultural Advisory Board.

As you all know, arts funding enhances the life and local economies in Suffolk County. I look forward to being part of the solution with your leadership to make the Cultural Advisory Board communication and its funding as approved by your Legislature more transparent and effective. Thank you very much.

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

Thank you, Ms. Cherryholmes, and thanks for your brevity. John Rather followed by Maria Loreta Celitan.

**MR. RATHER:**

Thank you. My name is John Rather, I live near Indian Island County Park.

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

Can you please press on the button on the mike?

**MR. RATHER:**

Oh, okay. I got it.

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

And you have to keep it pressed.

**MR. RATHER:**

Okay.

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

Thank you.

**MR. RATHER:**

My name is John Rather, I live near Indian Island County Park in Riverhead and have been going there for more than 30 years. I came here today to ask you to table Resolution 1273 which would amend the County Charter to reduce the authority of the County's Board of Park Trustees. This resolution is premature and if enacted as written, it would be bad policy. It springs from a Legislator's unhappiness that the Park Trustees opposed a dog park the Legislator wanted. It also reflects a dispute over the Trustees' reluctant to enact higher fees sought by the Legislature.

Environmental and civic groups in Suffolk County have a saying, "Save what's left." And it's particularly appropriate saying in this period of time when those groups and others, together with the County, the towns and the State, are trying to -- the State, are trying to save the last available open lands in Suffolk. When these last parcels have been added to Suffolk's open space and park's inventory, Suffolk will have achieved over three decades -- the great distinction of wisely preserving a fair portion of its open lands, and it will have done this in accord with the powerful and unambiguous mandate from the public which is voted repeatedly over these same three decades to preserve open space and protect groundwater. Once these acquisitions are over, a new era will begin, one that might be called, the time to save what's saved." It will be a time when the County and the towns and the State will have to decide what to actually do with the new parklands, how to protect them from misuse and environmental degradation while maximizing public enjoyment of them.

If handled correctly, this will be a huge policy issue, a subject for study and long debate and possibly even voter referenda. After all, if we've gone to such expense and trouble to acquire these lands, what a travesty if we don't use and preserve them according to an agreed upon plan, not just allow them to go to the dogs or to the aggressive and politically connected special interests.

Which brings me back to Resolution 1273. As I've suggested, this resolution smacks of retribution and political revenge on the appointed Park Trustees for displeasing some Legislators. That's not a good way to begin a plan for parks or a good enough reason to rewrite the County's basic laws. Yet under the guise of assuring that elected officials, and not Trustees they have appointed, have final say over what happens in the park -- parks, this resolution would amend the County Charter to undo the special status of Park Trustees as brakes on ill-advised schemes for the parks. Henceforth, the Legislators could overrule the Trustees on any park-related question by a simple majority vote. Almost done, I'm just to the end here.

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

Okay.

**MR. RATHER:**

Parklands are a public trust and deserve insulation from the Legislative process. And in schemes of government, it is not uncommon for agencies, boards and commissions run by appointees to make binding decisions in their delegated areas of authority. Even if the powers and the duties of the Park Trustees need reconsideration, any changes should be part of a much broader future consideration of overall parks policy. Until that time, Resolution 1273 is premature and it should be subject -- tabled subject to cause or simply voted down -- subject to call or simply voted down.

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

Thank you, Mr. Rather. Our next speaker is Maria Loreta Celitan followed by Nancy Duncan.

**MS. CELITAN:**

This is the infamous button, okay. My name is Maria Loreta Celitan, I'm a member of the Citizens Advisory Board for the Arts. I've been a professional dancer for the last 30 years and I'm on the faculty of Stony Brook University in Dance and head their Outreach Center for Dance Movement and Cymatic Learning at Stony Brook University.

But today I stand before you as the founder and Artistic Director of Solysombra Spanish Dance Company and I want to speak on behalf of the so many, quote, "smaller" art institutions here on Long Island, institutions like the Long Island Baroque Ensemble, the Huntington Corale and the Opera of the Hamptons that were being funded through the Regrant Program, that is grants less than \$5,000. Because of the cuts in your funding to the CAB discretionary grant process, very likely the Regrant Program will be cut and we will have no funding from Suffolk County this year. We rely on this funding -- little as it is, under \$5,000 -- to produce new art works and to present our concert series, and without this money I'm afraid we're going to wither and die. And it's just so hard for me to comprehend how money can be given to organizations like, you know, Veterans of Foreign Wars and these organizations which have worked so hard after all these years, just wither and die.

So, you know, from the national level, the National Endowment of the Arts, to the NYSCA, the State level, to even New York City, the New York Bureau of Cultural Affairs, arts grants were always given out on a competitive level, this way you can control the quality through auditing and through final reports and you can make sure there's a diversity in the arts. And the arts are just -- it's not like given out for political reasons, it's always been above that. I just urge you to try to consider that in your future moves. Thank you.

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

Thank you. Our next speaker is Nancy Duncan followed by Bob Spampinato.

**MS. DUNCAN:**

Good morning, Ladies and Gentlemen. My name is Nancy Duncan, I currently reside in East Patchogue. I have been in the national and State arts community for the last 35 years working and it was my pleasure to be appointed through the 7th Legislative District, Jack Eddington's Office, to be a member of the Citizens Arts Advisory Board. Over the last five years, it's been my honor to work with this group of individuals, all appointed by you, who work diligently to understand the breadth of the cultural institutions on Long Island in Suffolk County.

I'm here to support all the statements of the Citizens Arts Advisory Board members who have been before you here today and please urge you, as you go forward, to work with us to keep the competitive grants process going forward. It has been my pleasure to work with them and I have been amazed at how hard they work and how much they understand the infrastructure and ecology of your cultural institutions and how much they need your support. So please, continue working with us and keep the competitive grants process in place. Thank you.

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

Thank you. Bob Spampinato followed by Peter Quinn.

**MR. SPAMPINATO:**

Thank you, Deputy Presiding Officer Fisher and County Legislators. Good morning. My name is Bob Spampinato, President, Board Chairman and 49-year member of the Northport Community Band. I'm here on behalf of the Northport Community Band, its members, officers, directors and board members, as well as local area music and arts lovers to ask that you include, not remove, the line item allocations made under omni code D-033 in Budget Amendment 2.

The allocations as written will negatively impact the Suffolk County Cultural Arts Grant Program and in turn cause significant financial hardship for the core cultural organizations that have historically benefitted from this program. We are concerned that an essential source of support for the Northport Community Band and other cultural organizations throughout Suffolk County is now in jeopardy. Moreover, we are troubled that the Legislature appears to be bypassing the competitive grant review process whereby allocation of funds is made after receiving the Suffolk County Cultural Arts Citizens Advisory Board's consolidated grant recommendations.

Many cultural organizations operate on a shoestring and the Northport Community Band is no exception. Although the majority of operating expenses is covered by in-kind contributions of time, equipment, etcetera, the band has hard expenses that must be paid on an annual basis. We are supported by local government and civic organizations that provide deeply appreciated token monetary contributions; however, we depend on grants for the rest. If this critical funding component is withdrawn, we fear that it may be necessary to curtail our ability to provide community and County residents with the high level of cultural programming they enjoy and deserve.

In addition to the cultural value added by the band, our concerts have a positive economic impact on the local economy. Citizens already suffering during an economic downturn can attend superb musical performances for free. Local businesses, owners benefit from the approximately three to 5,000 music lovers who attend each concert, many of whom shoo before having dinner in town before the concerts, pick up a picnic dinner to bring to the park or stop for dessert after the concerts conclude. Please continue support for organizations like ours by eliminating cuts to the Suffolk County Arts Cultural Grant Program. Thank you for your time.

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

Thank you, sir. Our next speaker is Peter Quinn followed by Tom Harrington.

**MR. QUINN:**

Good morning, Members of the Legislature. First my condolences to the Romaine Family for their loss. I'm here to speak about pollution today, but I wanted to segway to that eventually by first commenting about the need for additional Police. We hear a great -- I mean, the difference between 50 and 200 in the new academy numbers, at a time when the crime rate statistics show -- have shown a substantial downturn, and then we've got a Legislator saying, "Well, there are pockets of crime anyway, you know, that are up." But I would segway to pollution by saying we've had a crime wave over the years in terms of businesses, utilities and government throwing away waste in the dark of night frequently, or without reporting it as they're supposed to. And in the meantime, I discovered recently that the Attorney General's Office for the Environment has only eight scientists to track that for the entire state.

In addition, Governor Pataki, back in the middle of his tenure, decided to balance his budget by gutting the DEC and eliminating 800 employees from that department. That's a guaranteed opportunity for business to say, "Hey, nobody's looking. Let's throw away our waste rather than ship it to another state's minds." And I would submit to you that MTBE, methyl ethyl butyl ethylene -- methyl tertiary butyl ethylene.

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

Tertiary, yeah.

**MR. QUINN:**

The 11% additive to automobiles years ago by the auto industry and the oil industry for the catalytic converter solution was no solution at all. It turns out that you passed legislation several years ago to ban that product, then Shell Oil went to court and got a four-year extension. In the meantime, up in Lloyd Neck we discover that the DEC reports there are 3,000 parts per billion in that area, there's no gas station, and 300 parts per billion is the MCL, the maximum capacity level.

We've got Calverton where the Navy has said they're not cleaning up. They've been there for over 15 years polluting -- 50 years polluting, but they're not going to clean it up?

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

You can hear the buzzer, Peter; time's up. If you could wrap it up?

**MR. QUINN:**

I would -- let me finish by --

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

Sure.

**MR. QUINN:**

-- saying that I would urge, in the absence of chemists, auditors, regulators and inspectors, that this County Legislature, considering allocating funds for clean-ups by hiring a substantial number of people in a time of considerable unemployment. Thank you.

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

Thank you, Mr. Quinn. Our next speaker is Tom Harrington.

Mr. Harrington is followed by Sandy Hinden? Sanford Hinden?

**MR. HARRINGTON:**

If I may, before I start my statement --

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

Please press on the button on the microphone.

**MR. HARRINGTON:**

If I may, before I start my statement, I'm going to try to adhere to the three minutes, so if my statement sounds a little choppy you'll understand why.

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

Okay. Well, thank you for trying to adhere to the three minutes.

**MS. HARRINGTON:**

Good morning. My name is Tom Harrington and I am here to speak to you about Resolution 1872. In fact, my family, in the events of the past three years, are the reason this resolution was introduced by our Legislator, Brian Beedenbender.

I would like to make clear that although we are looking for answers in our particular case, it is our hope that when the answers are found and the deficiencies are uncovered in our criminal justice system in Suffolk County it can be repaired. At this point in time, every indication, given the matter-of-fact statements we have received and the casualness they have been given to us by people, we must assume that we are not the exception to the rule but instead we are the rule.

On October 11th, 2006, our 18-year old son Stephen was killed in a car crash, one that can in no way be construed as an accident. The individual that caused this crash was traveling in the opposite direction, veered across three traffic lanes and hit Stephen head-on. The impact was so great that our car went over the curb and the side walk and rested on the lawn of a bank on Middle Country Road. The driver was ultimately only charged with violating New York State VTL 511 which is driving on a suspended license, VTL 319 which is uninsured operation of a motor vehicle, and possession of marijuana. An eleventh-hour plea deal made by the District Attorney's Office, he was sentenced to \$650 in court on all three charges and sentenced to serve 140 hours of community service. This 140 hours of community service was never served and we have been told it never will be.

The individual that caused this crash had his license suspended for numerous violations including five speeding tickets, unsafe lane changes and other reckless actions. He had accumulated 50 points in violations on his license in four months. His license was not suspended for seatbelt violations as we were told by the Police, and this information trickled down to the District Attorney and the Judge. The DA had never looked into this individual's past, if he would have, he would have discovered this person was charged with a previous VTL 511 violation in Nassau County. He plead guilty to this and was sentenced to a conditional discharge; we have not been able to verify what the conditional discharge was or if it was satisfied. The difference here is a first-time offender, as he was charged by the Suffolk DA's Office, faces a maximum of 30 days in jail where a repeat offender

faces up to a year. The Police could not verify his insurance status the night of the crash and did not site him and never followed up on this, insisting to us that he was insured until on November 27th when the Police Department received a call from the defendant's attorney stating that he, in fact, was not insured the night of this crash.

After the confirmation, the Police still did not cite him until they were ordered to do so in February of 2007. The marijuana possession charge was not introduced until five months later, something that everybody was completely unaware of. This was discovered by the DA's Office in reviewing notes of the record. What they were told when they questioned why this is only coming up now is that the arrest summons was lost and the evidence was misplaced.

It should be noted that the night of the crash a blood toxicology test was never done. This charge was to be added on March 26th, the day that was originally set for jury selection to go to trial. On Sunday, March 25th, we received a phone call at home from one of the ADA's who was then asking us to accept a plea deal and telling us that they did not think they could win in court because they had found out that his suspension notices were sent to the wrong address; we know this now to be a blatant lie.

They directed us to think about the plea deal and that we should discuss it with our attorney that was handling a civil action against him, the defendant, and said that we really didn't need to be in court that following Monday because they were only going to ask for an adjournment due to the new charges. We again received a follow-up phone call the morning of the 26th as we were preparing to go to court. Again they reiterated the same comments to not come to court; we made a wrong decision and we didn't go. By the time we had contacted our attorney who said that the bearings of this would have no bearing on us, it was too late for us to go. Later that afternoon, the call we received, instead of giving us a new court date, told us that they plead the case out from under us.

There are supposed to be presentencing investigations of defendants that are sentenced to community service. If a community service sentence is deemed appropriate in the case of a defendant that habitually refused to appear at required court appearances, it raises serious questions as to whether these investigations were actually conducted and by whom. It should be noticed, this defendant, who accepted a plea deal from the DA of Suffolk County, did not appear for two separate sentencing dates. A warrant had to be issued, he had to be picked up by Police and brought in in cuffs. And at this point, the District Attorney and the Judge still thought this was a viable candidate for community service.

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

I hate to interrupt you, but could you try to wrap it up?

**MR. HARRINGTON:**

Okay. What we are hoping is that through your investigation of these facts and when the CJCC does conduct their investigation, they will find out what these faults are and correct them. Thank you.

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

Thank you, Mr. Harrington.

**MR. HARRINGTON:**

And if you could you please extend my family's condolences to Legislator Romaine.

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

Thank you, sir. Sanford Hinden followed by Anthony LaFerrera.

**MR. HINDEN:**

Thank you for the opportunity to speak to you Legislators. I would like to acknowledge Legislator Gregory and Eddington for bringing the issue of domestic violence to the County Legislature.

The Long Island Men's Center thinks that domestic violence registries are expensive and ineffective strategies for reducing domestic violence. We propose training workshops for men and women in nonviolent communications as a cost effective and successful strategy for preventing domestic violence and the creation of domestic peace.

The Long Island Men's Center will provide three workshops in basic training and nonviolent communications, relationship communications for men and women, and family communication skills for men and women.

Last night I got a call from Albany, from a couple that had just experienced domestic violence in their household by both the man and the woman. These were intelligent, highly educated people who had the benefit of good education and domestic violence still occurred in their family. That experience of domestic violence will probably never be reported, and I strongly urged them to engage in learning how to communicate effectively with each other. I offered my services to meet with them halfway between Albany and here and I would counsel them on nonviolent communication strategies, co-counseling and other strategies.

I've worked for 35 years in non-profits creating peace organizations. I've coordinated health and human services for Suffolk Community Council with grants from the County Legislature and New York State, working with at-risk and in-need families. These families need communication skills training and we're here to help provide that working with you. Thank you.

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

Thank you, Mr. Hinden. Our next speaker is Anthony LaFerrera followed by Irene Donohue.

**MR. LAFERRERA:**

Good morning. First I would like to send my condolences to Legislator Romaine and his family. I'm here to speak on 1638 and 1777, I'll try to do this as quick as I can.

1638 is the surcharge, wireless surcharge through the PSAPs, and that includes from East Hampton to the Town of Babylon. I know you don't see many of these people from the other PSAPs, but it's hard, these people work during the day. I have the -- I'm fortunate to be retired so I can come and help them out and speak in favor of this bill.

When the E-911 system was established, the funding received through the Verizon surcharge -- it wasn't Verizon at the time -- enabled the acquisition of the necessary infrastructure and 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 \$98,000 contract that quickly diminished to \$40,000 and now a projected zero dollars. We have steadily seen the funds generated by the surcharge 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 this 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 wireline telephone service to wireless service, in many cases having no wireline telephone service at all.

The impact of this transition has been monumental, both technology and financially. We have invested to assure we keep pace with the ever changing and advancing technology with minimum assistance from the State. Financially, this transition has drained the resources originally set in place to support the emergency services required for strong and reliable E-911 system. Implementing a 30-cent surcharge to wireless phones in Suffolk County is essential to assure the development, integrity and the continued support of our 911 system.

Reference to 1777, that's additional seats to the Suffolk County Ambulance Chiefs Association to the FRES Commission. There have been questions from representative organizations on why this resolution was kept from the members of the FRES Commission and how come the FRES

Commission was never approached on this recommendation to the Legislators since it will effect the FRES Commission. In Section 1, Legislative Intent to Intro Resolution No. 1777, recommendation from the Charter Review Committee was presented to the County Executive and Legislators on June 12th to increase the Ambulance Chiefs Association representation on the FRES Commission to three members with three alternates. Can you please explain to us how to increase three members was determined? In all fairness to the other organizations who are members of the FRES Commission, the Suffolk County Fire Chiefs, Suffolk County Volunteer Firefighters Association, Suffolk County Fire District Association who are represented by two members and two alternates. The townships are represented by one member and one alternate, as is the same for the Suffolk County Fire Marshal's Association who are represented by one and one. It would only be fair to the organization to have the Ambulance Chiefs Association be represented on the FRES Commission with two members and two alternates.

In the same section, as stated above in paragraph six, it reads that, "The increased representation for the Ambulance Chiefs will improve the balance on the FRES Commission which is predominantly comprised of fire safety personnel." We would like to make --

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

Please wrap it up, sir.

**MR. LAFERRERA:**

Yes. We would like to make you aware how fair and balanced the FRES Commission is. Approximately 90 combined village fire departments, fire districts, fire companies are represented in the townships on the FRES Commission with one member and one alternate throughout the County and staffed by professional volunteer firefighters, EMT's, EMTC's and paramedics who also provide emergency medical ambulance service to the representative -- their respective districts as well as the 27 ambulance corps throughout the County. Thank you.

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

Thank you, sir. Irene Donohue followed by Bruce Doscher.

**MS. DONOHUE:**

Good morning. My name is Irene Donohue. I want to take a moment to thank the Suffolk County Legislature, and especially Legislator Jay Schneiderman and his staff, for the efforts put forth to recognize my father, John T. Donohue and the work he did in this very chamber.

When my father was a County Legislator, he had some of his most fulfilling professional experiences. And like you, he felt a calling to serve as a member of the Legislature, to champion for issues no matter how unpopular or difficult they might be and to always remember that the decisions made in this room effect people, family and communities in which they live. Our family is very grateful for this recognition and for the naming of parkland in his honor. Thank you once again.

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

Thank you, Ms. Donohue. Our next speaker is Bruce Doscher followed by Kevin Moran.

**MR. DOSCHER:**

Good morning. My name is Bruce Doscher. I am a former -- former employee of the Suffolk County Legislature, and I'm talking to you today about the parkland Mr. Schneiderman has introduced. Boy, I can't tell you how nervous you can get by standing right here.

*(\*Laughter\*)*

So I'm talking about IR 1865. And let me start, thank you, Legislator Schneiderman, for seeing this through. This is for my boss, John T. Donohue who passed away a number of years ago. He was Legislator for the 2nd LD. He championed causes in the 70's, causes like solar energy, development for the Suffolk County Airport. He was quite a gifted gentleman. He was in NAVY UDT which is now

what we call Navy Seals. He used his gifts to help others that didn't have -- he was a motel owner and he always had at least one room, maybe two, for people who had no other place to stay.

His two pet projects were solar energy and Suffolk County Airport.

The parkland that's mentioned here is adjacent to the Suffolk County Airport, so it's a fitting and proper place to recognize Legislator Donohue. I walked into this room last week after being away from it for 30 years and I felt just a very warm and -- just a very warm experience, and you'll all -- I encourage each and every one of you, after you leave here, to come back after a break of time and there will be a smile over your face, there will be a warmth. Some of the times here are trying, as you all well know, and this is not easy work, as you all well know.

So I want to thank you once and for all for your consideration of this parkland. And I'd like to wish that all your memories are warm and all your futures are bright. Thank you.

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

Thank you, sir. Kevin Moran is our next speaker followed by Minister Thomas Humphrey.

**MR. MORAN:**

Good morning. My name is Kevin Moran, I'm the General Manager of the Courtyard By Marriott at McArthur Airport, I'm here to oppose Resolution 1900 which proposes to allocate funds from the Long Island Convention Visitor's Budget to a fledgling organization on the east end. Those funds are estimated to be over \$300,000 for the year 2010.

In the early 90's, I was among a group of hoteliers who asked to have a tax imposed upon our industry; this probably didn't happen very often. We did so because the Long Island Visitors and Convention Bureau did not have the funds to market Long Island vis-a-vis other destinations with whom we compete. We feel it is important that the Long Island -- that Long Island be marketed with one voice as a region. Before moving to Long Island in 1989, I didn't know anything about this area. Nassau and Suffolk Counties were meaningless to me, however I knew of Long Island. It is Long Island that needs to be promoted and marketed, accentuating all of its benefits. If we try to play off Montauk versus Huntington versus Sayville versus Bayport versus Greenport, we're going to be wasting a lot of the funds that we're raising from this tax and our voice is going to be diluted.

Our objective in asking to be taxed was to be able to afford a professional organization to represent Long Island, and five years ago we were fortunate enough to recruit a real pro in the business in Mokey McGowan. He, in turn, has assembled an excellent team and under Mokey's direction, they have developed marketing plans that reach out and attract visitors to Long Island and Suffolk County from up and down the east coast. The additional funds provided by the increase in the hotel tax will allow the Long Island Convention and Visitor's Bureau to further penetrate existing markets and possibly reach out to new markets such as the international market which had not been penetrated before 2006 but which now, through the good offices of the convention Bureau, is an important market for Long Island and Suffolk County and specifically the east end.

Approximately a third of the members of the board of director of Long Island Visitor's and Convention Bureau is composed of members from the east end, including our current chairman. Therefore, it can't be said that they don't have considerable influence on how the funds are spent.

To summarize, LICVB is the recognized tourism promotion agency by the State of New York for Long Island. The East End Tourism Alliance is not a recognized body, has no history and is not -- has no paid staff and has no infrastructure. I think by dividing these funds up, we will diminish our message to the rest of the country and the world as to what Long Island is. Thank you very much for your time.

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

Thank you. Minister Thomas Humphrey followed by Robert Franz.

**MINISTER HUMPHREY:**

Good morning, everyone. This morning I want to take a few moments to give my condolences to the Edward Romaine family for the loss of their son.

I'm Thomas Humphrey, Mr. Tom Humphrey from the Long Island Men's Center, I'm the Vice-President. I stand before you today because I realize you're doing a wonderful job for our community and for our County. I've followed your work and we appreciate everything you do. We support you. And I know you work tiresome, more than eight hours a day, I realize that. But today the Long Island Men's Center stands opposed to Resolution 1314 because we feel that our community cannot absorb this law.

I was born in 1939 and for 18 years I lived under laws that affected my life like this law will effect my grandchildren's lives, 1314. I lived in North Carolina under the Jim Crow Law and my home raising and being who I am today was affected by discrimination. My community, North Amityville, Wyandanch, Copiague, cannot absorb any more punishment to my people, especially my men. Every night I'm getting phone calls by my men who cannot find jobs. They're being lied on, right there in the college in Nassau County, five of my men were accused of rape but they had a videotape. A lot of my men today plead guilty to a crime because they don't have money to defend themselves and they get a record, a record which reflects them being criminals when they're not criminals.

So I'm asking you today to table 1314 for the good of our men that's coming up today to fight in the war right now in Iraq, Afghanistan, but when they come home they can't even stand on a corner and socialize. So please table this bill because it's a bad bill right now for my community, we cannot absorb it. I've been fighting for over 47 years for my people and I'm asking you now, please, to table this bill and rethink it and rewrite it so it would be more favorable to the people that you're trying to punish. Thank you.

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

Thank you, sir. Robert Franz followed by Mary Cannon.

**MR. FRANZ:**

Good morning. My condolences to Legislator Romaine's family on the loss of his son. My name is Robert Franz, I am Chairperson of the New York State Volunteer Ambulance & Rescue Association, District 7 which covers Suffolk County. Today I request your support for passing Resolution 1777 which grants two additional seats on the FRES Commission to the Suffolk County Ambulances Chiefs Association. This would improve the representation of the Ambulance Chiefs on the commission which is primarily comprised of fire safety groups and individuals. Suffolk County volunteer ambulance squads respond to approximately one-third of all EMS calls in Suffolk County.

I also ask you for your support on passing Resolution 1638, authorizing the 30 cent surcharge on cell phones.

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

Make sure your finger is on the mike. Thanks.

**MR. FRANZ:**

For Resolution 1638, authorizing the 30 cent surcharge on cell phones for the Public Safety Answering Points, or PSAPs, to assist them in meeting their costs. Thank you.

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

Thank you, Mr. Franz. Our next speaker is Mary Cannon followed by Judith Ford

**P.O. LINDSAY:**

You've got to hold your hand on the button.

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

Keep your finger on that button while you're speaking.

**LEG. ALDEN:**

Somebody might want to help her.

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

Renee, can you help her?

**MS. CANNON:**

I got it. Thank you. Do you want my 20 copies? Over here? Thank you.

**MS. LOMORIELLO:**

Sure, I will hand them out for you.

**MS. CANNON:**

Thank you. I appreciate that. Thank you for letting me appear today. I'm just thrilled and honored to do so. The reason I wanted to speak to you as a group is because I think what I have to say affects three committees, Public Safety, Transportation and Human Services. Let me give you some background.

I have 14 years experience in the field of drug and alcohol counseling. I'm also licensed as a Mental Health Counselor. Lately I have been doing the drug and alcohol evaluations for court; in other words, when you get a DWI, you have to be evaluated to find out if you are dependent, an abuser or it's an out-of-the-box experience for you.

So let me give you a story. One of my clients got up there and he's charged with a DWI, second DWI. He got drunk on St. Patrick's Day, stole a car, hit another car. So now we're in court, he had a very good lawyer and he had to write an apology letter and pay all the fines. So I looked at the apology letter and the letter said things like how he had been inconvenienced about this, he didn't have money now to send his daughter to college, things like that. So I really reacted to this; this happened quite a while ago. But as a counselor I know, you can put someone in jail, you can put them in rehab, that doesn't mean they're going to change. You cannot change what you do not connect to on a personal level. If you don't look that person in the eye and say, "I am sorry," it's not going to happen.

So colleagues and I came up with this idea, which is kind of like an old one, of restorative justice with conditional discharged clients. And as a previous speaker had said, no one follows up on conditional discharges. Why? I don't know. Okay. So we're asking you to consider putting pressure on the Judges to make conditional discharges supervised and also to throw in the restorative part of it. In other words, the offender has to make amends for what they have done.

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

Can you wrap it up, please?

**MS. CANNON:**

Yes.

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

Your time is up.

**MS. CANNON:**

Mainly this is a volunteer type of experience. We have a pilot program going now at Pearson High School in Sag Harbor where several of my clients have done this and really benefitted from it. A lot of community service boards in other states, these are all voluntary things and there's a whole group of voluntary professionals who want to help with this idea. Let's make some changes, let's do it now. We need it. Thank you.

**LEG. VILORIA -- FISHER:**

Thank you. Our next speaker is Judith Forde followed by Greg Fischer.

**MS. FORDE:**

Hi. My name is Judy Forde and I'm the Director of the Drinking Driver Program at Stony Brook University.

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

You can pull that mike up a little bit, Ms. Forde. It makes it easier. Thank you.

**MS. FORDE:**

Okay. Basically I'm here just to give a brief overview of the program. The Drinking Driver Program is part of the New York State's effort to reduce the personal and property losses caused by drivers under the influence of alcohol and/or drugs. The DDP helps the participants examine the arrest experience and the reason for their arrest. It also helps them learn to make appropriate driving decisions for the future.

During the DDP introductory sessions, participants are asked to consider the reasons and goals of the program and its requirements for completion. Under the guidance of the Director and staff, participants discuss the social, medical, legal and driver safety problems caused by alcohol and other drug abuse. The program includes class education screening and, if warranted, evaluation and treatment. My concern is the under utilization of this program.

The legislation that went into effect on 11/01/06, it's the 8232 Omnibus bill, is not being enforced. This requires all DDP participation to be mandated for a DWI conviction; they're not mandating it. We're only getting about half the population in our program. So what I'm looking forward to is your support in enforcing this Omnibus bill which went into effect 11/01/06 which would require all DDP -- all DWI convictions to come to the DDP program as a first effort. Thank you.

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

Thank you. Our next speaker is Greg Fischer followed by Ronald Barz. Greg Fischer?

**P.O. LINDSAY:**

He's coming in.

**LEG. VILORIA -- FISHER:**

Okay.

**MR. FISCHER:**

First my condolences to the Romaine Family for their tragic loss. My name is Greg Fischer, I am here on behalf of both Long Island Men's Center and Americans for Legal Reform. I am speaking in opposition to bill 1314 introduced by Legislator Gregory and Legislator Eddington. It's both fiscally irresponsible and socially irresponsible. First --

*(\*Greg Fischer picked up and held a toddler in his arms\*)*

She has spoken. It's socially irresponsible. There's clearly gender-based reporting in this County. Men do not report domestic violence statistically, as compared to women. And when they do report this front-end diversion, they're frequently turned away, discouraged by the Police. Then there is gender-biased prosecution as to what the DA will take up and not take up. Then there's gender-biased assistance -- it's on, believe it or not -- as to what programs are available for women and what programs are available for men. There are no County funded programs for men, there are County funded programs that focus on women including VIBS.

We are replete in this society with gender-biased attitudes. There's no selective service registration

for woman. The media reports 60% of male murders, but 80% of female murders. So we are steeped in a gender-biased environment attempting to put through this legislation which is, again, socially irresponsible. The preamble to this bill says that criminal justice information is publicly available. Well, domestic violence is not criminal prosecution, it's civil prosecution, so you're quite wrong on the law. So rather than a process that includes guilt beyond a reasonable doubt, this is a civil preponderance, 51/49.

Now, to give a little bit of evidence on my gender-bias reporting, this is Anna, one of my two children that were abducted for two years. The Federal law says that parental abduction, child abduction of any kind should be reported within two hours; it's a Federal mandate, must be done. I could not get them reported in two years. The Suffolk County DA refused to take it on hundreds of requests for two years. The Riverhead Police refused to take it for two years. Two hours. It's designed to say we will gather the statistics to analyze the problems, we will gather the statistics. You can take it out later, you can justify it later, but you must take the report. The statistics are completely different when a man abducts their child versus the woman of the relationship abducting their child. So what we have here is legislation that's continuing a failed social experiment. It is a failed social experiment.

Fiscally, who's going to pay the cost? In this time where we know we must make deep cuts, who's going to pay the cost for the set-up? Who's going to pay the cost for the maintenance? The costs that we're going to be sending on to the people so-called found guilty or so-called put in by the Judges to be reporting, does not cover the full cost. This is more fruit of the poison tree. And as Reverend Humphrey said, it will continue to beat down the already beat down, the people who plead guilty, the people who don't have money, the people who aren't sophisticated, we will further entrap them in poverty and their children with them. As well in the gender-biased --

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

Can you please wrap it up, Mr. Fischer?

**MR. FISCHER:**

Thank you. I have a report, I'm going to submit a couple of copies, it's evidence. Which is it shows now that 70% of the gender -- of the domestic violence is actually, actually initiated by women and most of the severe injuries are incurred by men. Information in the media where Legislator Gregory has said he will not hear any more stories of men bragging about harming women? I never hear those stories, never, never hear those stories.

So I'm looking to see what's motivating this, but it is socially and fiscally irresponsible. Thank you.

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

Our next speaker is Ronald Barz.

**MR. BARZ:**

Good morning. My name is Ron Barz, I'm one of the Directors of the Suffolk County Fire Academy, past President of the Suffolk County Fire Chiefs. And on behalf of the academy and the Chiefs, I'd like to pay our condolences to Legislator Romaine. And on my own behalf, I go back to when Legislator Romaine was a teacher of my own children back here in Hauppauge.

What I would like to speak about this morning is the \$50,000 veto our County Executive has put on the bill that you had passed here for funding of the Fire Academy. As you know, right now the New York State has cut our funding by \$138,000 for 2010. This was due to a law that they put in there saying that we are a regular school, not a per diem. All our instructors are per diem instructors. The County Attorney will be up in Albany tomorrow arguing our case, but it's going to take two to three months before we get an answer back from the State.

The board itself has cut its own budget by about \$110,000. We have taken one of our full-time employees and put him down to a per diem employee. We have also cut our own classing from --

we used to give our fire departments six chances to come out to the academy, we have cut it back to five. We have cut back our classroom instructors to cut back on our -- to save our savings. This \$50,000 would help us keep ourselves above -- our heads above water for the next upcoming year. If this goes through, then we have to make more and deeper cuts into our budget. Thank you very much.

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

Thank you. There are no other cards, Mr. Chair.

**P.O. LINDSAY:**

Does anybody else want to address the Legislature? Seeing none, I'll take a motion to close the public portion.

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

So moved.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen (Absent: Legislator Romaine).

**LEG. LOSQUADRO:**

Mr. Chairman, hold on, we have a Legislator who is doing an interview, he'll be right back.

**P.O. LINDSAY:**

Okay. I'm just going to make a statement before we get to the -- we're up to the agenda anyway.

Our rules under the public portion is that it doesn't -- we don't have any debate or anything like that and there's no interaction between the Legislature in the interest of time. Some things were said this morning that I would be remiss if I didn't clarify. The misunderstanding on the Arts Council folks is something that just has to be commented on.

In the budget there was \$263,000 in a lump sum that was left from the Hotel/Motel money for the Arts Council to make recommendations and distribute. In addition to that, there's \$200,000 in the Economic Development General Fund budget for the arts as well. So there's \$463,000, and I believe last year the Arts Council only had \$300,000 to distribute. So somebody is giving somebody some misinformation.

As far as -- it was mentioned a couple of times, a VFW is the host for a community concert in Rocky Point, and it's been done for several years, not under the auspices of the Arts Council but it was funded under the General Fund. With the additional hotel/motel money, it was moved to the hotel/motel line. That concert is five concerts for \$35,000, it attracts in excess of 25,000 people and is an economic engine for that part of Long Island. So it just had to be said on the record that that's to clarify that. I have the memo in front of me from Budget Review, if anybody didn't get it and wants to see it. All right?

And the other thing, as far as the Parks Trustee resolution, although it's Legislator Browning -- has her name on the bill, it's a recommendation from the Charter Commission. With that, we'll go into the agenda.

**LEG. BEEDENBENDER:**

Mr. Chairman?

**P.O. LINDSAY:**

And I have two requests to take two resolutions out of order in the interest of some of our folks that are being here. The first motion is by Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Yes, Mr. Chairman. I'd like to make a motion to take 1872 out of order. It's in Public Safety and it's on page ten of our agenda.

**P.O. LINDSAY:**

Okay.

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

Second.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

We have a motion to take 1872 out of order. Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay. It's on page ten and it's a motion *(1872-09) - Directing the Criminal Justice Coordinating Council to prepare a report on the Community Service program and to make recommendations to increase its effectiveness (Beedenbender)*, and I believe that Legislator Beedenbender wanted this resolution addressed while the Harringtons are with us. So we have the resolution before us. Do I have a motion?

**LEG. BEEDENBENDER:**

Motion.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Beedenbender, seconded by Legislator Browning. Is there any discussion on the resolution?

**LEG. BEEDENBENDER:**

If I may, Mr. Chairman?

**P.O. LINDSAY:**

Yes, legislator Beedenbender.

**LEG. BEEDENBENDER:**

I'll be very brief because I know many of my colleagues have a lot of this information. But the one point that I just wanted to make is that, you know, Tom did make a very good point, and if we gave Tom another half hour he could tell you a lot more things that went wrong in this situation. But the main point here is that the foundation of our criminal justice system is that when a Judge who's sitting on a bench tells you to do something, if you don't do it there are consequences. And what a Judge says is supposed to be set in stone.

And just real briefly, these are some of the things that were said, this transcript, by the Judge.

"It's my understanding that there's been agreement between the Counsel and the people there will be 140 hours of community service in lieu of 30 days in jail, and that it be part of a conditional discharge. So I sentence you to a conviction for aggravated unlicensed operation," etcetera, etcetera, "and that you complete this 140 hours of community service within six months."

Mr. Guillaume's attorney said;

"Well, I thought it was going to be in a year," and the Judge said, "I want him to do it in six months," and then he cut off the Counsel and said, "That's the way it's going to be. If it's not completed in six months, there will be a violation and I will sentence you to 30 days in jail. In other words, what I'm saying is I have drawn a line in the sand and if you cross that land I chop off your foot. Do you got it?" And the defendant said, "Yes."

This is a transcript from the court proceeding and not one minute of those 140 hours was ever served, and in ten months of me asking questions, I can't figure out exactly what happened. I've gotten at least three different stories, it's basically, you know, pointing in many different directions. And as a County, as a -- just as citizens, you know, we need to know that when somebody violates the law and a Judge tells them and gives them a sentence, that it's fulfilled; if that's not, the foundation starts to crumble.

Just personally, you know, the Harringtons probably know more about this than most people in the criminal justice system, they have done a phenomenal amount of research and preparation, if only for their family -- family's solace, this would be worth it. But the bigger point that Tom made this morning is we have absolutely no idea how many other cases this has happened and if we don't fix the system, we definitely have no idea on how many more it might happen.

So there may be points where hearings are necessary next year and I ask the Public Safety Committee, in my absence, to hold those hearings and move forward and I would ask the whole body to do that as well when they get this report. Because we need to know that our criminal justice system is functioning in a manner that the public can have confidence in. So I would ask -- and I thank all my colleagues who have cosponsored this and I would ask just to approve it.

**P.O. LINDSAY:**

Legislator Kennedy, you wanted to comment?

**LEG. KENNEDY:**

Thank you, Mr. Chair. And to Legislator Beedenbender, I would say that I applaud you bringing this resolution forward. And certainly based on what we've heard today, when I get a chance to read Newsday, absolutely positively there's something that's very wrong in what occurred in this process because nothing occurred, as a matter of fact. And it appears to be criminal justice, or justice completely gone array. Having said that, and I am very much in support of this resolution and I'll ask the Clerk to add my name as a cosponsor.

**LEG. HORSLEY:**

Cosponsor.

**LEG. NOWICK:**

Tim?

**LEG. KENNEDY:**

Has the Criminal Justice Coordinating Council indicated to you that they have the ability to do this and come back to us with something meaningful?

**LEG. BEEDENBENDER:**

Well, the Harringtons and I attended a Criminal Justice Coordinating Council meeting and I attempted to get some answers, and there was some discussion in that there had been some looking into this. The reason I chose the Criminal Justice Coordinating Council is because the body is made up of representatives from all of our law enforcement agencies, as well as some other agencies that work, you know, kind of in accord with them. And it's in -- it wouldn't have been appropriate to assign it to any specific -- you can't assign it just to the Police because it wasn't them, you can't assign it just to the District Attorney because it's not them, you can't assign it just to Probation. This is a system failure. It's not a -- I don't think that one individual made a mistake. I think probably a group -- several -- you know, many individuals made a mistake and there was no safeguard to prevent that. So I haven't -- you know, this resolution directs them because after ten months of trying to find answers for the Harringtons and for the office, we couldn't. And this is -- you know, I didn't even want to have to get to this point, but --

**LEG. KENNEDY:**

Well, that's understandable. And as a matter of fact, it's -- again, it's commendable that you bring it forward, because this is exactly what we should be doing to expose system failures. Red Cross is a contract agency for our Suffolk County Probation Department?

**LEG. BEEDENBENDER:**

Yes.

**LEG. KENNEDY:**

Okay. And did the Probation Department have any answers for you?

**LEG. BEEDENBENDER:**

Well, I said before that I got three stories. The three stories are essentially, number one, that the wrong form was filled out in the court system after the sentencing, so it never went through the system right. The second story doesn't have to do with that form, but the second story is that the Red Cross was in the wrong. What I do know is that the Red Cross has a file, it's empty and marked closed; so I don't know if I can believe the second story. The third story is a combination of the two that there was a wrong form, nobody ever notified somebody and then they just -- there's a circle. I mean, the circular -- and I couldn't get out of it. It took months. I've probably spoken to the Harringtons every couple of weeks for almost a year now and, you know, I'm frustrated because as a Legislator --

**LEG. KENNEDY:**

Absolutely.

**LEG. BEEDENBENDER:**

-- we should be able to get that answer. And I was the one that first had to tell them that, "No, Mr. Guillaume never served anything," and then we tried to figure out why and we can't. And it's so beyond perplexing and wrong that I don't have the proper vocabulary to describe it.

**LEG. KENNEDY:**

Okay. I appreciate it. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Okay. Legislator Montano.

**LEG. MONTANO:**

Yeah, I'm just a little confused. I understand the intent of the resolution, I just read it, and I certainly would like to see someone get to the bottom of this. But I'm curious, you know, before becoming a Legislator I practiced criminal law, not only in New York but in other jurisdictions. You know, have you spoken to the District Attorney's Office relative to what transpired here?

**LEG. BEEDENBENDER:**

Yes.

**LEG. MONTANO:**

And what is their position? Because this seems to me like, you know, a fairly straight forward matter that can go back before the Judge for resentencing.

**LEG. BEEDENBENDER:**

Well, that's the second part. And actually I appreciate the question, Legislator Montano, because I neglected to mention that when I started at the beginning. The period of conditional discharge under -- I have the law. It's under -- let's see, it's 410-40 of the New York State Criminal Procedure Law. The District Attorney -- and I spoke to Judge Fitzgibbons who Judge Leis had asked --

**LEG. MONTANO:**

She's the Administrative Judge?

**LEG. BEEDENBENDER:**

Yeah, I had spoken to her about this as well is that the New York State Criminal Procedure Law says that the period of conditional discharge is a year and after that, regardless of whether or not the conditions had been fulfilled, the matter may not be brought back before the court. So that's why -- that was the position of the District Attorney's Office, it was the position that Judge Fitzgibbons explained to me when I spoke to her on the phone, and it's been the position that I've understood from everybody I've spoken to.

Now, I disagree with that but, you know, as a Suffolk County Legislator, I can't change that State Law. I know that there's been some discussions with some State Legislators to correct some of this, but that's why we find ourselves here today and that's why this criminal who committed this terrible act, after ringing up 50 points on a license and about 19 suspensions in six months, never really served -- never received any consequences for what they did.

**LEG. MONTANO:**

And you're saying that the State law prevents the Judge from resentencing because the year has expired? I mean, I haven't read the Statute that you referred to in a long time.

**LEG. BEEDENBENDER:**

Yes. When I first got the case when the Harringtons spoke to me at length, I called the Judge's office and I spoke to his law Clerk and they sent -- you know, they sent me a very short letter, it was about two sentences, if it even was, and it said the case can no longer come before us, and eventually I found that this was the matter of law that they were referring to when they made that decision. But that's what brings us here today.

**LEG. MONTANO:**

All right. So what I think you're saying, and I don't want to put words in your mouth, but is that -- to remedy this particular situation would require a change in the State law?

**LEG. BEEDENBENDER:**

Well, to remedy the fact that -- well, no, I'm saying two things. First of all, we shouldn't have to remedy the State law if the system worked, and that's what this bill is about.

**LEG. MONTANO:**

Right.

**LEG. BEEDENBENDER:**

Because somebody shouldn't be able to not fulfill one minute of their sentence and have nobody catch that in the system, and that's what kind of happened.

**LEG. MONTANO:**

I agree with you, right.

**LEG. BEEDENBENDER:**

So if our system worked correctly to prevent that, we wouldn't need to change the State law because we would have some sort of safeguard that would prevent that.

**LEG. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Gregory?

**LEG. GREGORY:**

Thank you, Mr. Chair. I had made some insensitive comments in committee about this. I think this particular incident is a real travesty and I commend Legislator Beedenbender for bringing this effort forward. And it's representative of the type of work that he's done since he's been in the Legislature and we'll make sure that everything is followed through.

I mean, this is a systemic failure of our criminal justice system and if we can call it, it's more justice that's criminal because the system failed and we need to follow through and make sure that all our criminals understand that if they're going to be sentenced, that you're actually going to have to serve that sentence. And wherever the fault may lie, I'm sure the CJCC will find out and it's incumbent upon us to seek those answers. So thank you for your efforts and I applaud you, because I'm sure this is not a one-time incident, I feel anyway. Thank you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Through the Chair. Brian, what did the Supervising Judge say? This is an acting County Court Judge?

**LEG. BEEDENBENDER:**

Yes.

**LEG. ALDEN:**

So the Supervising Judge said what, that they were going to investigate it, they were going to do --

**LEG. BEEDENBENDER:**

Well, I had made several contacts. And I spoke to Judge Fitzgibbons on the phone and she -- I believe, if I remember correctly the conversation, she had said that Judge Leis had asked her to reach out to me on his behalf to discuss the matter, and she had eventually sent over from the District Court the citation of the case that prevented them from going back. They did say yes, the defendant didn't complete it, but they didn't believe that they had the legal authority to bring -- I guess we'll call him the defendant, because I'm not going to call him Mister -- before him.

**LEG. ALDEN:**

And I'll make a comment, too. I'm not going to be here next year either, but the follow-up actually should be two-pronged. Aggravated unlicensed is treated as almost like, you know, they stole a candy bar. It's ridiculous. A person can be convicted over and over again of aggravated unlicensed and they're out there driving again, putting everyone in Suffolk County at risk. The same thing with no insurance. Again, it's a slap on the wrist at best, as we see in this case. This tragedy could have been prevented. So I think that maybe the second prong would be to lobby our Senators and Assembly people to change the penalties for aggravated unlicensed and provide a little safety to the

people in New York State.

**LEG. BEEDENBENDER:**

Well, in fact, in Public Safety, to his credit, Legislator Barraga brought that very point up, that the sentence here is so far afield from what many of us would consider reasonable. And that's certainly -- you're absolutely right, Legislator Alden, that's something that needs to be fixed as well. But the first part is -- that's part number one, how you could ring up all those violations. And, you know, the Harringtons gave us a sheet. This is one of thirteen -- this is a condensed version -- to get 140 hours of community service. But I don't know if one is worse than the other, the poor sentence, but the fact that whatever this guy got, he didn't do any of it.

So we're going to start with part one because we in Suffolk County can do something about that. And you're right, we need to work with New York State to work with the other section as well.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. If I may, through the Chair. Legislator Beedenbender, the -- Mr. Harrington's statement, in that statement he mentioned that they were told that they didn't have to come to court and then when they didn't come to court they gave up their opportunity to ever face the accused. Will this be covered? I mean, where did that mistake come from?

**LEG. BEEDENBENDER:**

To be quite honest, Legislator Viloría-Fisher, I'm not -- I don't -- I can't have the recall from that. We could ask Mr. Harrington maybe to come up and explain that. But I don't think my bill addresses that part, this is more the systemic -- you know, that's why there's a couple portions of the bill, it says from the point somebody gets sentenced, outline every step that has to take. And then once you've done that, then outline every step that got taken in this case, and also give us some idea of how many other cases may have fallen through the cracks and could be similar.

But as far as instructions that they were given, I don't think this bill addresses that. And like I said, you know, if we gave Mr. And Mrs. Harrington another half hour, the list of injustices they would give, you know, the room would be silent and we'd all be stunned. But as far as that one in particular, I couldn't answer.

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

Well, I'm just stunned that people who lost their son didn't have an opportunity to go to the court.

**LEG. BEEDENBENDER:**

Well, they -- at one point, and I won't -- I know at one point Mrs. Harrington was able to address the Judge and she did say, you know, "How can you expect somebody who you had to issue a warrant to come get sentenced to voluntary -- to show up for a conditional discharge? To show up to do community service, how can you expect that," and I don't believe that there was really an answer given to that question.

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

And so the whole idea of restorative justice was also something that went by the wayside because there was never a meeting of the victim --

**LEG. BEEDENBENDER:**

Well, you can't have restorative justice if you don't have justice at all.

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

Right. I'll be happy to be a cosponsor as well. Thank you.

**P.O. LINDSAY:**

Okay. Mr. Clerk, we have a motion and a second; am I correct?

**MR. LAUBE:**

You are correct.

**P.O. LINDSAY:**

All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

Please list me as a cosponsor as well.

**LEG. ALDEN:**

Cosponsor also.

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

Cosponsor.

**LEG. D'AMARO:**

Cosponsor.

D.P.O. VILORIA-FISHER:

Renee, did he get me?

**MR. LAUBE:**

You guys are on already.

**LEG. LOSQUADRO:**

Tim, I think I'm already on that, but --

**MR. LAUBE:**

You are.

**LEG. STERN:**

Tim?

**LEG. BARRAGA:**

Cosponsor.

**P.O. LINDSAY:**

Okay. Mr. And Mrs. Harrington, I know that doesn't go anywheres halfway into soothing the injustice that was done against your family, but maybe it's a start of preventing it from happening again. And I thank you for coming before us today and sharing with us your story.

Next I'd like to recognize Legislator Schneiderman to take a motion out of order.

**LEG. SCHNEIDERMAN:**

Mr. Presiding Officer, I'd like to make a motion to take 1865 out of order, it's on page nine of your agenda. It names a 6.4 acre park on CR 104 after a former Legislator, John T. Donohue. His family

is here and spoke earlier, he's from the Hampton Bays area, this property is in East Quogue. And he had occupied my seat some years ago, he passed away last year and this has been through Namings and Sitings and I think it's a fitting tribute to a man who served his community well.

**P.O. LINDSAY:**

Okay, I'll second that motion. There's a motion and a second to take 1865 out of order. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay. No, it can't be 17. Oh, Brian is here, okay.

***1865-09 - Naming parkland in East Quogue in honor of John T. Donohue (Schneiderman).***

Now that 1865 is before us, Legislator Schneiderman, would you like to make that motion?

**LEG. SCHNEIDERMAN:**

I'll make a motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay. It stands approved. Thank you very much for --

**MR. DOSCHER:**

Thank you, everybody.

**P.O. LINDSAY:**

You're welcome.

**MS. DONOHUE:**

Thank you so much.

**P.O. LINDSAY:**

You're welcome.

Okay, I'll take a motion on the **Consent Calendar**. Motion by Legislator Losquadro, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

The Consent Calendar stands approved.

Okay. Page eight, *Resolutions Tabled to November 17th, 2009:*

***1107-09 - To enhance efficiency in the selection and leasing process for County buildings.***

I will make a motion to table that.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Cooper.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Just to Counsel; this isn't in danger of the six month rule, right?

**MR. NOLAN:**

No, it's out of committee.

**LEG. ALDEN:**

So this will sit until the end of the year?

**MR. NOLAN:**

Yes.

**LEG. ALDEN:**

Okay, thanks.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1273-09 - Adopting Local Law No. -2009, A Charter Law to clarify powers and duties of Board of Trustees of Parks, Recreation and Conservation (Browning).***

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Browning.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

This was changed a couple of times. Can we just get a quick synopsis of what the final bill does?

**LEG. BROWNING:**

Go ahead.

**MR. NOLAN:**

It amends the Charter to state that in -- right now the Parks Trustees have authority regarding the regulation and use of park facilities. This local Charter Law would allow the Legislature, by passing a resolution, to supercede any determination of the Park Trustees in relation to the use of regulation of park facilities, and that goes also for fees.

**LEG. LOSQUADRO:**

I don't think that's on.

**LEG. BROWNING:**

I don't think your mike is on.

**LEG. ALDEN:**

Through the Chair? Is that it?

**MR. NOLAN:**

Yes.

**LEG. ALDEN:**

To the Chairman or Chairwoman of Parks, I know at first the Trustees came down and the original version of the bill they were very unhappy with. In this version, what were their comments?

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

Their understanding. When they were -- when they saw the amendment to the bill, was that the Legislature would override a decision by the Parks Trustees with the same kind of majority that would be required for a veto, of a County Executive --

**LEG. ALDEN:**

So that was a super majority.

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

So it would be a super majority. So the Parks Trustees are still not in agreement with this legislation.

**LEG. ALDEN:**

And to the sponsor, was there any dialogue between -- I'm sorry, through the Chair? To the sponsor, was there any dialogue with the Trustees to possibly amend your bill to make it a super majority?

**LEG. BROWNING:**

We originally had a meeting with -- and I have to say, I'm very insulted at some of the comments that were made. You know, this was a recommendation to revise the Charter.

We did have a meeting. The Presiding Officer was there, the Parks Commissioner was there and the Trustees were there, and we discussed this issue for quite some time and this was a recommendation they brought to us. It was their suggestion to change it in this way, and at that time, they didn't talk about super majorities. And I feel that, you know, they're not County Executives and I think that as this bill stands is sufficient. You know, Legislators have a right when -- if it comes back and they come back with a recommendation and their opinion, you know, the Legislators will have the right to make that decision. I don't think it necessarily needs a super majority.

**LEG. ALDEN:**

Now I'm a little bit confused.

**P.O. LINDSAY:**

I was just going to ask George to explain the two different iterations.

**MR. NOLAN:**

Well, the original version of Legislator Browning's bill stated that Parks Trustees' authority in all these matters would be purely advisory. The law was changed to make it so that they retain much of their authority in matters having to do with the parks and that it would take a resolution of the County Legislature to supercede any of their determinations. So, you know, they retain their authority in the absence of a Legislative resolution. That was the amendment, I think that's what was requested. I'm not certain what the dialogue was with the super majority for superceding a Park trustee's action.

**LEG. ALDEN:**

Now, the only part I'm still a little bit confused about is the Trustees came back with this offer?

**LEG. BROWNING:**

Yep.

**P.O. LINDSAY:**

I could probably answer that because I was in the meetings.

**LEG. ALDEN:**

Yeah. Okay.

**P.O. LINDSAY:**

This started in that the Charter Commission was reviewing the Charter and this is one of their recommendations that they made, that the Parks Trustees wouldn't have the power to supercede an elected official, and that moved forward in a resolution that Legislator Browning sponsored. There was a meeting between one of the Park Trustees, the Commissioner and myself, Legislator Browning, and they asked for a consideration that they could still retain most of their power and that if we thought the decision was in error, that we could supercede them with a resolution. I honestly don't recall anything about a super majority but, you know, sometimes my recall isn't the greatest.

**LEG. ALDEN:**

Well, maybe you're getting a little old, Mr. Presiding Officer.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Yeah, that -- just kick a dog while he's down, you know?

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

Mr. Chair, may I?

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

I think, Legislator Alden, that some of the confusion comes from the fact that when Mr. Dawson, when Greg Dawson met with the Presiding Officer and with Legislator Browning, that when he was saying majority, he was thinking in terms of a super majority and that's what he described when he was at the Parks Trustees meeting. But because he's not a Legislator and he's not accustomed to the language, when he said majority he accepted that. And so I think it was just the communications, a misunderstanding in communication.

**LEG. ALDEN:**

So they would have preferred a super majority --

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

Yes, and that's what --

**LEG. ALDEN:**

-- but they had said okay to a majority.

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

He had said okay at the meeting to a majority, because that was his understanding and, you know, the minutes of the Trustees meetings will -- would verify that he thought that it was a super majority he was looking for. And I believe he came back to -- he came back to one of the Parks Committee meetings and said that his understanding was that it would be a super majority and that what was -- what's in the resolution is not what he had thought he had agreed to.

**LEG. KENNEDY:**

Mr. Chair?

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. This question, I guess, is for Counsel. George, I'm just a little uncertain under this section or the function of the Trustees. We appoint them in the first instance, they basically manage our park system, they go about all the different things that we need done with that. But we have many, many boards that we've delegated authority to for a variety of different things and I think every other board is always advisory to us. CEO is a perfect example.

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

CEO is advisory.

**LEG. KENNEDY:**

Right. The Chairman of Parks sits on that and has done so for many, many years and has literally looked at thousands of resolutions, and it's always a recommendation as it comes back to us, correct?

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

Yes.

**LEG. KENNEDY:**

That's not binding on us for us to have to offset and override. Is this section of the code, did we somehow confer powers on this board different than any other board that we've appointed?

**MR. NOLAN:**

Well, I think it's unusual for the board to have the type of authority they have. I wouldn't say -- I can't say there's no other board we've given strong powers to, but this board does stand out as having exceptional powers. Usually when we set up a board or a task force, we give them advisory powers, they advise. And this one, up to this point, had much stronger powers, they actually would set policy in terms of the use and regulation of the parks and this body would not have the authority to override them in any instance. So is just giving the Legislature the authority to pass a resolution and say we disagree with the policy you've enacted by a resolution.

**LEG. KENNEDY:**

Clearly, I mean, I applaud Legislator Browning for bringing this forward because, again, I guess it's something that -- I'm just struggling legally with the concept as to how we seem to be almost into the parallel universe with this particular body as opposed to any other body. Does this really go far enough to resolve what clearly -- I would question whether or not it was even legal for us to delegate that authority to the extent that they seem to have already.

**MR. NOLAN:**

Well, I think it was original to the Charter. This is a very old Charter provision. I think we probably did have the authority to delegate to the Board of Trustees the power we gave them. It's really a policy decision now for the Legislature, do they want to continue to live with that or scale it back a bit?

**LEG. KENNEDY:**

But if I can just ask one more so I understand on this. It's still going to be up to us to countermand some practice they adopt in the first instance rather than vice versa. They adopt it, it's up to us to set it aside.

**MR. NOLAN:**

Right, it's up to us to -- if we disagree with --

**LEG. KENNEDY:**

Rather than them recommending and us ratifying.

**MR. NOLAN:**

Correct.

**LEG. KENNEDY:**

Really? Okay.

**LEG. ALDEN:**

(Inaudible).

**LEG. KENNEDY:**

I haven't heard from them, no.

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

Well, can I just -- Mr. Chair?

**P.O. LINDSAY:**

Legislator Viloría-Fisher?

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

John, actually there are some instances in which they do act and we ratify. For example, there are some acquisitions that go before the Park Trustees and then there would be a Park Trustee recommendation and then --

**P.O. LINDSAY:**

Your finger is off.

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

And then a resolution, there would be a Park Trustees resolution accepting that, and then we would vote on that acquisition.

**LEG. KENNEDY:**

Well, we did that --

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

So there are some instances.

**LEG. KENNEDY:**

-- with The Nature Preserve dedication for the Lily Pond Nature Preserve.

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

Right.

**LEG. KENNEDY:**

If I recall, I had to go to Parks.

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

Right, it goes to them first and they have a resolution. So that's an instance where that does occur.

**P.O. LINDSAY:**

Well, I -- just to weigh in on this. Years ago, probably four or five years ago, I had a small land acquisition in my district that I got through all the hurdles of here and through land acquisition and everything and I thought it was ready to go and the Park Trustees refused to take the property and it died.

Okay. We have a motion and a second.

**LEG. D'AMARO:**

Bill?

**P.O. LINDSAY:**

Oh, I'm sorry. Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Just through the Chair, could I ask the sponsor? The original version of the bill was more that you said that we had to ratify, as Legislator Kennedy said, the actions of the Parks Trustees; now it's been amended for this override, so to speak.

**P.O. LINDSAY:**

If I could interrupt. The original bill or recommendation from the Charter Commission was to make the Park Trustees' role strictly advisory.

**LEG. D'AMARO:**

Right. My question is why did we move away from that recommendation?

**P.O. LINDSAY:**

Because myself and Legislator Browning heard an appeal from the head of the Park Trustees or one of the Park Trustees and the Commissioner asking us to modify it for them to keep some of the power that they've acquired, that they've served diligently for years and they spend an awful lot of time and they made a compelling case and we tried to, I guess, come up with some compromise, whether it was right or wrong.

**LEG. D'AMARO:**

Okay.

**P.O. LINDSAY:**

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

**LEG. SCHNEIDERMAN:**

Opposed.

**LEG. ALDEN:**

Opposed.

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

Opposed.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Schneiderman, Alden & Viloría-Fisher - Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1314-09 - Adopting Local Law No. -2009, A Local Law to authorize a County Registry for Domestic Violence Offenders (Gregory).***

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. We've heard a lot of testimony about this bill. I think it's time to review, what does it do and what it doesn't do and what's fact, what's fiction here.

**LEG. GREGORY:**

Mr. Chair, what this bill does is it gives the Probation Department the ability to recommend who goes on this registry. And in that aspect, it's similar to the sex offender registry; name, address, picture, common aliases, and if you have to register, you pay a \$25 fee which would go in to help administering the website.

You know, domestic violence is something that's -- it's an important issue to me. It's something that, you know, happens in our County, happens throughout the country, and it's known through all the statistics that it's under reported. Back in 2007, I think it was, we had over 34,000 incidents, reported incidents of domestic violence just in Suffolk County alone.

I think domestic violence accounts for 80% of deaths of females throughout the country. Children, particularly stepchildren, are the second highest statistic in domestic violence. You know, the County Executive talks about crime is going down, in my district I had, I think, three deaths within the past six weeks and an attempted murder, two of those deaths was by domestic violence and attempted murder; the gentleman tried to kill his mother, father and his stepbrother and he failed to kill his father. So domestic violence is an incident that I see in my district. There was a reported incident I think late last spring in Nassau where a gentleman was stalking his former girlfriend and she was about to leave the state, he killed her the day before she left the state, repeated calls to the

home. You hear it over and over again where there are incidents where the Police are called, you know, and for whatever reason the woman may not press charges or whatever the case may be, but it ends in a horrific manner. And I think this is a situation that we have to address.

And what we see also is that children are affected by this just being present. You know, from the -- and it's a cycle, because they see that their parents go through it, nothing is done, they see it as acceptable behavior. You know, there's an increase of domestic violence and dating violence between teenagers in the high school, I think a 50% increase since 1999. It's because these kids are growing up and they're seeing this in their homes and they say, "Well, that's the way my mother dealt with her boyfriend, husband, whoever." That's acceptable, as a female, as a male, we see that aggressiveness, and so they go on to perpetrate those same behaviors in their own relationships when they get older. We have to cut the cycle. You see some of the men that came here and they're against it, but I don't see -- you know, there's reluctance of the victims and that's the voice that's missing. Because they are victims, you know, they're reluctant to come forward but, you know, we need to speak up for them. We need to give them the power to stand up to these offenders, to these aggressors, and I think this bill does that. And I think there is, there is a shame factor to it that will deter some people. Some people that are committed to committing murders, they're going to do that regardless but, you know, working in -- you know, we all have various backgrounds and you rarely hear the guys at the water cooler saying, "Yeah. You know what? I really belted my wife last night really good. You know, I'm a good, solid, upstanding man"; no, that doesn't happen. What happens is they go home, they beat their kids, they beat their wives, they beat their girlfriends, their spouses and it's a quiet thing that perpetrates in our community, that perpetuates in our communities and it goes to our schools, our children have to deal with this emotionally, psychologically, and they act out in various ways whether physical aggression or, you know, their grades suffer or whatever the case may be. And it's been a hidden epidemic that we've -- you know, that we haven't addressed and I think this is a first, or not a first step, but it's a positive step into addressing it. I want to eliminate it, I want to alleviate it, but it's a step in the right direction.

**P.O. LINDSAY:**

Before I recognize -- just a follow-up question, if you guys -- so someone is convicted of an act and the Probation Department puts them on this website, on this list?

**LEG. D'AMARO:**

Judge list.

**LEG. GREGORY:**

What happens is the Probation Department will make a recommendation to the sentencing Judge to --

**P.O. LINDSAY:**

To the Judge, so the Judge is the one that puts him --

**LEG. GREGORY:**

And the Probation Department will have the discretion to say, "Well, this is a repeat offender, a worse case offender."

**P.O. LINDSAY:**

Okay. Okay.

**LEG. GREGORY:**

And they can do that as opposed to --

**P.O. LINDSAY:**

And that website is -- will be available under the Suffolk County website?

**LEG. GREGORY:**

Yes.

**P.O. LINDSAY:**

That someone can check to see, "My daughter is going out with a fellow," and she wants to see if he's been convicted of domestic violence; that's the purpose of this?

**LEG. GREGORY:**

Absolutely. And to piggy-back on that point, there is a woman who is an advocate, she came here and she spoke before us, she's from Stony Brook, a victim of domestic violence, she counsels and speaks to other victims of domestic violence. You cannot believe, in this day of on-line dating services, how many single moms that are on these websites. You know, they don't want to go to the bar scene or wherever they go, you know, wherever people go to pick up people or meet people, so they go to the Match.coms and E-Harmony and all those. And she explained how her ex-husband who abused her is on, I think, E-Harmony. Betrayed himself as a physician, he's actually a physician's assistant. You know, the greatest guy, the beautiful pictures, come meet me, you know, you'll have a grand old life, and hooked up with this woman and now he's abusing this woman. You never, you never know. So you have the ability and your children, our children, our daughters, our sisters, our mothers, whatever, have the ability now to say, "You know what? John Doe, let me see if John Doe is actually that guy he portrays that he's going to be." Because as a single mom in particular, my children are going to be in jeopardy. Because like I said, the statistics are high, the stepchildren are victims, it's women and then the stepchildren directly behind them that have the highest percentage of being in domestic violence. So you're inviting a man into your life that you have no history on other than what he tells you and you're putting not only yourself in jeopardy but your children in jeopardy.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

I'm just conflicted on whether this actually is going to be a positive step. Most domestic violence is not reported, and if we end up relying on this, I'm not so sure that protects the victims.

And the other big part of this is Orders of Protection that really don't protect people, and that's where you end up with the horrific type of crimes where there was domestic violence and an Order of Protection was issued and somehow the criminal still can come back and commit a horrific act. So I'm not so sure that this attacks what we really want to see attacked, and that's the prevention or even the encouragement of reporting of domestic violence. For somebody to end up putting someone else on a, you know, domestic violence registry and the number of people that I envision a Judge allowing to go on here is probably miniscule as far as the number of people that are perpetrating these type of acts. So I'm not a hundred percent sure this is even like the best first step in changing a system that really is flawed and not functioning at the time.

And as far as a downside, you can see -- I could see some of the arguments that were made. People do end up plea bargaining and either they're going to be excluded from this because they're going to plea bargain down from, you know, what they actually committed, or somebody could actually plea bargain in and get included in this. And divorce is kind of a messy thing where people use different tactics and accuse people of things where they really aren't guilty of them. And for us to divine who actually was guilty of this or that, you know, it's very hard, it's hard for a Judge to do that. So I'm not a hundred percent convinced that this is going to be a real positive thing.

**LEG. GREGORY:**

Just to address -- the registry only applies to those who have been convicted, so it doesn't address Orders of Protection. And I understand and I've heard similar concerns about divorce and there's cross-filings and those types of things, but this is a person who -- and I think it's 11 or 12 different offenses that are stated in the bill and you have to be convicted of it.

You know, sex offenders, not all of them are required to register on a registry. We hope that this would be a positive first step. Back in 1990, I did an internship with former District Attorney Catterson and I was in the Domestic Violence Unit and horrific stories, and I think that was -- when I served that summer of my junior year in college, that was the last time -- we had -- there was a gentleman who had a bracelet and he killed his spouse while we were monitoring him. I remember there was a case where a woman got beaten with a baseball bat while she was holding her two-year son in her arms; horrific stories. And these are repeat offenses. And for us to stand by and say, "Well, we should just not address this," when we have the ability to do it I think is the wrong way to go.

Again, it's not a cure-all, but I think it's certainly a positive step. And the court system, we have to make changes in the system overall, I think, and -- because, again, similar to Legislator Beedenbender's bill with the Criminal Justice Coordinating Council, a lot of these guys are sentenced to counseling, they never go to counseling, they don't get the counseling that they're mandated to get; that's a fact.

**LEG. ALDEN:**

And Legislator, just one quick follow-up, through the Chair. Have you done an analysis so this doesn't end up like the wall of shame that Nassau County tried to do where they ended up with a few lawsuits and had to actually bring it down? Is this foolproof that if these people are going to go on this, are they going to be able to bring a lawsuit, are they going to be able to have their names removed? Is there any possibility that someone that really doesn't belong on this registry can be included on the registry?

**LEG. GREGORY:**

Again, those who are going on the registry will be convicted already. Their conviction has to be -- I'm not sure, maybe Counsel can clarify. I know at one point we were looking to go back five years, but we made that change, I believe, and now it's going to be prospective, and there is an appeals process. But again, it's going to be someone who's convicted, not who has alleged crime, who has an Order of Protection against him, but someone who is convicted of stalking, harassment, murder. Whatever the 11 or 12 difference offenses are, they have to be convicted of it and Probation will say, "Yes, this person should be listed on the registry," make a recommendation to the Judge to do so.

**MR. NOLAN:**

I would just say, the original version of this law was much broader. There were due process concerns brought before the committee, it's been narrowed in scope. By having it done where Probation would recommend to a Judge where a Judge would make it part of the probation, you deal with the due process concerns. So it's a much narrower bill now and I think it's at least workable.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

Although I think clearly the resolution is very well intended, I do have a question and I have a concern. Right now I think that the way it's drafted is that you're envisioning a list of all the names of the convicted domestic violence abusers; is that correct?

**LEG. GREGORY:**

Not of all convicted, but of all those convicted and recommended.

**LEG. COOPER:**

So ultimately there could be a hundred -- 500,000 names on this list. My suggestion to you several weeks ago was that perhaps -- my overriding concern is that by printing this registry, it may have the unintended consequence of making it less likely that some victims of domestic violence will

report the abuse because of the fact that they may realize that ultimately their -- let's say their husband's name is going to be on this list, their friends and their neighbors and relatives will all see it, and because of the shame factor, they may be less likely to report the crime in the first place.

So one suggestion that I had made was that instead of preparing a list of hundreds of names, the website be set up with a search bar. So if you meet someone on-line or through match.com and if you wanted to check their background, you would type in that one specific name and it will either kick back this information or there will be no result, but you wouldn't have a list of hundreds and hundreds of names. Is that something that you would consider doing?

**LEG. GREGORY:**

Certainly. I don't think that this bill delineates the logistical makeup of the website itself, it just states what information will be available. Whether it's you go to the website itself, the address and it's listed, or whether you go through a search engine and find the same information, I think that can be worked out with the Sheriff's Department.

**LEG. COOPER:**

And how do you address -- have any experts in this area, VIBS or other organizations, expressed to you the concern that I just put forth that it might perhaps make it less likely that crimes of domestic violence won't be reported because of the perceived shame factor?

**LEG. GREGORY:**

Well, I don't know if they've -- they expressed concerns because of the shame factor, they expressed concerns because of being victims that they may be outed, you know, if I can use that word. But, you know, there's a reluctance now for victims to come forward and I think --

**LEG. COOPER:**

Right, but I'm concerned it's going to exacerbate the situation and make it even less likely that they'll come forward.

**LEG. GREGORY:**

I don't know, I don't know if I agree with that. I think that this website will empower women. We've had victims come forward and say this is the right way to go and wish there was a Statewide registry. There is a woman in particular who lived in Brookhaven who said that her ex-husband who she's had -- I forget how many Orders of Protection over the past 19 years who lives in Nassau County, this wouldn't apply to him and he's been harassing her. I think she had an order, maybe 11 or 12 Orders of Protections against him. And from what I understand, the State may be looking at implementing a Statewide registry. But, you know, I'm not going to wait for them. You know, I think that we should, you know, move forward, you know, and try to do -- you know, give some tools to some of those victims that are ready to come forward.

This is a process. It's a psychological and emotional process with some of the victims and those that are ready to come forward, we should empower them so that they can forewarn those who don't have the knowledge about the people that they meet. You know, again, it's not just women, we're putting children's lives at stake. Again, I lost two people in my district through domestic violence. There was another incident, I think in Kate's district, a few months back, I mean, we read it all the time. There was one, I think, in the case of Brian's, the woman who killed her husband, you know? So it happens all the time. You know, we need to do something about it.

**LEG. COOPER:**

DuWayne, have organizations like VIBS and Coalition Against Domestic Violence, have they taken a position on this bill; and if so, where do they stand?

**LEG. GREGORY:**

Again, their concern is, you know, the victim's identity being known. I don't think that's necessarily going to be case. Those -- you know, domestic violence being what it is, you know, your neighbors

know what's going on. They hear the screams, they see the Police cars, they hear all -- so, you know, in a sense they already know what's going on. So I don't want to say that's a bogus argument, I think that's not necessarily a legitimate concern.

But again, you know, in today's technology, I think we have the ability to empower women to make an informed decision about what they're doing with their lives, not only putting themselves in jeopardy but their children possibly in jeopardy, and we need to make that step. I think that's the right direction to go.

**P.O. LINDSAY:**  
Legislator Nowick.

**LEG. NOWICK:**  
Yeah, I have been debating this bill in my own mind because of some of the testimony. And from what I understand, this would be whether there is a man or a woman convicted. It's not -- what we heard, it's not just for men, it's for women as well.

Having said that, I do believe that this is a good first step because this is a very quiet kind of hell that a man or a woman might go through. And I think that at this point, when we spoke about VIBS, I think that although VIBS is very concerned about the woman -- let's just say the victim -- being the cat-out-of-the-bag, so to speak. What's worse; letting everybody know what's going on or getting beat up all the time? And I think that at this point we really have to get into this and really start and this is a first step. It should be known, there should be a marketing program. Every Order of Protection that goes out should come with a caveat that says this is not necessarily an order -- this is not necessarily protection, because as we know, that doesn't always work.

What we really, really need to do, and I don't know how we would go about it as Legislators, is an all-out preventative program. How to get the victim to understand, "If you continue to sweep it under the carpet, you are in danger, your children are in danger and it is a cycle," and that's another thing. But again, a first-step.

I guess it would be out of the question for these domestic violence offenders to have bumper stickers that say, "I belong to the Domestic Violence" -- I guess not, that wouldn't work. No? Okay.

*(\*Laughter\*)*

But I think a first step is a first step. Let's get it out. You know, why hide these people that are doing these horrible things to victims?

**LEG. GREGORY:**  
This bill was partly also an impetus from a personal friend of mine who -- she lives in New York now, but she lived in Maryland; she moved to New York back in August. But she was a victim of domestic violence, and this is an educated woman, she's a Doctor, she's a psychiatrist.

**LEG. NOWICK:**  
It doesn't matter.

**LEG. GREGORY:**  
And her husband is -- her ex-husband now, is a gospel singer, you know, well-known, and she was abused by him. She had an order -- and Maryland has the situation where if you are a victim of domestic violence, if you have an Order of Protection and you have a divorce, they expedite the divorce. So she was able to get divorced in three months where in New York, you know, it takes forever.

You know, on Easter, with having an Order of Protection, she came home and he punched her so hard that he broke her eye socket and all other types of damage. With the Order of Protection,

going through the divorce process and, you know, talking to her, you know, I was the only person that she could talk to. She said, "Thank you for being there for me," because she couldn't go to her family, she was embarrassed, being a psychiatrist, the emotional and psychological effects of it. You know, I was able to talk her through it. And I said there's a lot of people that are out there that are going through this that are not as educated, do not have the same tools available to them and this would provide them with, you know, some information. So they don't even -- you know, it's difficult enough to get out of the situation, this will help people not get into the situation. So I think that this -- that's the benefit of this registry.

**P.O. LINDSAY:**

Legislator Stern.

**LEG. STERN:**

Thank you. I share many of the concerns raised by Legislator Alden. He's asking exactly the right questions and many of the questions that we all had when the sponsor first proposed this legislation.

One of the questions that was raised was whether or not this does raise you know many of the issues that they dealt with in Nassau County, albeit on a different issue, but somewhat related. I think the most recent effort made by Nassau County was after a near arrest and not a conviction and not going through these procedural safeguards.

In addition, I think we all share Legislator Alden's concern that this cannot be the end-all and be-all of this type of tremendous challenge that we face within our community, there can't be that kind of reliance on this kind of information solely. It is merely a tool in the box, but an important one. And to his credit, Legislator Gregory, as Counsel had reminded us, this when first proposed was a very broad bill, and to his credit the sponsor listened to the concerns on the part of his colleagues, he listened to the concerns as they were put forth by representatives of very important organizations within our community and listened and made appropriate changes to the point where there are significant procedural safeguards here. As Counsel had pointed out, there needs to be a conviction, it needs to go through our Probation Department, it needs to be approved by a Judge.

And so again, he not only listened, but he heard many of these concerns and he responded by amending his legislation accordingly. This is, again, merely a tool in the box. It is aggressive and it is necessary.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Thank you. Legislator Gregory, in looking at the bill, it indicates that there are some jurisdictions that are entertaining establishing a registry, but it doesn't say that any such jurisdictions have, in fact, established it. Are there any jurisdictions that have established a registry like this?

**LEG. GREGORY:**

No. Nevada and California, actually California, they dropped theirs, in Nevada I believe it's in the court system.

**LEG. MONTANO:**

When you say they dropped it, what do you mean?

**LEG. GREGORY:**

I don't know the particulars. I spoke to a woman who contacted me who has a -- she's labeled her registry a national registry on domestic violence, but it's very different from what I'm proposing. It's called The Weaker Vessel, and what she does is she combs through or she actually contacts local jurisdictions throughout the country, if there's any order of Protection, she lists that on her website; like for New York State, you can go and it has the names. She's really heavily involved in the

California situation. She said that there's a heavy lobbying effort against the domestic violence bill, and actually funding was cut from it and that was the impetus of why it wasn't followed through.

**LEG. MONTANO:**

Well, just to be clear, was it passed and then repealed or was it never passed? I'm not sure I understand.

**LEG. GREGORY:**

In California it was never passed.

**LEG. MONTANO:**

Okay.

**LEG. GREGORY:**

But Nevada, I think it was passed and then it was cut -- the funding was cut out of the budget.

**LEG. MONTANO:**

So it was --

**LEG. GREGORY:**

And there's some court battle ensuing. That's all I can recollect.

**LEG. MONTANO:**

All right. But then the bottom line is that there is no jurisdiction that currently has this type registry that you are aware of.

**LEG. GREGORY:**

No.

**LEG. MONTANO:**

So then there are no studies anywhere that indicate the effectiveness or non-effectiveness of what consequences of this registry.

**LEG. GREGORY:**

Right.

**LEG. MONTANO:**

One of the concerns that I have, for instance, if -- you know, I'm looking at the domestic -- the definition of the crimes, and obviously some of them are very clear; manslaughter, murder, kidnapping, I mean, those are felonies. We get further down, we have stalking. I don't know whether that's a felony or a misdemeanor, stalking; would you know, Counsel? I'm sorry, I didn't mean to -- we can get back to that. Then you have reckless endangerment, menacing, harassment. We're down to misdemeanors, are we down to violations also?

**LEG. GREGORY:**

No. Originally in the bill there were two violations, we took those out, so it's either a misdemeanor or a felony.

**LEG. MONTANO:**

So this would be the harassment defined as a misdemeanor.

**MR. NOLAN:**

Right. Everything is a misdemeanor.

**LEG. MONTANO:**

Everything is a misdemeanor, okay. One of the things that I'm just curious about, I mean, I agree

with the intent of this type legislation. I think everybody recognizes the problem. I mean, every time I turn on the TV and I watch Criminal Minds or Law & Order, SUV, I mean, it is -- it's out there. I mean, there is -- you know, I don't think we should run into this with the impression that no one's mentioning domestic violence or no one's doing anything about it, that's hot the case. It is a very -- you know, we haven't reached everybody that we need to reach, it's still a problem out there but, you know, to kind of step out there and say we need to do something is probably not fully accurate because I think everybody is, you know, aware of this issue.

The appeals process. If somebody is convicted of a misdemeanor harassment and they appeal and their appeal is pending, would they be subject to the registry during the appeal process or must the appeal be completed?

**LEG. GREGORY:**

Counsel, can you talk to that?

**MR. NOLAN:**

Well, I presume while it was on appeal, the sentence would be not enforced until the appeals are exhausted. But I'm not --

**LEG. MONTANO:**

We're not clear on that issue.

**MR. NOLAN:**

The law does not really address that specific question. You know, it's part of the sentence, a sentence is imposed, this is part of it.

**LEG. MONTANO:**

You know, one of the things that concerns me on the flip side of what you are trying to do, for instance, if somebody is working in a job and they somehow have a domestic issue, and I think Legislator Alden pointed this out, when you deal with domestic issues, divorce and the like, not in all cases, but there is a tendency on both sides, male and female, to use the criminal justice system as leverage for a better position, vis-a-vis a divorce, child custody, things of that nature, and that's a serious problem also. But if somebody gets on this registry and somehow it becomes public, could an employer, for instance, turn around and read this registry, find out that Legislator Alden is on the bill, on the list?

**LEG. ALDEN:**

Hey.

*(\*Laughter\*)*

**LEG. MONTANO:**

You're not married so you don't have to worry. And then turn around and say, "I want to fire this person". You know, have we looked at those kinds of unforeseen consequences when we talk about this? Because there are a lot of side issues that come into play. And I'm not really clear -- while I agree with the intent, I'm not really clear on whether or not we've had sufficient discussion on this particular issue, because it is an important issue. So have we looked at anything, has that come up? And what do we do in a situation like that? What if somebody is -- and does that contribute to the problems within the household? If there's been an incident and someone winds up with a misdemeanor harassment, gets on the registry and then is unemployed and can't afford to support the family; does that exacerbate the domestic issue? These are the kinds of things that, you know, I'd like to hear more about.

**LEG. GREGORY:**

It is my understanding now without the registry, if anyone is convicted of an offense they're subject to termination. We had a --

**LEG. D'AMARO:**

A background check.

**LEG. GREGORY:**

Yeah, a background check. We had a gentleman who came to my office who was a coach in a soccer league and they found out -- he was there for like five years already and they went through their risk management policies, they went and did a background check and found out, "Oh, you had an offense," you know, he's 25, "You had an offense when you were 19, see you later." You know, that happens now.

**LEG. MONTANO:**

And I understand that. The registry -- and any conviction is already a public record.

**LEG. GREGORY:**

Right.

**LEG. MONTANO:**

I mean, the reality is that if you called the courthouse and you, you know, you did a background check, anyone who is convicted of a misdemeanor where the record isn't sealed knows about it. That's why your person in California was able to compile the list of domestic violence offenders and publish this, so you didn't really need, you know, a registry.

With respect to the question Legislator Cooper asked you, I'm not sure I got the clear answer. VIBS and Coalition Against Domestic Violence, have they come out in opposition or in support of this legislation?

**LEG. GREGORY:**

What I have been told by them is that they have concerns that the victims will be -- that their identities would be publicized, or not publicized but --

**LEG. MONTANO:**

Made known. If you identify the husband, then by definition you identify the wife and the children.

**LEG. GREGORY:**

Yes, possibly. That's the concern that they have. Have they come out against it? No. Have they come out for it? No, but they expressed that specific concern.

**LEG. MONTANO:**

So they're abstaining, essentially, on this bill, or they're not giving a position?

**LEG. GREGORY:**

They have not come out against it, they have not come out for it. The only thing additional to that, they asked me to be on their advisory -- the honorary board; I mean, I don't know if that means anything.

**LEG. MONTANO:**

No, it doesn't mean anything, but that's all right.

*(\*Laughter\*)*

They've asked me, too, it doesn't mean a thing. Other than that we support what they do. But no, I'm very serious about whether or not they are clear, and I would like to hear from them what their position is. I mean, they are the --

**LEG. GREGORY:**

They've been here, they've spoken.

**LEG. MONTANO:**

Yeah. My impression was that they weren't in favor of the bill. What you're saying is that they weren't in favor of it but they're not against it, and that's unclear to me. I'm a yes or a no guy, you're either in favor of it or you're not in favor of it and if -- you know, if you're ambivalent, explain why, and that's what I'm trying to ask you.

**LEG. GREGORY:**

I don't know if they're in favor of it or not. My opinion is I'm in favor of it, I think we can move forward. I'm not going to propose a bill specifically with the acceptance of a specific organization when I have victims --

**LEG. MONTANO:**

Oh, I agree with you. I have the same issue --

**LEG. GREGORY:**

-- that are coming forward that say, "We need this bill."

**LEG. MONTANO:**

Right. I have the same issue with one of my bills. They're not the ones that write the bills and they're not the ones that pass the bills, I understand that, but I think their opinion is something that I would like to consider. So I'm not clear. I guess I am clear now; what you're saying is that they have no position.

**LEG. GREGORY:**

No, I say that they -- well, we can say that, but the public comments have been that they're concerned about the victims.

**P.O. LINDSAY:**

Okay.

**LEG. MONTANO:**

Okay, thank you.

**P.O. LINDSAY:**

I have one more name, Legislator Viloría-Fisher. If anybody else wants to speak on this, I'm going to recess now because we're like ten minutes passed the recess time for the press conference. So anybody else? If it's just Legislator viloria-Fisher, I'll let you go and maybe we can vote on this or table it or whatever.

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

Thank you, Mr. Chair. Just very quickly, because I want to understand the concern that the coalition against domestic violence has which is when -- they are concerned about the identity. Is it only because of embarrassment or is it because of the safety of the victim, that once people know that that person is a victim of domestic violence, that person might be in a protected place, people find out the name and that their location might get back to the perpetrator; is that their concern? I wasn't sure.

**LEG. GREGORY:**

No, more on the lines of embarrassment. Because if they have a situation their identity is not disclosed. You know, if they're currently -- you know, there are a lot of situations where the husband is convicted of domestic violence offense and they're still married and live in the same domicile, so.

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

Okay.

**P.O. LINDSAY:**

I'm going to just recess.

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

Okay. I just wanted to clarify that. Thank you.

**P.O. LINDSAY:**

All right, I'm -- there's Legislators that still want questions, so I'm just going to recess now. We have the press out there and if anybody would like to join me for a press conference on the budget, please do so. So I'm going to make a motion to recess until two o'clock. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. All in favor? Opposed?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

We stand recessed.

*(\*The meeting was recessed at 12:10 P.M. \*)*

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

*[MEETING RESUMED AT 2:07 P.M.]*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Call the roll, will do.

**P.O. LINDSAY:**

Call the roll.

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

**LEG. ROMAINE:**

(Not Present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. BEEDENBENDER:**

(Not Present).

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not Present).

**LEG. ALDEN:**

(Not Present).

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not Present).

**LEG. NOWICK:**

(Not Present).

**LEG. HORSLEY:**

(Not Present).

**LEG. GREGORY:**

Here.

**LEG. STERN:**

(Not Present).

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

(Not Present).

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Nine.

**P.O. LINDSAY:**

Okay. Mr. Kent --

**MR. LAUBE:**

We only have nine.

**P.O. LINDSAY:**

Okay, Mr. Kent, go right ahead.

**LEG. KENNEDY:**

Do I have to hold this while I speak?

**P.O. LINDSAY:**

Yeah.

**MR. KENT:**

And do the PowerPoint and the --

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

Why don't you get somebody to hold the button for you?

**P.O. LINDSAY:**

Do you want to sit where -- at the table? Is it easier for you there?

**MR. KENT:**

However you want me to do it, I can do it anywhere. I think I can handle it from here. Tom, I'll have to signal you on the PowerPoint, you have the button.

**MR. ISLES:**

I'm ready to go.

**MR. KENT:**

All right. Good afternoon. Thank you, Presiding Officer Lindsay, for allowing me to come and speak today, and good afternoon to all the Members of the Legislature. I'm here today to speak regarding I.R. 1922. I wanted to provide a presentation to the Legislature so you can be brought up to date exactly where we're at on this application and where we are with this resolution.

It was nearly five years ago in January of 2005 that our County Executive, Steve Levy, made a commitment to dedicate his efforts and our County resources to develop an idea that would address some of the most glaring needs being discussed here in Suffolk County and across Long Island. Steve, if you could go to the first PowerPoint. This is typical of what we were facing at that time and what we continue to face ever since. As you see it, it's a couple discussing that, "Our son has found affordable housing right here in our neighborhood, unfortunately, it's in our basement."

Steve Levy was not the only one to acknowledge that we needed to take action to address these identified needs. Long Island's leading economists, housing advocates and planners, our region's labor leaders, high tech employers such as Brookhaven National Laboratory, academic leaders such as Stony Brook University, and other institutions, area job placement professionals, local veterans organizations, and all of Long Island's government officials were repeating the same call to action. Our region lacks career track employment opportunities with related affordable housing. No jobs and no housing are driving our young professionals, our college grads, our returning veterans off of Long Island. Our children who were born here are finding it difficult to remain here or to return here after completing college or serving our country. Career track employment and affordable housing are not available to meet their needs. These young adults are not looking for a handout, but an opportunity. As government officials, we need to find ways to offer that opportunity to address their needs and this critical issue. In January 2005, this became one of our County Executive's top priorities. Can we, as a County, identify available surplus County-owned land and dedicate that land to create a development to meet several of our critical needs? The land, as Tom Isles will discuss later, has been identified.

The components of the that development plan have remained constant since 2005. Build a research and development park committed to emerging high tech industry and the development of alternative energy. Build next generation workforce housing to accommodate the needs of our young professionals, returning servicemen and women, college grads and young adults who need housing that they can afford, and provide them with a community that they will live in, that will have a recreational facility and a destination center type of amenity that we can all enjoy.

Two Legislative committees were formed to examine the possibilities, an RFP was issued, and the result nearly three years later is Legacy Village. The successful responder to the RFP is proposing

exactly what we said we needed. The identified land is 250 acres owned by Suffolk County within and around the Yaphank County Complex, land acquired by the County in the 1960's for future development of an identified government purpose. We have stated the purpose and now we have a conceptual plan. Despite some critics' claims that the land is both environmentally sensitive and undesirably located in the proximity to other heavy industrial uses, the lands identified are not environmentally sensitive and are not within the Pine Barrens. The proposed development will be fully sewerred, and all waste water will flow through our existing sewage treatment plant that will be expanded and improved as part of this project. As proposed, the development will have a net positive tax impact both for local governments and two school districts. The industrial parcel -- this is where it gets tricky. The industrial parcel is within the South Country School District, and the proposed residential community and the commercial destination center will be in the Longwood School District.

There are several studies that conclude that residential communities of the type proposed here do not produce the number of school-age children generated by conventional single family home development. You may have seen that article in today's Newsday. Multifamily communities with one and two bedroom units as proposed here generate and total one-third to one-fourth the number of school-age children as conventional single family residential communities generate.

So let's take a look at -- let's take a look at the PowerPoint. Okay. This is where I have to use my feet. Okay. As you see here, this is the 900-acre County site, all County-Owned land in Yaphank. In addition to the County offices, the area has industrial development. There's Caithness power plant, there's a Town landfill. Here let me -- backup that one, go back one. Thanks a lot, Dennis. Go to the local location slide, Tom, right there. Okay. If you look at this, there's County offices, there's the Caithness power plant right around in this location here on Sills Road, there's the Town landfill right here, there's the Grucci industrial site right here, adjacent to the property we're working on, and there's a 711 unit, market rate rental units at Atlantic Point. Next slide, Tom.

The 900-acre County site is what we were looking at as possible areas that could be identified for surplus land acquired for future governmental development for government purposes, at one time, when the County's full build-out was projected to be 3 million or more residents. We're no longer on track to develop that much. Tom, will talk a little bit more about that. Current County uses at the site, a million-plus square feet of building space over 100 buildings. We have the Police Headquarters. Some of the sites, some of the County government development: Police Headquarters, the nursing home, Department of Public Works, Department of Health Services in the old infirmary, the County Farm. So we determined, through a study that Tom will talk about, that there was some surplus, potential surplus County land. So we came up with an RFP idea. Could areas be identified within the 900 acres that could be declared surplus and allowed to be developed to meet some of these critical needs that have been identified that we as a government should be working to address?

We broke the site into four potential areas, Parcel A, B, C and D. Next slide, Tom. If you look at this, this is the current zoning of the parcel. The purple is zoned industrial, and the goldenrod is zoned residential, so you could see there's industrial acreage and residential acreage. Full industrial build-out would be, I believe, under the Town's heaviest industrial uses on this site, similar to what's done at the Grucci site, which includes asphalt, plants and the like. Next slide, Tom.

Our current use of Area A, which is up near the Long Island Expressway, we have our highway yard. You could see a couple of buildings there. We have salts, salt dome storage barns. Area B, which is dedicated for future development as residential uses, is vacant land, the currently vacant land. Once cleared is now -- I believe it's in a regrowth period. It also is -- has got the LILCO right-of-way transferring the -- dissecting the property. There's also land on Horseblock Road, frontage along the road, which is mostly industrially zoned properties along Horseblock Road.

The surrounding area: Currently, in the area rounding this property, it's a Yaphank employment center. There's over 1,500,000 square feet of industrial space. There's 150 or more businesses.

There's twenty-seven hundred employees currently employed in this area. There's some resident neighborhoods to the east side of Yaphank Avenue off of Gerard Road, and the Carman's River lies to the southeast of the proposed development.

Along Sills Road there's the industrial park. There's Caithness power plant. Directly adjacent to the site there's the Grucci site, which is, like I said, is very heavily developed for industrial uses. There's the Town -- oh, there's the Atlantic Point Apartments, 711 market rate rentals on a little over 100 acres to the southwest, and the Brookhaven Town Landfill, which is also to the southwest. This is a developed area, this is not pristine environmentally sensitive land. This is land that is developed already with mixed use, residential, industrial, governmental and waste. There's the Yaphank Avenue Farm, which is across the street from the proposed development. There's also the County Farm, so there's some farming -- some preserved agricultural on the County Farm, and the piece across the street is currently in agricultural use, but is not preserved for agricultural use. Southaven Park, there's the Gerard Road residential, as I said before, there's also -- southeast, there's the Carman's River County Parks.

So let's go to Legacy Village, the proposal. Next slide, Tom. Now, this is the proposal here. Up along here, the property is bounded by the Long Island Expressway directly adjacent to the north. You've got Yaphank Avenue running north and south, you've got Sunrise Highway, and you've got Horseblock Road and Sills Road all in that area right there.

The response to the RFP included conceptual development that met all four elements of the County Executive's plan. The four components of the County Executive's plan has always included a destination center, which would be developed up in this area along -- right on the Long Island Expressway, an industrial complex, which includes high tech and alternative energy development in this research and development park, which would front on Horseblock Road, and a residential community, workforce housing for the next generation, and a community park, which would be open to residents and used by local youth organizations and sporting organizations; also will remain a 20-acre soccer park right next door to the east, which is currently in operation already. Also, there would be a day care center located right here within the community, open to County workers and community residents.

Let's go to Area A. This is the destination center. Now, this is a little deceiving, because north is now this way, to the left. The map is turned sideways now. The focal point of the destination center is the 5,500 seat arena right here, which will house minor league hockey, will be a concert venue and special events such as graduations. The arena will be connected to a -- go back. The arena will be connected to an outdoor stadium. There will be a tunnel connecting the locker rooms of the arena with the stadium use. The stadium will be for football in the Fall, lacrosse in the Spring. We also hope to attract, or the developers will hope to attract Special Olympics. The site also contains a hotel, about 90-room hotel, 50,000 square feet of office space, 25,000 square feet of retail. Above the retail would be seventy-two one bedroom and studio apartments, affordable -- affordable residential. There would be four restaurants, and then there would be the parking in the middle to provide the parking for the users of the destination center. Next slide.

This is a rendition also of what could occur there. They're expecting to have community uses, a 50,000 square foot wellness center that would provide discounts and preference to local high school sports teams and local residents, also an ice skating rink that could be a focal point of the community for tree-lighting ceremonies and the like, and also for community skating.

Area B: Area B is currently partly zoned residential and partly zoned industrial. The proposal would be to make an application to the Town to rezone the entire site residential. It's approximately 122 acres, and the proposal -- the response calls for 1,000 units, but that would be subject to the Town's approvals. Here's a rendering. It would have a -- it would have a -- this, again, is turned sideways so it's deceiving. North is over in this direction. This is the road coming in off of Yaphank Avenue. These are the railroad tracks over here. It would have a day care center, and it would have an adjacent 30-acre park that would remain in County ownership, developed at the developer's

expense, and used for local sports groups.

Area D would be a high tech industrial for emerging industries in the research and development park. It would include about 98 acres of high tech industry and development of alternative energy sources. The idea is to create clean power that would produce about four megawatts, enough to service all the uses within the proposed development, so it would create a net zero energy user. The development would be a net zero energy user. It would create as much energy as you would need to power the entire site.

So that's basically the whole plan. In summary, you'd have a fifty-five hundred seat arena that would be a tremendous benefit to the County, a mixed use commercial development as part of the destination center, affordable workforce housing, well over 1,000 units proposed, a day care center that would provide the community with day care and also workers in the County Center and also lock --

**LEG. LOSQUADRO,**  
Mic's not on.

**MR. LAUBE:**  
Microphone.

**MR. KENT:**  
It's down? Hello.

**D.P.O. VILORIA-FISHER:**  
It's on.

**MR. KENT:**  
The athletic fields.

**MR. BROWN:**  
We have the green light.

**MR. KENT:**  
Probably didn't need if I could just speak up. There would be a net zero energy development and it would provide a business incubator for small businesses to develop. There would be, hopefully, an SBA office there that would allow businesses to develop and move out into the community.

In addition to the jobs created at the end of the project, there will also be thousands of jobs created during the project, while the project is being constructed. It could serve a lot of our needs, creating work for our labor unions now and work for our young professionals once completed.

Tom wants to speak about how the surplus land was identified and the RFP was developed.

**MR. ISLES:**  
Thank you, Members of the Legislature, for the opportunity to address you today. To follow up on Chris' presentation, what I'd like to do, as indicated, is to provide you with the description of the effort that was done to identify the potentially surplus lands, and to provide you with some explanation of the planning process that has occurred thus far. Let me begin by noting the aerial in front of you, which is on a large scale, but here again showing the general area. And Chris has previously pointed out the County holdings and the parcels that are subject to the resolution that's before you. But here again, I wanted to give you the context in terms of the surrounding uses, including the industrial, including Southaven County Park and the Carman's River, and something we're certainly cognizant of. Next slide, please, on the last slight slide.

Let me begin first with just noting the scale on this aerial. And what I'd like to point out is if you see

this large blue area right here which goes from Horseblock Road up to the railroad tracks, that distance is 1.4 miles. We're talking about a very large scale here in terms of some of the distances and just getting a sense of the size of this property.

The history of acquisitions here by the County began in 1870. We have a copy of the handwritten deed which began with the County Farm, which is a County poor farm, and oms house and so forth that existed at that time. Subsequent acquisitions occurred over that 200 acres in the 1880's and into the 1890's. The brunt of the acquisitions, however, occurred in the 1960's and tapering into the 1970's. At that point, we accumulated the current holdings, actually greater than the current holdings, of about 900 acres. At one point, we had in excess of 1,000 acres, and I'll explain some of that in a moment.

As I look back, and as Chris mentioned in his presentation, well, why was it the County bought all this land, almost 1,000 acres, in the 1960's and into the 1970's? And Chris rightfully points out that in 1962 the estimated population of this County was 3.4 million people. What is the actual population? 1.5 million. And, in fact, in this area, this was an area that was contemplated to really get a lot of that growth, in the Town of Brookhaven, where we already have 500,000 people, but it was expected to be substantially larger. What changed? Changes occurred to zoning, changes occurred in the Pine Barrens. There's 100,000 acres in here that's in the Pine Barrens, 52,000 acres of which are off limits from development. So I think one point to be made, would be considered in your consideration of this, is that I think, and I can't, you know, read the minds of the planners and the decision-makers at that time, they were anticipating a much greater need for County facilities population and so forth. Our population is 1 1/2 million. We expect a saturation at 1.7 to 1.8 million based on current land available for development in zoning and so forth. So that's first in terms of the actual context.

I would also like to point out that in terms of the history of Legislative action on this property, in terms of your acquisitions that you've done, but also your sales that you've authorized and actions you've taken to look at alternatives here. The Grucci property was mentioned. That was something that was done back in the mid '80's in terms of a relocation of a hazardous use, and we certainly recognize that. The second one was 50 acres was authorized and indeed sold by Suffolk County along Horseblock Road, which is now under development for an industrial park, or under planning for an industrial park, that's zoned industrial at that location.

The third action I'd just like to bring to your attention is that the Legislature spent quite a bit of time in the 1990's considering the development of golf courses in this location, and, in fact, the Legislature authorized a SEQRA finding, State Environmental Review Act finding, wherein they made a -- they did a full environmental review and made a determination of no significant impact on the use of 384 acres of this property for a golf course development, including driving range, clubhouse, 300-car parking lot, and so forth, and of that 384 acres, 200 acres was going to be cleared. All of that was in this area that's blue, but it was also larger than that.

So, as we look back, and, obviously, this body has changed in composition, but just in terms of the Legislative history and actions, there has been some question as to the need for these facilities that, here again, I think prompted some of this larger question of what's an appropriate strategy and decision for the County to take at this point.

Onto the point of the surplus property determination. The County Department of Planning was directed by Executive Order in early 2005, in February of 2005, to examine this site, the County facilities, to work with the involved County departments at this location, and we were tasked with doing an inventory of all County facilities, which we have incorporated in a report. We identified at that time 115 buildings and structures that we owned and operated for various County uses. And, as Chris has indicated, Mr. Kent has indicated, that encompassed over a million square feet of space. Obviously, Chris has pointed out those facilities, and they're certainly -- you're aware of all those facilities, the major County departments that operate here.

We were also asked as part that Executive Order to review all County capital projects to see what was on the drawing board, what was planned for this location. From that, we were then tasked with identifying the amount of vacant land. We were also tasked in that Executive Order with conducting at least three public hearings during that process. The results of that effort resulted in an identification as indicated of about 900 acres of vacant land -- pardon me, of total County land. Of that, we identified that 233 acres were dedicated by Legislative resolution in 2003 to the County Farm, to the County Agricultural Trust. That is on the north end of the property. It's an iconic parcel along the Expressway, and here again, that's off limits from any further development.

We also identified at that time in 2005 about 180 acres in various municipal use, including the County facilities that Mr. Kent mentioned. We identified 30 acres -- 35 acres in special uses, including a cemetery on the property that was formerly affiliated with the oms house. We also identified the 20 acres of soccer fields that are currently on the property, and river buffer that exists to the east of the County highway yard and salt storage domes. So from that, at that time, we identified then an amount of vacant land in excess of 400 acres at that point. The Executive Order directed the Planning Department to then assign one-third of those acres for future County uses and to consider potentially two-thirds as being available as potentially surplus lands. So from that we identified a --

**P.O. LINDSAY:**

Tom. Tom, could I have just --

**MR. ISLES:**

Sorry.

**P.O. LINDSAY:**

Do you have much more?

**MR. ISLES:**

No. I could make it faster.

**P.O. LINDSAY:**

Well, you don't have to make it faster, but I have to go into public hearings, and I was hoping that you guys could hang around, and we'll pick you up as soon as the public hearing starts, because I know the Legislators have some questions.

**MR. ISLES:**

Sure.

**P.O. LINDSAY:**

Is that all right? You want to wrap up something before I go in --

**MR. ISLES:**

I probably have five or ten minutes of wrap-up I could do. If you prefer to wait, I can do that. It's your pleasure, sir.

**P.O. LINDSAY:**

Yeah, why don't we wait, all right.

**MR. ISLES:**

Okay.

**P.O. LINDSAY:**

Because I can't really go too much longer without going into the public hearings that are advertised.

**MR. ISLES:**

Thank you.

**P.O. LINDSAY:**

Okay. We're into Public Hearings. The first is *I.R. 1793 - A Charter Law to strengthen the independence of the Ethics Commission (Montano)*. 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, I'll make a motion to recess.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern. All in favor? Opposed? Abstentions? Next up is *I.R. 1867 - A Local Law to expedite --*

**MR. LAUBE:**

Eleven. (Not Present: Legs. Romaine, Eddington, Montano, Alden, Kennedy, Nowick and Gregory)

**P.O. LINDSAY:**

-- *construction of Affordable Housing (Schneiderman)*. And I have one card, Michael Watt. Mr. Watt, are you here? Thank you, Mr. Watt.

**MR. WATT:**

Good afternoon. Thank you for this opportunity to address the Legislature on this issue. I am -- my name is Michael Watt. I'm the Executive Vice President of the Long Island Builders Institute, and as such, I represent more than 500 builders, remodelers and people in the businesses related to those two industries. We support this measure. We support any measure that expedites the process of home building on Long Island. The shorter the process, the more flexibility you have in terms of what you can build and in terms of keeping the cost down, and it also increases your options, working with local nonprofit organizations that might be able to work in conjunction with the Town to coordinate the building of these homes. So we fully support this measure. And again, I thank you for the opportunity to address the Legislature.

**P.O. LINDSAY:**

Thank you. Thank you very much, Mr. Watt, I appreciate that. I have about four or five cards that don't have a resolution number. So is there anybody else that wants to speak on 1867? Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to close, Mr. Presiding Officer.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Twelve (Not Present: Legislators Montano, Alden, Kennedy & Nowick - Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay. The Public Hearing stands closed. *1874 - A Charter Law modifying the process --*

**MR. LAUBE:**

Thirteen. (Not Present: Legs. Romaine, Montano, Alden, Kennedy and Nowick)

**P.O. LINDSAY:**

-- *of Legislative budget amendments (Gregory)*. It doesn't appear that I have any cards on 1874. Is there anyone in the audience that would like to address us on 1874? Seeing none, Legislator Gregory?

**LEG. GREGORY:**

I make the motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Thirteen. (Not Present: Legs. Romaine, Montano, Alden, Kennedy and Nowick).

**P.O. LINDSAY:**

***1894 - A Local Law to ensure the integrity of prescription labels in Suffolk County (Cooper)***. And I don't appear to have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

**LEG. COOPER:**

Motion to close, please.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Thirteen. (Not Present: Legs. Romaine, Montano, Alden, Kennedy and Nowick)

**P.O. LINDSAY:**

Okay. ***1895 - A Local Law prohibiting sex offenders from living near their victims***. I have one card from Ms. Laura Ahearn.

**LEG. GREGORY:**

She was out in the lobby.

**P.O. LINDSAY:**

Laura Ahearn, can you hear me? There she is, here she comes. Come on up, Laura.

**MS. AHEARN:**

Hi.

**P.O. LINDSAY:**

Catch your breath, go ahead.

**LEG. LOSQUADRO:**

You have to hold that button down.

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

Press the button on it.

**MS. AHEARN:**

Which bill are we on?

**P.O. LINDSAY:**

1895.

**MS. AHEARN:**

Okay. My name is Laura Ahearn. I'm the Executive Director of Parents for Megan's Law and the Crime Victims Center. Most of us could not comprehend the shock and trauma a victim would

endure if the person who sexually assaulted them moved in next door or worked a block away from their residence or from their employment, rather. In Suffolk County there are two separate cases that our agency is aware of where registered sex offenders moved into locations within less than a quarter mile of their victims. Victims of sexual assault suffer serious long-term psychological effects related to the crime, including post traumatic stress disorder. They often feel vulnerable and unsafe, and exposure to their perpetrator may trigger a wide range of emotional reactions, including post traumatic stress disorder and other trauma-related mental health issues such as shock, anxiety and depression. Traumatic event anniversaries are in and of themselves often very difficult to cope with, so one might imagine how traumatic it would be if their offender was permitted to live or work within close proximity to them.

In a Suffolk case, one registered sex offender had no prior knowledge that he had rented a home where his backyard met the backyard of the adult female that he had sexually assaulted years earlier. The unimaginable happened when law enforcement did a door-to-door notification, knocked on her door, provided detailed information on the notification about the crime that was committed against her, and included a photograph of the individual who had targeted her years earlier. Tipped off by a Legislator here in Suffolk County, Parents for Megan's Law worked with a very concerned landlord and realtor where we were able to offer the offender an alternate place to live, which he accepted graciously.

The second case, a two-time convicted sex offender moved into the same neighborhood where the victim he raped lives and currently resides there today. The passage of this law will provide victims of sexual abuse and rape, or their parents or guardians in cases of minors, a mechanism to prevent registered sex offenders from exercising any degree of control by having the power to further re-victimize and traumatize their victims.

Make no mistake about it, residency restriction laws are under attack right now, even in Suffolk County. On one side, we have elected officials questioning the complete efficacy of all residency restriction laws, and on the other side, we have some elected officials trying to broadly expand what existing residence restriction laws are now. While Parents for Megan's Law and the Crime Victims Center strongly opposed broad expansions to existing residency restriction laws, we make one exception, an enhancement to the current law to protect a very limited number of victims who currently have absolutely no mechanism in place to seek remedy in an intolerable, unacceptable situation.

Residency restriction laws passed here in Suffolk were well planned, well thought out, carefully mapped before their passage, and they were and are intended to prevent potential victimizations, where this law very specifically protects the rights of victims and prevents them from being re-traumatized. The Legislative intent here is not to broadly restrict where all registered sex offenders can or cannot reside, but is aimed at protecting those who have already been victimized. We don't need broad sweeping Town or County expansions to residency restriction laws. We need to protect victims and provide more resources for law enforcement and public safety officers in Towns and in the County to enforce already existing and effective laws which inadvertently did not address the protection of those who were already victimized.

And I'd like to thank Legislator D'Amaro for working very closely with the organization in every step of the way in ensuring that in the language we weren't leaving anybody out. Thank you.

**P.O. LINDSAY:**

Thank you very much, Laura.

**LEG. SCHNEIDERMAN:**

Can I ask a question?

**P.O. LINDSAY:**

Sure. Legislator Schneiderman has a question.

**LEG. SCHNEIDERMAN:**

Laura, with the current law, which is, you know, a quarter mile from the schools, daycare centers, playgrounds, a sex offender can easily look at a map, find out when they're looking for a place to live where they can and can't live. I would think in some cases, as a sex offender is looking for a place to live, you wouldn't want that person to know where his victim may be living. It might be quite confidential, so he or she, you know, picks a location. I hate to have to be forced to look up the location where the, you know, victim is living just to make sure they're picking a house in the right neighborhood. Can you address that?

**MS. AHEARN:**

Yeah, you bring up a good point, and that, actually, we were looking at it from another perspective where, when speaking with law enforcement, which Suffolk Police supports this law, we wanted to make sure that this was not in any way being perceived as a tracking of victims and offenders and in any way to be perceived as law enforcement having the responsibility to make sure that a sex offender is not moving in where their potential -- where their victim was. We're not -- all we're doing here is offering a mechanism if it does happen. In the years that we've had residency restriction, and I think it was 2006, Legislator Cooper, since it passed?

**LEG. COOPER:**

That sounds about right.

**MS. AHEARN:**

We've had two cases. And in one case, the offender was very collaborative and worked, because he was not aware that this happened, so that would be a situation, he did move. In the second case, the offender is not going to move. And this law would not go retrospectively, so it would only address those in the future. But you're right, we don't want offenders to be looking up where their victims are residing, and we hope that they don't do that, because then they would be looking to reside near their victims. But it's a very rare circumstance, and again, it is designed only as a mechanism for remedy when it does happen for when a victim becomes aware of it.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Ms. Ahearn, thank you very much for your testimony today. I appreciate working with you and your organization as well in drafting this legislation. You talk about a mechanism. The point of that is that you view this legislation as a tool for victims if they, meaning the victim, chooses to enforce it, as opposed to a general blanket enforcement, let's say, through law enforcement; is that correct?

**MS. AHEARN:**

Exactly. This is not designed in any way for law enforcement to be tracking registered sex offenders and who their victims were. Clearly, that's not the design. It is simply in those cases where it does happen, and it's tragic when it does. And what you also added to here, which we so much appreciated, is that it's not just adult victims of sex crimes, it's also the parents who might be taking their children out on to the street to take a walk and they are exposed to the individual that targeted them, so it addresses that population as well.

**LEG. D'AMARO:**

Thank you again.

**P.O. LINDSAY:**  
Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. Laura, so you're suggesting, then, that as a separate mechanism, that this requirement wouldn't be considered on the plane as the ordinary residency restriction. And my concern, of course, is whether it's litigation here or elsewhere across the country, suggesting that this wouldn't be considered yet another element in just a standard residency restriction, this is something that's on a different plane.

**MS. AHEARN:**

Exactly. This is -- this we look at, because we are currently, the agency is currently very strongly opposed to any additions or stringent broad additions to residency restriction laws, because, as I said earlier, the County's residency restriction law, working with Legislator Cooper, with Probation and with law enforcement, was well thought out, it was mapped, it was planned carefully. It was not an opportunity during any particular time of the year or season to try to garner public support, it was designed to try to prevent potential victimizations. This is very specifically targeted and aimed at those individuals who were already victimized to ensure we're not going to re-traumatize them by allowing an offender in those very rare cases where they want to continue to have power over the person that they victimized, to re-victimize them by living nearby or working nearby.

**P.O. LINDSAY:**

Okay. Thank you very much, Laura.

**MS. AHEARN:**

Thank you.

**P.O. LINDSAY:**

Did you --

**LEG. SCHNEIDERMAN:**

If I may.

**P.O. LINDSAY:**

Go ahead, Legislator Schneiderman. I'm sorry.

**LEG. SCHNEIDERMAN:**

Laura, before you go down, I'm still -- I need a little more clarification on this, so -- because I know a lot of these incidents happen, you know, if a child is molested, whatever it might be, it's somebody from that neighborhood. So, you know, it's often nearby, somebody who lives nearby. So this doesn't force that person to have to move, does it? They can stay -- it's only if they move into an area where the victim is living, is that how it works?

**MS. AHEARN:**

Yes. And thank you for bringing that up, because it wasn't made really clear. Similar to the current residency restriction law, this enhancement to protect victims will only -- it's not retrospective, it's prospective; so, in other words, it's not going back in time. If an offender currently lives, you know, in an environment where this is happening, it's not going to affect them. And also, if a victim chooses to move into a neighborhood where an -- where her offender is within a quarter mile, that's that victim's choice. There will be no remedy in those situations.

***[PHOTOGRAPH WAS TAKEN OF PARKS TRUSTEE, DAWN HOPKINS]***

**P.O. LINDSAY:**

Okay. Thank you. That was a little awkward. That was our latest Parks Trustee, Dawn Hopkins, and we wanted to take a photo of her and we didn't get -- because she was just appointed as a Park Trustee and we didn't get to it before the public hearings started and I didn't want to keep her

around.

Okay. Is there anyone else -- I don't have any other cards on 1895. Is there anyone else in the audience that wants to speak on 1895? Seeing -- no. Seeing no one, I'll -- Legislator D'Amaro.

**LEG. D'AMARO:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Romaine, Alden, Kennedy and Nowick)

**P.O. LINDSAY:**

***1896 - A Local Law to preserve the Montauk Point Lighthouse by amending Resolution No. 805-09, a Local Law to reauthorize the Hotel and Motel Tax.*** I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Romaine, Alden, Kennedy and Nowick)

**P.O. LINDSAY:**

***J.R. 1900 - A Local Law to reallocate Hotel and Motel Tax revenues to enhance tourism promotion in the Peconic Region.*** And I have a couple of cards. First is Moke McGowan. Moke McGowan. Is Moke outside? I am going to skip over Moke and maybe he'll get a chance to come in. I don't see him yet. Next is Anthony Catagna.

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

Catagnola.

**P.O. LINDSAY:**

Catagnola? Anthony Catagnola? Anthony Catagnola? If I'm botching the name, okay. Is there any entities in the audience? No? Are you Anthony?

**MR. CATAGNOLA:**

Catagnola?

**P.O. LINDSAY:**

Yeah.

**MR. CATAGNOLA:**

Yeah.

**P.O. LINDSAY:**

Yeah, that's what we're trying to do. And there's Moke McGowan. We're looking for you guys.

**MR. CATAGNOLA:**

Should I go first?

**P.O. LINDSAY:**

Go ahead, go ahead. You're there, go.

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

Five minutes, Anthony. Five minutes.

**MR. CATAGNOLA:**

It will be less than that. First, let me introduce myself. I'm Anthony Catagnola, Director of Sales and Marketing at the Southampton Inn; I also sit on the Board.

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

Is your finger on the button?

**LEG. LOSQUADRO:**

Could you get closer to the mic, sir?

**P.O. LINDSAY:**

There you go.

**MR. CATAGNOLA:**

Okay. My name is Anthony Catagnola. I'm the Director of Sales and Marketing at the Southampton Inn, and also sit on the Board for the Long Island Convention and Visitors Bureau.

I wanted to come here today just to, you know, help people understand what the LICVB does for our property and, therefore, the -- you know the East End. Our property joined forces with the LICVB to promote the international market. We were able to, over the past three years, increase our business over 300% with the international market. This was a direct partnership with the LICVB, and had the LICVB not had the knowledge on how to obtain these contracts and to promote to these tour operators and receptives, this business would not have been coming to the East End, because I didn't have the knowledge on how to obtain it.

Currently, I am working with over a dozen tour operators and receptives to make those numbers, and those numbers have taken place, the international business has taken place for the corporate business that we've lost over the last year with the economy.

I also want to voice my concern about taking these dollars and putting them into organizations like the East End Tourism Alliance. I'm supportive of the East End Tourism Alliance, we have advertising on it. I was asked to even sit on the Board of the East End Tourism Alliance. The people that do -- are on that Alliance are capable, but I wanted them to know that we need the centralized organization like the LICVB to promote the entire Island.

I travel to three different trade shows with the Long Island Convention and Visitors Bureau and I see how they promote the Island, and it's promoted as wine country, beaches, Nassau, Suffolk, it's a total picture that they do paint. And being there, I see, you know, everything that they tried to push. And when I'm on these trade shows, I'm pushing the wine country, because that's what brings business out to us also, so I wanted to make that known.

So I just wanted to basically -- you know, again, I was here last week to make sure that, you know, I voiced my opinion. We are one of the largest accommodations and meeting places in -- on the East End. And I just wanted to again support the LICVB for what they do. Thanks.

**P.O. LINDSAY:**

Thank you, Anthony. Moke, you want to --

**MR. MCGOWAN:**

Thank you, Presiding Officer Lindsay, and Members of the Legislature. Obviously, I'm here today to oppose I.R. 1900, a resolution that would effectively take one-third of the Suffolk Specialty Tourism Program and provide it to a fledgling organization to develop a specific marketing program for the East End of Suffolk County. The resolution attempts to note that the LICVB lacks specialized knowledge to sell the Peconic region effectively, yet one-third, that's 10 of our 39-member Board, come from the Peconic region. They include three members from Montauk, three members from the Hamptons, and four members from Riverhead and the North Fork. These Board members have ample opportunity to provide direct and indirect input and oversight into our programs and their development and implementation. In line with the County's procurement process, we bid on and were awarded the contract to market, promote and sell Suffolk County as a tourism destination because we demonstrated the capabilities and abilities to do the job effectively and efficiently and with accountability. We also had to demonstrate our compliance with legislatively mandated laws governing living wages and fair hiring. Under our contract we are obligated to provide you all with a semiannual report on the conditions of the marketplace and the effectiveness of the programs we implement, including our consumer advertising, our public relations and our online interactive strategies.

As outlined in the 2008 annual report that we provided to you all, independent research identified that for every dollar we spent on consumer advertising, \$39 was generated in consumer expenditures. Independent research also identified that the average stay was three nights. However, those who visited our website, discoverlongisland.com stayed an average of four nights, compared to only two nights for those who did not. And finally, independent research also found that those travelers that visited discoverlongisland.com before coming to Long Island spent an average of \$1,007, compared to \$527 for those who did not visit the website.

Three years ago not one single United Kingdom or European tour operator included Long Island products in their catalog of offerings that they sell to their travel consumers. Today, solely through our efforts alone, 22 operators carry Long Island products and almost totally from product offerings of the East End. You cannot walk through the Villages of the East End from Spring through Fall without hearing a bevy of international languages and the accents spoken.

Since 2006, we have provided direct funding assistance to the Peconic region tourism promotion organizations through an accountable matching funds program that we initiated. We were not mandated to do it, we initiated it. This program was developed to drive overnight visitation, to encourage partnerships, and to leverage limited resources. To date, total funding made to a number of organizations exceeds \$120,000. They include the Montauk Chamber of Commerce, the East Hampton Chamber of Commerce, the Hamptons Visitors Council, the North Fork Promotion Council, the Wine Council, the Farm Bureau, and the East End Tourism Alliance. In addition to this program, the LICVB has spent over \$154,000 since 2007 to directly promote the East End cultural program, Winterfest Jazz on the Vine. As with the aforementioned in mind, I submit that passage of this resolution will seriously impair our ability to effectively carry out our contractual obligations to Suffolk County and its tourism industry. And whether you believe it or not, this resolution would, in fact, create a competitive situation between the eastern and western tourism interests of the County at a time when additional competition is certainly not needed. I thank you for your time.

**P.O. LINDSAY:**

Thank you, Moke. Joan Bischoff van Heemskerck. I guess it isn't Joan. John.

**MR. VAN HEEMSKERCK:**

Good afternoon, gentlemen, Members of the Legislature.

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

You have to press the button and you have to hold it down.

**MR. VAN HEEMSKERCK:**

Members of the Legislature, Presiding Officer Lindsay, thank you very much for the opportunity to be here today. I would like to start my comments with my sincere condolences to Ed Romaine and the passing of his son. We will miss him tremendously. This body is not the same without his face to the left here and we miss him today, and we are with him in thoughts and prayers. Having said that, unfortunately, life goes on and we have at hand a proposal by our two East End Legislators, which we believe is a very important proposal. Unfortunately, the impression may falsely have arisen that we're all pitted against each other, all members of groups that should be working together. This should not be the case and this will not be the result of what is going on here, I believe.

Developments have been happening on the East End, of earth-shaking proportions is how I wanted to start this discourse, and I will come back to that in a little bit. I'm here as the Treasurer and the Secretary of the North Fork Promotion Council, and I'm here to provide you with compelling reasons why the Legislature should adopt Legislator Schneiderman and Romaine's Resolution 1900-2009.

Our Director, Emily Clark, has provided you with a package with a background on who the NFPC is. We've been -- we've been around for 25 years, and it explains a little bit on what we are doing. I don't think five minutes is enough to really get into that. You have a package in front of you. If you have any questions, we can -- we'll be happy to enlighten you, if necessary.

The NFPC was formed by very forward-thinking people, well ahead of their time, 25 years ago. Our membership today consists of organizations representing some 350 North Fork businesses. Mind you, that is almost every single business we have on the East End -- on the North Fork I should say. The North Fork's mission is to promote tourism on the North Fork. These 350 mostly small businesses have grown more and more reliant on tourism for their existence. They are farmers, vineyards, retailers, fishermen, B&B's, motels, hotels, many of them family-owned. They are not big businesses, they are mostly smaller businesses. The increase in the occupancy tax have impacted this group especially hard and it came really as a double whammy with the recession. Believe it or not, this increase in the tax creates an enormous burden for the smaller business people that have to administer it and that have to charge their customers an extra amount on top of the high sales tax already levied on their rooms, and we are afraid that it will impact the occupancies of their rooms.

I sat down yesterday with Wilfred Joseph, who's the head of one of the North Fork bed and breakfast organizations and he even seemed to think that this increase in the tax may not provide any extra revenue for the County because of a decrease in occupancy on the North Fork. Let's hope he's wrong, but we can do something about that to make sure that he's wrong.

Coming out of this recession, small businesses will provide most, if not all, of the new jobs in this region, in our region, the North Fork, but in the entire East End. Jobs are needed for our kids to be able to support themselves, to be able to stay where they grew up. Promotion of the Peconic region and our tourism is a crucial factor in any such recovery, any such job creation. The Legislature has an opportunity here today to help achieve this important goal without spending a penny extra. We're not asking you to disband the Long Island Convention and Visitors Bureau, quite the contrary. We have worked very closely with them, have done so in the past for many years. We are merely asking the Legislature to allow the people who know the region best to use the funds that you have already set aside to promote our own region, a region with its very own set of opportunities and problems of which people in other parts of the Island may not even be aware, a world class tourism region, nevertheless, that should be a feather in the cap of anybody who talks about tourism on Long Island and many even in New York State.

The 350 businesses that I represent here today are not big businesses. We do not have access to the corridors of those in power. We do not lobby in New York State in Albany, we have not lobbied you in person. We are small business people and we are somewhat at a disadvantage here because I understand that more powerful people than us and larger businesses than us have had your ear over the past weeks. I press on you to, please, do not turn your back on those who have small

businesses and who do not have that kind of influence behind closed doors. We are not asking you to give us a handout, we, as small business people, do not ask for handouts. We're usually able to run our own businesses and to combine our resources to do things ourselves. Tourism promotion, however, requires much more than what we can do ourselves.

In our package you'll see what the North Fork Promotion Council has achieved over the last number of years and it's quite a professional package what we do for the North Fork. Often we hear that the people on the East End are a bunch of bumpkins and they do not know -- they do not have the professional knowledge to do what people up Island may know how to do much better than we. I strongly disagree with that suggestion, and I think I provided you with proof on the North Fork that that's not the case. We are not taking money away from the Long Island Visitors Bureau. If the projections are right, there is going to be an increase of the budget of the Long Island Convention and Visitors Bureau, of which, if you take what they had before and you see what they get next, only a small part would go to the EETA to help specifically fund North Fork, South Fork, Riverhead and Shelter Island needs for promotion of tourism.

Some five years ago, Laila {Ractine} of the New York --

**P.O. LINDSAY:**

John, that bell that went off is your time was up.

**MR. VAN HEEMSKERCK:**

I apologize, I will --

**P.O. LINDSAY:**

That's okay. So if you could wrap up.

**MR. VAN HEEMSKERCK:**

I will finish. I was afraid that five minutes was not enough to say what I had to say. Let me finish by saying, Legislators, we call on you to approve the resolution before you, and we ask the County Executive to swiftly sign it.

**P.O. LINDSAY:**

Thank you very much,

**MR. VAN HEEMSKERCK:**

Thank you very much.

**P.O. LINDSAY:**

I don't have any other cards on I.R. 1900. Is there anyone else in the audience that would like to speak on 1900? Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

I'll make a motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen. (Not Present: Legs. Romaine and Kennedy)

**P.O. LINDSAY:**

Okay. *1918 - A Local Law exempting certain entities from regulations related to dealers in secondhand articles.* I have one card, David Rosenberg.

**MR. ROSENBERG:**

Thank you, Mr. Presiding Supervisor, members of the Legislature. My name is David Rosenberg. I'm speaking in favor of 1918 of '09. Many of you may be familiar with Article 5 of the Suffolk Code dealing with the sale of secondhand articles. It is a very thorough scheme, it was a very good scheme. It primarily was directed and is intended to apply to pawnshops. So if somebody steals something and then gives it to a pawnshop, the pawnshop must record each item it takes in and each item it sells, and, hopefully, that deters any perpetrator from doing that, which will cut down on theft. And also, it does help to reunite the victims with their property.

I represent Savers Inc., a company out of the Washington, New York. They have about 120 -- Washington -- I'm sorry, the State of Washington. This will be their second store in the New York area, they have one in Nassau County. They have about 120 stores around the country. They right now are -- have negotiated and signed a lease for a store, 700 Patchogue-Yaphank Road in the Medford area, and they will be employing about 30 to 40 employees, if the Legislature gives them the relief. That lease is subject to them getting the relief so they can operate. What they do is they end up buying their inventory from charities. So, for example, Big Brothers Big Sisters last year, our Nassau County store gave them over 2 million dollars to buy those clothes that you put in the bins that you see around and donate directly, and then they resell that at a thrift store. So it, obviously, affords some people who are having tough times in these economic circumstances to get, obviously, very efficiently-priced merchandise. And as I said, last -- in '07, we gave Big Brothers Big Sisters in Nassau County over 2 million dollars. Nationally, over 15 million dollars is paid to charitable organizations who receive this as a gift or donations.

Because of the way the ordinance was originally drafted, it actually precludes our client, without complying with this Legislative scheme, from really doing business. And because they've taken thousands of items a day, sell thousands of items a day, it virtually precludes them from operating. Numerous other jurisdictions around the country who have the same type of thing to protect the public from stolen merchandise have given us this relief. And, essentially, the explanation is very easy. It doesn't frustrate the current scheme, because somebody who steals something is doing it to make money. They're not going to be donating it to a charity who will then be able to sell it to us and make money. So it really does not at all frustrate the scheme, it allows us to operate, employ people. We're going to be taking over the old Steve and Barry's store, and we're hoping that the Legislature will give us the relief so we can operate in Suffolk County, as we do in Nassau and elsewhere around the country.

If there are any other questions by the Legislators, I'd be glad to answer them.

**P.O. LINDSAY:**

Thank you, Mr. Rosenberg. Wait. Mr. -- Legislator Eddington has a question.

**LEG. EDDINGTON:**

Yeah. Yeah, I think that Medford area is Legislator Browning and mine, right on that border. This is a business that buys stuff from like Big Brother and Big Sister?

**MR. ROSENBERG:**

Exactly, Legislator Eddington. Most of our merchandise, I would say about 90% of it, is merchandise that has been donated to different charities. Society of Saint Vincent DePaul, for example, has their own thrift shops, Goodwill has their own thrift shops, but a lot of charities don't. So, if there's a rummage sale at your church or your synagogue, or anything else like that --

**LEG. EDDINGTON:**

So the money that -- I mean, so the clothing and furniture that I have given away to help the poor is taken and then sold to the poor?

**MR. ROSENBERG:**

No, no. Depending, Legislator Eddington --

**LEG. EDDINGTON:**

That what I thought I heard. I just want to clarify.

**MR. ROSENBERG:**

No. Normally, in fact, what happens is most of the clothing and things like that, because they don't have the ability to sort them, gets bailed and usually gets sent overseas for pennies for the pound. What we do is somebody like Big Brothers Big Sisters who have these bins around, they will receive this stuff, but they don't really have the ability to sort it, to price it, to sell it. They don't have stores or anything else. They -- we enter into buy/sell arrangements with these organizations where we pay them. For example, as I said, we gave over 2 million dollars just in '07 to Nassau Big Brothers Big Sisters. We would be doing the same here in Suffolk, if not more. Then we go through the process of sorting it, pricing it, and these things are sold. You can get some new clothes with tags on them that we sell for 8, 9, \$10, so these are not sold at retail prices. It is a thrift store, and, therefore, when you make that donation, not only do you get a deduction for whatever you donate, but Big Brothers and Big Sisters, for example, to use one of the organizations we acquire this from, then gets all the revenue and they use that revenue to do whatever mission they have to assist the poor, to serve their charitable purposes.

**LEG. EDDINGTON:**

I see. Somehow in my mind I always thought I give clothes and furniture and they're great, they take it and give it away, but --

**MR. ROSENBERG:**

Some of them do. For example, if Society of Saint --

**LEG. EDDINGTON:**

But, basically, what you're saying is that they sell it, but take the money and do good things with it, buy food or other --

**MR. ROSENBERG:**

Right.

**LEG. EDDINGTON:**

Other things.

**MR. ROSENBERG:**

Right. Because sometimes it's not used clothes that they need, sometimes they need furniture, sometimes they need housing, sometimes they need medical support and medical supplies, sometimes they need food, and this gives them the revenue to do that. So by your donation, you're still doing good, they are still doing good, and, essentially, we then would be able to resell this. Under the current scheme, if we had to report every item we took in and sold, we wouldn't be able to do business.

**LEG. EDDINGTON:**

Okay. Thank you very much.

**MR. ROSENBERG:**

Okay. Thank you.

**P.O. LINDSAY:**

Wait, hold on. Legislator Viloría-Fisher has a question, and Legislator Cooper.

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

I think you may just have answered it while I was asking the Presiding Officer to put me on the list. I get these bags from Lupus all the time and I guess they sell the clothing, because that's -- they don't give clothing to poor, they put the money into their research. Okay. How will this law impact you? Okay. I put my clothes in a bag for Lupus, they sell you the clothes, and then what do you have to do if we pass this law?

**MR. ROSENBERG:**

Well, if we -- if the Legislature passed this and the County Executive approves it, we won't have to do anything, we'll be able to do business in Suffolk. By doing business in Suffolk, we facilitate the work of Lupus, for example. We make those donated goods much more valuable because we can then buy them and resell them. Otherwise, we don't need them because we won't have a store here to sell.

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

Oh, so -- then this law will give you the relief to do your business.

**MR. ROSENBERG:**

Correct. Right --

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

This will be supporting you.

**MR. ROSENBERG:**

Right now, if you look at the Article 5 the way it is, there is a huge paperwork requirement where every item that a pawn shop -- which is good, because that says that --

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

Yeah, I remember when they talked about cataloging it and photographing it.

**MR. ROSENBERG:**

And they have -- and they have 24 hours to report it to the police so the police could then see if it matches any stolen item that was reported.

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

Oh, so right now in Suffolk County you're under that law, you're under Article 5?

**MR. ROSENBERG:**

If -- well, that's why we're not here in Suffolk. That's why we're in Nassau, but not yet here in Suffolk.

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

I see.

**MR. ROSENBERG:**

Just so that you know, Los Angeles has given us the same relief, Toronto, Canada has given us the same relief, because many jurisdictions now have the same scheme, which is a very good one. Because of the short time requirement for filing and the detail of the filing, the police can see if somebody reports a VCR, a Panasonic VCR was stolen yesterday, and the next day they get in that a Panasonic VCR was turned into this pawnshop.

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

Now you only buy from organizations?

**MR. ROSENBERG:**

We also get some direct donations from people who know that we sell secondhand articles, so sometimes, but I would say about 75% is us purchasing from charitable organizations who receive these as a gift.

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

Now, how do you know that those people haven't robbed somebody's house?

**MR. ROSENBERG:**

Well, the point is, is if they were a thief, they wouldn't be giving it, they wouldn't be donating it, they would be going to a pawnshop.

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

No, but you buy it, you said.

**MR. ROSENBERG:**

We buy it from the organization.

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

Okay.

**MR. ROSENBERG:**

So, in other words, if I was the thief and I went to the pawnshop to get 100 bucks for the VCR --

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

Okay. My question was do you buy from other than organizations. And you don't buy from individuals --

**MR. ROSENBERG:**

We do not --

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

They donate.

**MR. ROSENBERG:**

We only buy from 501(c)3 organizations.

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

Okay. Okay, that answers my question.

**MR. ROSENBERG:**

Or we receive some direct donations --

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

As a gift, okay.

**MR. ROSENBERG:**

-- from the public. We don't buy from the public at all.

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

Okay. That was my question.

**MR. ROSENBERG:**

Yes.

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

Thank you.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

This is not directly related to the resolution, but now that you're before us, let's say that I drop off a \$200 suit in one of these clothing bins for, let's say, Boys and Girls Club. Can you give me some idea as to -- for that \$200 suit, how much money would Boys and Girls Club actually get as the financial donation, and how much money would a firm like yours make selling it to the public?

**MR. ROSENBERG:**

Legislator Cooper, that, I will tell you how it works. I don't think that for the very same reason that these charities can't sort and itemize each thing, we do it on type of a bulk basis. So we know from our history and with the organization who has their own idea of what it is. We may take, you know, 1,000 pounds of something or other and we give them a check, and I don't know what that is. But I will tell you that when I have gone through the Nassau store, I see some things that a designer label of women's clothes that might be two, three, four hundred dollars and they're selling them for like \$25, \$28, \$45, depending upon what it is. We usually don't sell electronics, although that's not exclusively correct. We do sell, but that's a very small part of it, again, which means that we're not going to be frustrating the existing scheme to prevent the sale of stolen property.

**LEG. COOPER:**

So the charitable organization would be compensated by the pound, basically, generally.

**MR. ROSENBERG:**

In bulk. Again, I don't know exactly how that is, but I know that the charities we deal with are all very much in support of our opening in Suffolk so that they get the same benefit that they receive in Nassau and elsewhere.

**LEG. COOPER:**

So, just for my own edification, if I were to donate something that was in good condition and, you know, relatively expensive, maybe instead of dropping it off in a clothing bin, I should try to find a charity that has a retail store where they sell it? It just sounds as though, you know, they're not getting the full value of the donation, in effect.

**MR. ROSENBERG:**

Any of the charities that do this, though, for example, even if you went to Goodwill Industries, they still have to pay rent, they still have to have employees, they have to pay insurance, they have to pay telephones. So it's not like when you give something to Goodwill, it's automatically going -- if you go into a Goodwill store, they're still selling the merchandise. It's selling it as secondhand goods and is substantially less than what a person would have to pay if they bought it new at retail. So it really doesn't affect the prices. If there's a notion or impression, I hope to dissuade you of it, that somehow we're taking advantage of these people who are donating it; we are not. We are really allowing the charities to fulfill their charitable mission. We're giving them the resource to do it. For example, if the Interfaith Nutrition Network, which some of you might be familiar with, they primarily deliver food and they have food kitchens and food pantries. If you donate a lot of clothes to them, those clothes really wouldn't help them aid anybody, they would have to do something with those clothes. We're an organization that then buys it from them and then we take care of all of the administrative work to get it sold to the public or distributed to the public at incredibly reduced prices, so that it does benefit the people who need it most.

**LEG. COOPER:**

Okay. Thanks.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

Okay. When I heard you were planning to open up Steve and Barry's, you're the attorney for the organization or company that's going to open up?

**MR. ROSENBERG:**

Yes, yes. The legal name is TVI, Inc., but their trade name that they market their stores under on the East Coast is called Savers, and they have a store in West Hempstead now.

**LEG. BROWNING:**

Okay. And so you get the product from an organization, a 501(C)3. Is this company a 501(C)3 or is it a for-profit company.

**MR. ROSENBERG:**

No, it is not, it is a for-profit company.

**LEG. BROWNING:**

Okay. So you pay a certain amount of money for the product that you get from the nonprofit, you sell for a profit?

**MR. ROSENBERG:**

That's correct. We have to pay for our inventory, we pay for our rent, we pay for everything else and then we are a retail business. And other than the fact that you have this ordinance as a retail business, we would be able to operate. But we have been very successful and working very good relationships with the charities that work with us, and we -- they have all benefitted greatly from what we've been doing.

I might also add, in this age of going green, one of the things my client has emphasized to me, but I certainly don't want to profess to be that's a primary motive here, is that a lot of the stuff would otherwise end up in a landfill. It also allows to be able to market it and resell it.

**LEG. BROWNING:**

And what is your profit over what you would pay a nonprofit organization?

**MR. ROSENBERG:**

Ms. Browning, I don't know the answer to that. I might be able to find out for you. But I will tell you that we do compete with all of the other consignment shops, the thrift shops and everybody else out there. So it can't be -- you know, our market is not the same demographic, shall I say, as some of the upscale boutiques in the malls that we see here. Our market and the demographics that we market to are people who are usually in need of this type of stuff at a very, very modest price.

**LEG. BROWNING:**

Okay. Thank you.

**P.O. LINDSAY:**

Anybody else? No? Okay. I don't have any other cards on 1918. Is there anybody else that wants to address us on 1918? Seeing none, Legislator --

**LEG. STERN:**

I make a motion to close.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Thirteen. (Vote Amended to Twelve) (Not Present: Legs. Romaine, Eddington, Montano, Alden, Kennedy and Horsley)

**P.O. LINDSAY:**

Okay. We're up to *I.R. 1922-09 - A Local Law authorizing the sale of 249 acres in Yaphank to Legacy Village Real Estate Group LLC for mixed use development.* And you guys are back on to finish up, and there's some questions.

**MR. ISLES:**

Thank you very much. And I'll try to get through this as quickly as possible. So the first part of my -- what I wanted to present to you today, and thank you for that opportunity, is regarding the process to identify lands that could potentially be surplus. We did provide copies of that report to every member of the Legislature on June 9th of 2005. More recently, we've done in September of this year, and certainly we have additional copies today if any member would like to receive a copy, or any member of the public for that matter. So, fundamentally, the process was for the purpose of identifying County use. Presently, County use anticipated setting aside a margin of error in terms of future County uses that are not currently known, and then identifying what might possibly be excess and vacant.

The next part of what I'd like to discuss would just be the process and the planning that went into the process from when the site evaluation plan was completed. As indicated by Mr. Kent, there have been two Legislative committees created for this process. The first one was created in 2005 and was charged with helping to provide goals for the RFP, to provide guidance, and also to assist in the public outreach. That committee did come up with a report and that was used as part of the process for the RFEI, the Request for Expressions of Interest, which was sent out in December 31st of 2005. The next thing that happened is the RFEI was due back on May 1st of 2006. The Legislature created a second committee to specifically look at that and provide guidance to the County, to the Executive Branch of the County government in the RFP process.

The first committee had met nine times and held three public hearings, the second committee met eight times and held one public open house. The committee did sort through their RFEI reports that were submitted, the proposals some of the eleven responses. There were many varied ideas, including destination centers and residential, and so forth, but there were also things such as extensive motor sports, horse racing, gambling, and things like that. The committee made recommendations including limiting such uses as being incompatible. The committee also talked about the distribution of uses. And there was -- I'll go back to the aerial photograph on the map before you. There were proposals of the eleven proposals that included housing, residential down along Horseblock Road directly adjacent to Grucci and so forth. The committee then recommended that there be no residential development in this part of the property. The committee recommended that the residential be contained to the area to the north where some of the residential zoning already existed, but also where it's close to the County Farm, the soccer fields, police station and so forth. The committee also felt that that would provide better setbacks. And we've heard today, you know, in Chris' presentation about some of the uses in the area.

The location recommended by the committee would put in the Caithness power plant about 3,000 feet away from any residential. The Brookhaven Landfill is about a mile-and-a-half from the nearest residential that's discussed in the concept plan. The existing Grucci fireworks is about six-tenths of a mile from any residential. The L-2 zoning, the property itself right now, that is zoned Industrial Zone, L-1 Industrial. It is an indoor industrial zone. There is L-2 zoning that's right here by Grucci, and the committee recommended that there be at least fifteen hundred feet or almost a third of a mile to any -- the nearest residential structure. Finally, the location also provided a setback from the nearest existing home on Yaphank Avenue of about eighteen hundred feet.

I will point out that the committee had a total of 34 recommendations. They certainly were not an endorsement of the project, they were there to provide guidance and that was helpful guidance.

The recommendations of the committee directly went into the RFP and helped shape the RFP. It provided, for example, that from Yaphank Avenue, the industrial that's proposed, as Chris spoke of, the research and development would be about a half a mile away from Yaphank Avenue itself. Here again, there are homes on the opposite side of Yaphank Avenue. It's a sensitive location residentially. This would provide that type of setback.

The committee here again provided concepts which were then factored into the RFP. The RFP was issued in January of 2007, and a lot of people have not heard from us in two-and-a-half years since that RFP process was underway and -- but, as we know at this point, a selected or preferred developer was identified in July of this year, and, hence, the process we're now in, which is Legislative consideration as this is currently occurring and will continue to occur. But I would like to point out, too, that this is a process that still has quite a long time to go.

The properties, here again, 75% of this property is zoned L-1 Industrial; 25% is A-1 Residential. To develop this property and the concepts that have been discussed would require an application to the Town of Brookhaven. The Town of Brookhaven controls zoning for the property. There's contemplation of a planned development district, perhaps. That's strictly up to the Town of Brookhaven to decide. It would also need subdivision approval from the Planning Board, site plan approval, as well as all other agencies, State, County agencies, all agencies that may exist. As part of that, it is completely understood that this is going to be subject to a full environmental impact statement.

While the property is not in the Pine Barrens, it's not in a special groundwater protection area, we think it -- you know, at very least, it's in a transitional area. We've got a million square feet of County uses along the west side of Yaphank Avenue, the subject properties B, C and D, and then industrial to the west of that. Area eight of the north is a location that is close to the Carman's River, or the closest part to the Carman's River. That site does have our existing highway yard on it and salt storage domes, it's got outside storage of gravel and other materials. The thought there is to relocate that further away from the river. Obviously, that's all subject to appropriate reviews.

So we understand that this is obviously a critical part for your review, and any questions you may have either today or beyond we stand prepared to address as best we can. And we also understand that there will be an extensive process with the Town of Brookhaven, so that we know there are issues that may come up in terms of detailed issues. This is a concept. When a development plan is put forward to the Town, that concept becomes a plan, can be evaluated, can be measured, impact analysis can be conducted, mitigation could be identified. Those -- that whole step, traffic impacts, school district impacts, and so forth, all of that would have to be considered at that time in the development review process. I thank you for the time today.

**P.O. LINDSAY:**

Okay. Legislator Barraga, you had a question?

**LEG. BARRAGA:**

Either Mr. Kent or Mr. Isles can answer this question. I'm taking a look at the project itself. I'm not concerned about the overall project, but I do have some questions with reference to the residential portion. The 1,000 units, that's in the Longwood School District?

**MR. KENT:**

Yes, that's in the Longwood School District.

**LEG. BARRAGA:**

The so-called commercial industrial portion, is that also in the Longwood School District?

**MR. KENT:**

Which, the commercial or the industrial? The destination center by the Expressway?

**LEG. BARRAGA:**

No, the portion --

**MR. KENT:**

No. The southern --

**LEG. BARRAGA:**

Portion south of the residential there, that long -- that blue strip.

**MR. KENT:**

South of the residential, Area D is in the South Country School District.

**LEG. BARRAGA:**

And that's commercial?

**MR. KENT:**

That's industrially zoned property.

**LEG. BARRAGA:**

All right. See, that concerns me because the Longwood School District, I never really represented it, but years ago, as the rank man on education, and the State aid formulas, Mr. Kent, they do not work for the Longwood School District. They're an anomaly that district for a lot of different reasons. In fact, I remember one time the local Senator had to come up with a million dollar member item to help that district out many years ago because they weren't getting adequate State Aid. And that concerns me that the residential now, a thousand units is in that district, yet the commercial industrial base is in another district. We see that throughout Long Island where, for example, if you live in the Hauppauge School District, the school tax portion of your property tax is about one-third what a normal high-tax-low-wealth district pays. Now, as this process moves along, if my assertion is correct, I would hope that there'd be some sort of an agreement between these two school districts, that the Longwood School District would get a portion of that industrial school aid dollar, that the other district is going to lay claim to, even though they're not going to get the proportionate number of students from that area.

**MR. KENT:**

We will investigate the possibilities of making some type of arrangement like that. If that's unsuccessful, I can tell you from our initial review of the situation and the types of revenue that might be generated, tax revenue that might be generated from the development of this kind and that uses that are proposed, we think it will be-- we believe it to be a net positive to the Longwood School District, even given the fact that the residential is within that district. We will provide specific information on that, if we keep this hearing open, and until the next Legislative session I'll provide more specific information on that.

**LEG. BARRAGA:**

I hope you're correct, but I doubt it. I doubt it.

**MR. KENT:**

I'll try to, like I said --

**LEG. BARRAGA:**

Because even --

**MR. KENT:**

I'll produce what I believe to be the facts, both in the generation of tax revenue and the number of children that we can estimate will be produced from this type of housing.

**LEG. BARRAGA:**

Because the generation of tax revenue you're talking about is at the local level. Those additional 1,000 homes, that's not going to work for Longwood at the State Aid level, it hasn't worked in the past. It's a real problem for that district.

**MR. KENT:**

We're projecting.

**LEG. BARRAGA:**

You have to work out some sort of an agreement with the adjacent district. And you know something, the adjacent district, you know, they're not going to want any part of that. They're going to say, "Hey, it's an industrial base, we have our students, we want the money," but something has to be worked out, because if this is built, this is not going to work well for the Longwood School District, take my word for it.

**MR. KENT:**

That's the information that we will provide to you if we keep this hearing open, plus --

*(\*Applause\*)*

Plus it's something that will be taken up at the Town level as part of the SEQRA, because the impact on the school district would be something that would have to be studied.

**LEG. BARRAGA:**

Yeah. I just don't want the process to go along and say, "Look, you know, the residential is going here and the commercial is going here, and we've got this reception center," and it's all laid out and it's all fixed and then we'll deal with the school situation later. You better deal with the school situation now at the beginning of the process, not toward the end.

**MR. KENT:**

We will, we will work with them. We've already had some meetings. I've had some direct discussions with Allan Gerstenlauer, who's the Superintendent at the Longwood School District. We'll continue to work with them, and we'll try to see if we can't work out that agreement between the two school districts. If not, there are other options that we may be able to work through the IDA with some type of PILOT agreements. But it's all things we will investigate and we will pursue.

**LEG. BARRAGA:**

Thank you, Mr. Kent.

**P.O. LINDSAY:**

Okay. Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Thank you. Chris or Tom, just when I've talked to the community, you know, I'm on board with the industrial. I was skeptical about the arena, and, you know, from the meetings with you, you said you guys are working on a report that may lay some of some that skepticism aside. But, as far as the residential, my concern has always been about the number of units. And I just wanted to ask if something had been considered, because when we talk about affordable housing, we certainly focus on the young people. And I certainly don't want to push the focus away, because one of the reasons I came to this Legislature is because I'm one of those young people that doesn't have a house. But it seems to me that the affordable housing problem exists on both ends of the spectrum, it exists on the young who may not have the career and be making the salary that they need, or maybe they are and they just can't afford to get into the market, and it exists for the senior citizens who can't afford the same burden. So we've talked a lot about the burden on the Longwood School District. Has there been any discussion that some of these units may be -- I don't know what the correct percentage or proportion would be, but affordable still works for senior citizens, and it would seem to me that if we're -- if we're going to go with a thousand units, if several hundred of them, or

whatever the number is, are dedicated for 55 and older, that's a significant relief to the school district, because a dedicated 55 and older unit does not produce school children. And we can have discussions about how many a regular unit does, but I think we could be safe -- safely assume that, you know, 55 and older would reduce the possibility of children coming from that unit. So has there been any discussion? Because it seems to me, if we're going to sell a unit for affordable, it doesn't really matter who lives in it, as long as it's affordable, and I think there's probably a market for that.

**MR. KENT:**

Just keep in mind that this -- everything we've talked about today is very conceptual, there's no specific plans going forward. The specific plan would be made by application to the Town of Brookhaven. What we're asking for this body to consider is the declaration of the land as surplus to the County's needs, and secondly, the ability to enter into a contract to sell it to a developer who responded to the RFP. There's no plan before you. The plan will be presented to the Town of Brookhaven. The Town of Brookhaven will study the plan. There'll be multiple opportunities at the Town level to make -- to provide input on the plan and to provide input to the decision-makers at the Town level, it would probably be the Town Board in this instance because it's going to be a change of zone, to offer those types of solutions. Land use is generally, and specifically in this instance, within the authority of the Town.

**LEG. BEEDENBENDER:**

I understand that. I was just offering a suggestion, that, you know, as many -- my colleagues, you know, as we sit here, we are thinking about the surplus. For many of us, I think it would be safe to say that they're factoring those things in. And if that was part of something that the winner of the RFP was discussing openly, I think that moves us a lot further towards finding a solution, because I think Legislator Barraga is correct. You know, the school formula is screwed up. The Middle Country School District has its problems, too. The debate between the school districts is probably, at least in my estimation, the biggest problem. And not having the Longwood School District end up, you know, being burdened by a lot of children, whatever statistics you're going to use. But either way, I just think if that was something that they could consider, that designating some of these 55 and older for, you know, workforce level prices as well, I think that helps move us closer to a place where we can have a consensus, if that's possible.

**MR. KENT:**

Okay. And do keep in mind that the RFP required these units to be one and two bedroom. So the concept that we're going produce school children in one or two bedroom units is even further reduced by that restriction. Secondly, there are going to be accessory apartments in some -- 215, that's the proposal. There will be some accessory apartments developed in these units, and that will be a good -- that would be a good -- legal accessory apartments, and those would be good for senior citizens, too.

**LEG. BEEDENBENDER:**

Okay. I just wanted to make sure that that was out there.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Hi. I was just handed something regarding questions surrounding this issue, and one of them says, "County needs to conduct full EIS before voting on surplus declaration." And I know that we really can't do a full EIS on the project because that would occur after it's been declared surplus, and then the lead agency would be the Town. But at this point in time, I'd like to know what the function of CEQ is, because we're still the lead agency regarding SEQRA and the surplus decision. So what is the process at this point, and what would CEQ be looking at? You know, we've spent a great deal of money protecting the Carman's watershed, we -- the Carman's River watershed. We have looked very carefully at that entire area because of the contamination to the Carman's River, the Forge River, etcetera. So I just want to know what will we be examining, and what will it look like?

**MR. KENT:**

An application has been made to the CEQ and it's going to be taken up at their meeting on December 9th. So CEQ will be reviewing the Environmental Assessment Form, a long EAF, that will provide information so that CEQ can duly deliberate and make a deliberated decision, a considered decision, take the hard look at the impacts that are identified, and make a decision on the typing of the action for declaring it surplus. That's a CEQ --

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

And that's how -- maybe a little more detail?

**MR. KENT:**

Then they'll recommend it and it will come back to this body for a resolution to vote -- for your consideration, to vote on whether or not you feel that CEQ has typed it appropriately and made the right declaration.

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

Chris can you give me that information in more detail? When you say that you have submitted an EAF with the potential impacts, what kind of impacts are we talking about? And I remember somewhere along the line, it was either in something I read or testimony regarding segmentation being an issue. Can you just tell me what's before CEQ? What are we looking at, what kind of impacts?

**MR. KENT:**

Oh, I must have misspoke, I'm sorry. The EAF has not yet been submitted to CEQ. An application, they're aware of an application for them to hear it on December 9th. I believe the documents that they want presented to them would be by next Wednesday, November 25th I think it is, for their consideration on the 9th. I don't believe they have an EAF yet, but they will have a -- they will have a full EAF presented to them for consideration on December 9th.

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

Okay. And again, what kind of potential impacts will they be looking at here?

**MR. KENT:**

Well, if the action is limited to -- it depends on what the action is before them. We'll have a better idea within the next week what exact action they're looking at. If it's just on the declaration of surplus, they will only be looking at the -- they determine the impacts of the action. If the action is only a declaration of surplus lands, the scope of the environmental assessment analysis would be limited to just the surplus lands issue.

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

What's concerning me about that and why I'm pressing for details is that as we're looking at the issue of surplus land, which is really the only issue that we're looking at, in order to -- I mean, that we're supposed to be looking at officially is just declaring it surplus. As we deliberate, we have to look at all of the impacts and all of the ramifications of that decision. And so what I'm getting at that I've -- in my opinion, CEQ should also be looking at all of the ramifications of our decision to declare it surplus. So the surplus issue --

**MR. KENT:**

That's correct, yes.

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

-- is not a simple issue, there are a lot of ramifications involved.

**MR. KENT:**

In declaring it surplus? I don't know if we should be tying the proposed development to the declaration of surplus, but that's an issue that the CEQ will decide. That's a matter for the CEQ to

determine, the extent that they want to -- the extent of issues and impacts that they want to consider in making their determination of environmental significance on I declaration of surplus lands. That's the action that they're going to be looking at. The future action, which needs the broader examination of impacts, I believe would be once the proposal is made to develop the property. Currently, there's no proposal to develop the property yet, just a concept of uses.

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

And that would no longer be before us, that would be before Brookhaven.

**MR. KENT:**

Appropriately so. And people reminded me at a different event that I attended that the land use decisions are the Town's, not the County's, but you should do a full EIS of declaring it surplus. I got that as a very mixed message. I wasn't sure which way they were trying to direct us. I do agree with the land use decisions, are the towns and not the County's.

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

Legislator Browning.

**LEG. BROWNING:**

I'm curious now. There's no proposal? And I'm wondering what we just looked at. It's amazing.

**P.O. LINDSAY:**

A question?

**LEG. BROWNING:**

Yeah. I did say I'm surprised there's no proposal and I'm wondering what this is that we looked at. Tom, I know you said that this is not in the watershed area, it's not environmentally sensitive. The Town of Brookhaven and the Pine Barrens Commission are waiting on Suffolk County Health Department to come back with a report delineating the groundwater watershed boundaries of the river. That has not come yet, so how can we decide or how can we determine that it's not environmentally sensitive when we don't have that report yet?

**MR. ISLES:**

I indicated that the property is not within the Pine Barrens, it's not within a special groundwater protection area, it is within the watershed of the Carman's River. I didn't indicate that either way, but it is within the watershed, there's no question of that. Every property in Suffolk County is in a watershed of sorts. The Carman's River is a protected river and, certainly, that is an issue of serious concern. The sewage treatment plant, which will treat the waste materials for this, is about a mile-and-a-half from the edge of the Carman's River. As I indicated, this property, if it were to be subject to a development application, would be subject to an environmental review, and that would have to be one of the things that would be considered, is that is there a potential adverse impact to the Carman's River. So, we're not disputing that. The property is located in watershed, it's not in a location that we've identified in terms of the Pine Barrens special groundwater protection area, regulated wetlands and so forth, that are the typical thresholds where we try to avoid those properties. We do acknowledge the location of the watershed. Here again, the distance to the Carman's River is something that would have to be evaluated if there is a specific application put forward to the Town of Brookhaven, in my opinion.

**LEG. BROWNING:**

And we know the Carman's River watershed preservation plan is about to begin, so are we going to be waiting until they come back with a report?

**MR. ISLES:**

I didn't hear the last part of your question. I'm sorry.

**LEG. BROWNING:**

Carman's River watershed preservation plan is going to be done by the Town of Brookhaven. Are we going to be waiting for their report?

**MR. ISLES:**

I'm not aware of the status of that. I'm aware that the Town has expressed an interest in that. I don't know of a request to wait on that. In my opinion, the project -- if this were to go forward, if this Legislature were to say yes to the declaration of surplus, we're probably looking -- and the contract, because they can't make an application if they don't have a contract, we're probably looking at several months to get to the point of an application going to the Town of Brookhaven.

An application of this nature is a multi-year application. It would seem to me that as the Town is beginning to review the application, beginning to scope the application, which is going to push well into 2010, any information they gather from a watershed study could be used as part of that process. So, if this is going to be something that's going to take two, three or four years, I don't know what it's going to take, certainly, that information, it seems to me, would be available as the preview process is proceeding.

**LEG. BROWNING:**

Okay. You know, I had a conversation with Jimmy Castellane from Nassau-Suffolk Building Trades and he told me that the County Executive told him there'd be a shovel in the ground in two years; do you agree with that?

**MR. ISLES:**

I really can't speak to it. I don't know what the context of it was. If that's -- what I can say in my opinion as a planner for 31 years is that this -- the review for the change of zone is probably a multi-year review. And I've worked on Central Islip State Hospital redevelopment and so forth. Whether there's some other application that's a simple application, you know, maybe that's sooner, I don't know.

**LEG. BROWNING:**

Okay. And I do want to correct, you know I -- you know I sat on that RFEI Committee and the thousand units of housing that was proposed was for both school districts, not one, and that committee did not -- was not involved in the decision to move a thousand units to the Longwood School District, so I do want to correct that. I know there is another member here who sat on that committee that I'm sure will agree that that was not something that was decided upon, to put a thousand units in Longwood School District. Yes, there was -- it did come back after the committee met. I did get a correspondence from you to let me know that the decision to put housing in the South Country School District was not a good idea, but, initially, it was a thousand units of housing for the entire 250 acres, not just in Longwood.

**MR. ISLES:**

Okay. I understand your point. And, you know, certainly, from a land use planning standpoint, it was very clear from what I heard from that committee, that we shouldn't have housing residential south of the area adjacent to Grucci. I did indicate that the committee did not endorse the project. The committee provided helpful guidance. This is a marathon journey, and the committee was helpful in sorting out many of the conflicting and problematic aspects of the RFEI's. The committee did not recommend a thousand units, it wasn't specifically in there. And of the proposals we received, which exceeded 3,000, I think we reflected the committee's tone accurately in terms of the land use delineation. But I respect your point, and here again, we've made the point that the committee was not endorsing the proposal. We're in a process that's not at a completion point.

**MR. KENT:**

Can I speak to the issue quickly, Kate, if I could, for a minute on the tax issue between the two school districts, and it also goes to Legislator Barraga's point. I come from Riverhead. Riverhead has a very -- a very similar situation as Longwood, where they feel that the State formula doesn't work well for them, and I remembered why it doesn't work well for them. There's a lot of land off

the tax rolls in preservation, both in Riverhead and within the Longwood School District, and that's considered by the State formulas as land rich. A school district can be land rich when there's a lot of available land, even if it's in preservation, and that's a problem in Longwood School District. A lot of the land is taken off the tax rolls in preservation, but it impacts the ability on the formulas for the school district aid. It impacts it in Riverhead School District, it impacts it in Longwood. What this will be doing, it would be taking some land that's not on the tax rolls now, County land, and putting it back on the tax rolls in a taxable use. So I do think even using just the straight numbers, the amount of revenue generated will be a tax positive, and it will also be a tax positive under the State formula, because it will be taking land that's currently not on the tax rolls and putting it back on the tax rolls. So you'll be taking preserved land which does impact school aid formulas and putting it back into a productive use, a taxable use.

**LEG. BROWNING:**

One last question. I know you've a lot of cards, so I do want to let you get to that. I spoke with a developer from -- a representative from Beechwood and he said that the -- I asked him what the bottom price was on an affordable unit; he told me 280,000. I read in Newsday by -- the County Executive said 180,000. So I don't know what the bottom price is anymore. You know, I'm currently working in my district with a lot of the foreclosures. We have foreclosures that are going for sale that have been rehabbed for less than \$200,000. So what's affordable, what's the bottom price on a unit, and what's the highest price on a unit?

**MR. KENT:**

Well, I don't know what it is current -- I really don't know the numbers currently, but three, four, five, years from now, I can guarantee you that these houses will be selling at between 80% of median income to 120% of median income, because that's the covenant that we're including in the contract, and it will also be included in the deeds. So there's going to be a certain number of units that are going to be built, percentage of the overall number of units developed, a percentage of them will be 80% to median, 100% to median, and 120% to median incomes. So it's going to be affordable based on median incomes at the time that the houses, the residential units are sold. That is going to be handled by a housing monitor that will be one of the not-for-profit housing agencies that we work with at the County level. This developer will enter into an agreement, and the housing monitor -- subject to our approval, and that housing agency will monitor the sale of the units at median income levels to guarantee affordability, not just at the front, not just the first-time buyer, but for the life of the unit. So when they go to resell them, they'll still have to sell them either to an 80%, 100%, or 120% of median income qualified individual.

**P.O. LINDSAY:**

Okay. Legislator Schneiderman. And just -- and I'm not rushing this in any way, all right, I don't honestly --

**LEG. SCHNEIDERMAN:**

I know, there's a lot of people from the public who want to be heard, so --

**P.O. LINDSAY:**

Yeah. We have 50 cards, and some of these folks have been here for two hours, they want to be heard. And I got news for you, the document before us isn't complete. There's no way that we can close this hearing today, this is going to go on.

**MR. KENT:**

Yeah, we would ask that --

*(\*Applause\*)*

We would ask that the hearing be kept open.

**P.O. LINDSAY:**

Yeah, because we don't have a contract yet.

**MR. KENT:**

Well, we've been negotiating the contract for two months.

**P.O. LINDSAY:**

Okay.

**MR. KENT:**

This is not something that's been --

**P.O. LINDSAY:**

But just keep in mind, Mr. Kent, is that we're not going to close the hearing and move forward until at least we have -- can see the contract, right?

**MR. KENT:**

Yeah. Well, that is our -- that is our intention and our request today.

**P.O. LINDSAY:**

Okay. So Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I don't even know how you negotiate a contract until the property has been declared surplus. You said that the property -- that would be done -- Mr. Ken, you said the declaration of surplus, that the CEO for that would be done by the County and CEO. My question is who is going to be the lead agency in the actual development, is that going to be Brookhaven Planning Board or is that going to be the County?

**MR. KENT:**

Well, if that can't be decided, it should be the -- I believe, based under land use authority, it should be the Brookhaven Town Board, but if you can't -- if you can't come to that conclusion and Brookhaven wants it, you can leave it to the Commissioner of the DEC to make that decision, because that's what SEQRA provides.

**LEG. SCHNEIDERMAN:**

Yeah. I know with Gabreski, we ended up with the Town of Southampton as the lead agency. So my question now goes back to something that Director Isles said before when the question came up about the pace of development, and the thought that some portions of it maybe could happen sooner than others. And Legislator Vilorio-Fisher brought up the issue of segmentation. And, obviously, with a development, the full scale development being so large, obviously, there's going to be a, you know, positive declaration under SEQRA, there's going to be an environmental impact statement. It's going to be a very lengthy process, there's no way around that. How would you be able to pull out a section of it without that being segmentation under the SEQRA?

**MR. BROWN:**

There would not be a pulling out of any of the areas for closing prior to all of the approvals and all of the SEQRA has been completed at the Town level. You're correct, we would not be able to do that.

**LEG. SCHNEIDERMAN:**

So at least the EIS would have to be completed and accepted before any of it could move forward; is that correct? Mr. Brown. It's a fairly simple legal question, I think so. So nothing could proceed until the EIS was completed and accepted; is that right?

**MR. BROWN:**

That's correct.

**P.O. LINDSAY:**

Okay. I thank you, gentlemen, for your presentation. It was a good start, and we'll move from here. And now we'll go to the public. Tim Tangel is the first card I have. Tim Tangel. If I'm miss pronouncing it, forgive me. And following Tim is another Tim, Tim {Kayneed}? So the second Tim be on deck. Go ahead, Tim.

**MR. TANGEL:**

Thank you. My name is Tim Tangel. I've been a resident of Suffolk County my entire life. I'm a Professional Engineer, licensed in New York State, a LEED accredited professional, and a member of the United States Green Buildings Council. I'm a principal of a consulting engineering firm since 1987, with offices located in Smithtown. I'm married and the father of three children. I'm voicing my support of the Legacy Village project, primarily because of the need for affordable housing in Suffolk County. My employees are hardworking young people who are challenged to find good equality homes within their means. My oldest daughter is a college sophomore persuing a teaching degree. She loves Long Island and, if given a choice, would love to teach here after graduation. Unfortunately, when I speak to the 20-something's that I know, invariably they are considering leaving Long Island due to the cost of homes. Remember that many of these young people are the students who have considerable student loans to repay. If we do not give this -- if we do not plan to give the young people of Suffolk County an opportunity to stay, they will leave, not because they want to leave, not because they don't like Long Island, but simply because we did not give them a choice. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Tim. The second Tim. Do I have the other Tim in the audience, Tim {Kayneed}? {Kayneed}?

**MR. KAYWOOD:**

Kaywood?

**P.O. LINDSAY:**

Huh?

**MR. KAYWOOD:**

Kaywood?

**P.O. LINDSAY:**

Patchogue? You live in Patchogue?

**MR. KAYWOOD:**

Yep.

**P.O. LINDSAY:**

Come forward.

**MR. KAYWOOD:**

Hello. My name is Tim Kaywood and I live in Patchogue, New York. I'd like to say that I -- I'm sorry. I'd like to say that I'd like to comment on the proposed Legacy policy -- project. I like the concept of the affordable workforce housing this project brings to the area. It is exactly what mid Suffolk County needs to boost our local economy. This will create many new jobs for local tradesmen in mid Suffolk County, and it will give a boost to the local mom and pop stores that surround the area, and will bring in much needed tax revenue to Brookhaven Town. And I think Suffolk County should approve the sale of the surplus property for this project. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you Tim. John McConnell, followed by Robert Kessler.

**MR. MC CONNELL:**

Hi. Good afternoon. My name is John McConnell, I live in Yaphank. Thank you for having me address you people here. I'm against this authorization for the surplus land. I find it ironic that all these plans they have, it's only a concept, it's only a concept. Now, come on, you got all these plans here already.

Last week, there was an article -- talk about surplus land. Last week, there was an article in the New York Times, a big case in New London, Connecticut, where it went to the Supreme Court, and the Town gave the Pfizer all kinds of tax breaks for ten years. They got the land cheap. This is what they're going to do here, okay, if they declare this surplus. They got the land cheap and they've got a ten-year plan, they're only going to pay one-fifth of all the taxes, and then they're walking away. That's what the article is, they go into a new, they go into a new thing. So my question is --

**LEG. LOSQUADRO:**

You have to hold the button.

**MR. MC CONNELL:**

Right. Okay, okay. Thank you. Thank you. So, after eight years they're going to walk away, fourteen hundred -- they've got this huge building that in these economic times we won't be able to afford, okay? If this gets built, what would happen -- what would it look in ten or twenty years? Would taxpayers be paying for it? Whether it's the arena or whatever it is, we're going to be stuck with the bill here down the road here it seems like. The -- for example, the arena, that could become -- you know, that's going to get stuck, I think, on the taxpayer.

Noted Biologist, Eric Lamont, who surveyed the area around the Caithness Power Plant, found an ecological -- a rare ecological community plant, okay, that when they built Caithness, they destroyed it. It's 99% destroyed. He says it continues into this area. So for these people here to say that there's no environmental -- they're totally wrong. And not just that, it's in the Carman's River watershed.

According to the Pine Barrens Society, Suffolk County Executive Steve Levy has saved less on average -- he talks about how much land he has saved -- than previous County Executives. Let's preserve this land, which includes wild turkeys, deer, and many other species. If you cut down all these 250, you know, acres of trees, what would happen to that?

County Executive says this would improve the quality of life and raise house price -- house values in Yaphank. Well, let me tell you, the trap and skeet has lowered house assessments in Yaphank and ruined the quality of life we had. We can't believe Steve Levy when he says stuff like this.

Steve Levy wants to declare this land surplus and sell it dirt cheap to the developers. Who's footing the bill? We are. Okay? Please don't declare this surplus and protect the environment, which includes the Carman's River, which is designated by New York State as wild, scenic and recreation and should be protected.

And another thing, as mentioned just before, a lot of people are disregarding the fact that Yaphank has numerous toxic plumes, and one of them is from Suffolk County behind Police Headquarters. It started way back by the railroad station -- not the station, railroad tracks. I believe my house is -- I didn't know that when we bought the house. Never would have bought the house, okay? This has to be investigated, this has to be remediated. There's too much toxicity around here, and I don't think you have enough clean water. But I don't think this should be declared surplus. Thank you very much.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay, John. Robert Kessler, followed by Daniel Tomaszewski.

**MR. KESSLER:**

Hi. My name is Robert Kessler from the Coalition to Save the Yaphank Lakes. We oppose this project and the transfer of the property.

**LEG. LOSQUADRO:**

Speak a little closer to the mic.

**P.O. LINDSAY:**

Yeah, Robert hold the button. Girls -- okay, go ahead.

**MR. KESSLER:**

Okay. Hi. My name is Robert Kessler from the Coalition to Save the Yaphank Lakes. We oppose this project and the transfer of the property. The State, the County, the Town and the Federal Government has spent millions of dollars buying up land around the Carman's River and protecting this watershed. The New York State -- protecting this New York State designated wild, scenic and recreation river. We have land -- here we have land owned by the people of Suffolk County and Mr. Levy wants to give it away to developers. Please, save this land for the people of Suffolk County so we and our children can enjoy it forever. Thank you. I have a couple of letters I'd like to submit, if I could.

*(\*Applause\*)*

**P.O. LINDSAY:**

Just give them to the Clerk, please. Daniel, followed by Debbie Davey. How are you doing, Daniel? Did I mess up your name? I'm sorry.

**MR. TOMASZEWSKI:**

It's Tomaszewski, but thank you.

**P.O. LINDSAY:**

Not too bad.

**MR. TOMASZEWSKI:**

That's close. They usually do worse than that. Good afternoon. My name is Daniel Tomaszewski and I am currently the Vice President of the Longwood Board of Education.

When Suffolk County Executive Steve Levy announced his proposal for the development of 250 acres of County-owned property in Yaphank nearly five years ago, Longwood Board of Education took advantage of every opportunity available to be a part of the discussion on Legacy Village. Unfortunately, our input was extremely limited. We have the resources to provide information that is critical for consideration by County planners, but it has not been sought since very early on in the project. While the overall concept of this mixed use plan has changed little since its inception, the affect of those adjustments is not insignificant for Longwood School District where all the housing units are now to be located. Many of you have heard from us in our quest to ensure that the best interest of the school community are considered. Six of you represent at least some of the constituents, of portions of the 53 square miles that encompass the Longwood School District. From the outset, we voiced our concerns over the local impact of building approximately 1,000 housing units in the school district. This issue was never fully addressed, a fact that Tom Isles, Director of the Suffolk County Planning Department, acknowledged at a recent meeting before a committee of the Suffolk County Legislature.

We are concerned about the potential financial impact of a significant number of students coming to our schools that may be beyond simple per-pupil cost. Cost per pupil is a finite -- excuse me, is not a finite number. It is not simply hiring staff and purchasing more textbooks. There is an affect on infrastructure of the district, science labs, computer labs, nurses, school buses, and our school lunch program that serves free and reduced lunch for 35% of our students. Our budget planning -- in our budget planning we must consider how the new children are distributed across the thirteen grade levels and anticipate what services might be required for special needs children, typically 15% of our population. The cost to serve one, just one high-needs child in BOCES is typically \$100,000, a total of 11 million in this year's budget. It is also important to note that we are already anticipating an increase in enrollment in the coming years based on current trends in kindergarten and first grade, where the number of students exceeds intermediate grades by at least 100 students. A project of this magnitude, coupled with the many other developments either or under construction within the open space of our school district drives up additional costs beyond our control.

We currently have existing similar type housing units within our district that produce children at a much higher rate than the County Executive is projecting for Legacy Village. Our Board of Education and administration work, as you do, to contain costs within a framework of ever-increasing State and Federal mandates and the goal to provide a well rounded quality education to all of our children in the community. At a time of shrinking resources from the State, this comes at an increased cost to our taxpayers.

We are not opposed to affordable housing and acknowledge that many adult children are living at home. We want to see job creation and economic development. However, as a largely working class community, we ask that you recognize that while we are -- you are creating jobs, you are simultaneously driving up property taxes by saturating so much housing in one district. Our voices are not those of NIMBYism, but of scale. I believe the County Executive's proposal is a matter of poor public policy. It lacks thoughtful balanced approach to a regional issue. It fails to embrace the local community. As a matter of good public policy, I would suggest an approach to resolving a regional problem without creating another that requires a single entity to bear the responsibility for the problems of the entire County.

The appearance of a Longwood School Board member at a public meeting of the Long Island Regional Planning Board, which we happened to hear about, should not constitute our opportunity as input, as Deputy County Executive Christopher Kent has suggested. We believe two-way dialogue with County officials would be more beneficial. Someone needs to listen to us and consider what we have to say. Slow down the process until you have all the answers. Let there be no doubt, there's no question about it, Legacy Village will raise property taxes in the Longwood School District.

As a Trustee for 9,200 children and an elected official that shares 50,000 registered voters with you, I ask that you invite our input into the planning process and offer our Board of Education and administration to serve as resources for you to develop this plan for the good of Suffolk County. Thank you.

**P.O. LINDSAY:**

Dan, before you go, Legislator Browning has a question, quick question.

**LEG. BROWNING:**

Yeah, real quick, just two short ones. Mr. Kent says that he's -- that they've communicated with Mr. Gerstenlauer. Has there been ongoing communications between them?

**MR. TOMASZEWSKI**

Legislator Browning, I am currently the Vice President. The last three years I was the President of the Board of Education, and before that, the Vice President. I assure you that in every school district, as some of you know, no superintendent works independently of the board, particularly the Board President. Everything that happens of any significance at all, the Board President is immediately involved in. To my knowledge, that was extremely limited. It was -- I can remember

one call that was placed to ask for a support and what kind of support is in the community, and our Superintendent indicated that there is extreme resistance on the part of the community and very little support. Other than that, there has been little or no communication. In the early stages, they did come down and meet with us and tell us what the outlook for the proposal was. When we asked the first question, it was, "No questions at this time, because it's going to change drastically and you will have ample time to have input when the" -- "we're getting down to the final process and the projects looks like it's something we want to live with." That day has not come. Excuse me, it has come today, you've invited us, but before this, it has not happened, and that is the gospel truth.

And, Legislator Barraga, thank you for your concern and your understanding of the funding issue with school districts. There are four school districts in Suffolk County, Longwood, Middle Country, Patchogue, and William Floyd, the State funding formula for those districts does not work. And, Legislator Eddington, you've been in Patchogue all your life, you know that to be true. It doesn't work for them. We are constantly playing catchup. This is a -- will definitely have a negative impact on our school district. Thank you.

*(\*Applause\*)*

**LEG. BROWNING:**

And one last --

**P.O. LINDSAY:**

Okay. Wait, Dan.

**LEG. BROWNING:**

One last question.

**P.O. LINDSAY:**

Kate.

**LEG. BROWNING:**

As far as housing developments, what other housing developments are being proposed within your school district, do you have any idea?

**MR. TOMASZEWSKI:**

I don't have the names before me, but I know that there are numbers of them on the Board with Brookhaven Town. I know there's some significant projects they're looking at in Ridge. I know of one on Mill Road in Yaphank. I know that there are some in Coram and a significant one in Middle Island. So they're out there, and it looks like our numbers are creeping, so we're going to have the growth. We're the second largest school district in Suffolk County. We have more open land. We're going to have the growth without being saturated with one big hit like this.

**P.O. LINDSAY:**

Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I'll be brief. Well, first, thank you for coming down today. I know there is a lot of information that the district could have provided to this process. You know, we hear terms like "net positive tax impact", you know, "impact of school children being negligible". One and two bedroom units that are being discussed, one of the areas that has been of concern to me is if those do generate even smaller numbers of children, this type of, quote-unquote, starter housing, I think it's a very important point that you brought up before about the impact on the infrastructure. If the school-age children were concentrated in the lower grades, even a smaller number of children would inundate the elementary schools. And what I'm asking -- what I would like to ask you is, is that something that you have had the opportunity to discuss with the administration, possibly that a new

facility would be needed, and what was their response to that, if you did have that opportunity?

**MR. TOMASZEWSKI:**

You mean discuss with our administration in the district? You're talking about this administration here?

**LEG. LOSQUADRO:**

I think I know the answer to that question, that's why I'm asking it.

**MR. TOMASZEWSKI:**

Okay. There has been no -- there has been no discussion between the Longwood School District and the Levy Administration on those kinds of factors. And, yes, they are all very, very worrisome to us. You've got to understand something. You just can't do simple math and say \$15,000 per student times "X" number of students is going to give you a number and then we can say based on that number, you have a tax positive. It doesn't work that way. As Legislator Barraga knows, the funding formulas are quite complicated, then you have a tremendous impact on infrastructure, which requires -- is required to support this. You don't do -- I'll give you one example very quickly and I'll end. Today, computer instruction is critical to -- you cannot educate children without -- today without giving them a tremendous dose of computer instruction. That requires labs, computer labs, which costs a tremendous amount of money. In the past, we were lucky to get some State funding, but that's all dried up. These are real issues. And right now, we don't even know if we're going to meet payroll because Governor Paterson is talking about mid-year cuts. What happens? So there we go.

**LEG. LOSQUADRO:**

Thank you sir.

**MR. TOMASZEWSKI:**

Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Debbie Davey, followed by Johan McConnell.

**MS. DAVEY:**

Good afternoon. My name is Debbie Davey and I reside at 210 11th Avenue, Holtsville. I have resided in the County of Suffolk for more than 30 years. I have had a business in the County of Suffolk for 18 years. Time and time again over the years it has been proven that the construction industry has been the single greatest economic stimulus here on the Island. Let us not forget, when all else has failed, it has been the construction industry that has kept us afloat.

I strongly believe that Suffolk County needs this affordable housing project for a multitude of reasons and I'm here today to mention just a few. One, we need to keep our young people from moving out of state because they cannot afford to live here on the Island due to the lack of affordable housing. Two, we need to keep our empty-nesters here with their families on Long Island and not force them to move out of state due to lack of affordable housing. Three, we need to take advantage of the opportunity to create jobs for our employees, for our friends and families. And four, this project, Legacy Village, is not considered an environmentally sensitive area. Hence, an affordable housing project would be appropriate.

I've taken the time away from my business today because I truly believe it is of great importance for all of us that reside here in the County of Nassau and do business in the County of Nassau to show our support for this affordable housing project. I'm of the opinion that this is one way in which we can attempt to jump-start our economy, a need that we all share as homeowners, business owners, environmentalists and builders alike. Hence, I am 100% for this project and would like to see it

move forward in a positive direction to help all of us overcome these difficult economic times and to help in keeping our families together here in Suffolk County, here on Long Island, here where they belong. I ask that you vote in favor of Legacy Village, this affordable housing project. And I thank you for the opportunity to show my support for the project.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Ms. Davey. Johan McConnell, followed by Tom Legere.

**MS. MC CONNELL:**

Good afternoon. My name is Johan McConnell. I am President of the South Yaphank Civic Association. I am also the only other person in this room, probably now that Tom has left, that has attended all 17 meetings and all four public hearings, as I sat on both committees. I am well aware of what the recommendations were, both from the first committee and from the second committee.

I would like to start off by saying that I am not opposed to affordable housing. We do have a lot of affordable housing within the surrounding communities of Yaphank. I think if you look in the paper, there's probably about 2,000 units right now that anybody could go out due to foreclosures. At the Long Island Regional Planning Board, we had a real estate person say that someone could go buy a one-bedroom apartment at Artist Lake for 60,000. I certainly think that's affordable.

I'm also not opposed to unions. As a former school teacher, I was a member of the union and support the unions. I think they serve a valuable function, but I also think the unions have been misled. This is not a project that's going to have the shovel in the ground within six months to a year. This is a multi-year project. Yes, we are in a recess right now. Yes, we are economically hurting. However, this project is not going to pull us out of the recession, it's not going to pull us out of the economic downfall that we have.

Commissioner Kent was here to give you information about the project. I had hoped, as I was sitting in the back, that he would give you accurate information; however, he did not. The area that is the 250 acres is zoned A-1 and L-1. L-1 under the Town of Brookhaven is light industry, it is not heavy industry, it is very light industry. The other thing is, yes, there is a concern that the property is divided between the South Country School District and the Longwood School District. It's an interesting concept because I actually live in the South Country School District. It is my school district that will be getting the -- will be getting the industry, but the Longwood School District is not or should not be having 1,000 units. And, actually, it's more than 1,000 units because you have seven hundred and -- 785 units that are workforce affordable housing, 215 are market value with an apartment, and 72 rental units, so we need to consider that that will have an impact. But from my point of view as a resident of the South Country School District, I am also in the South Country Ambulance District, and I am in the Brookhaven Fire Department. Those are the two emergency services that will be covering those thousand units of affordable housing.

And one of the things that's interesting and it hasn't been brought out, when we talk about that it's 80%, 100% and 120%, Mr. Kent again was wrong. That's the income that someone earns, it's not the cost of the housing. So to be able to qualify for workforce or affordable housing, you either are at 80% of the median income, 100% of the median income, 120%. And on one of the committees we had the Commissioner, David Woods, who was the town Planning Commissioner at the time, and he asked the question, "What median income are we using? Are we using the median income of Suffolk, which is, 83,000, or are we using the median income of Brookhaven, which is 63,000?" Because, according to him, most of his managerial staff that he has at the Town of Brookhaven couldn't afford to live in those workforce housing or affordable housing. So these are questions.

The other question that I've been told to ask is, is this an IDA project? Now, I did hear it mentioned today, that's the first time I've ever heard that this could possibly be an IDA project, which it gives PILOTS instead of full tax values. So that's a question that would have to be answered. If the land

is sold, what actually happens? What happens if you sell off the 250 acres, and all of a sudden only half of the project gets built? So they use 120 acres, but they have 130 acres that they still own. The County doesn't own it anymore, the County has no control over it, the developer will have control over it.

We always keep hearing that it's not -- it's not environmentally sensitive. Well, the County did a study, it's called the Cashin Report, of the Carman's River. It was done by the Suffolk County Department of Health in 2001. And at that time the recommendations were to protect the watershed, not to build on it, not to pave it over. They were starting to see damage in the Carman's River. So here we are, fast forward to 2009, and we're talking about asphaltting, we're talking about building over it. An it's interesting when the PowerPoint presentations go on. All of us who know where the Carman's River is. It's very clear on the PowerPoint presentation where the Carman's River, but it's never pointed out. It is extremely close to the Area A known as the designation area. It's within a quarter to a half mile of that area.

So, yes, there are concerns with this. My husband previously mentioned that there there's a rare ecological system of pine trees. Well, we don't think they're rare because we see them all over Long Island, the dwarf pines, the oak -- the heather oak pitch pines. We see them all the time so we don't think they're rare; however, they're only found here on Long Island. So there are economic -- environmental concerns with this. And I will end with that. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you. Tom Leger, and followed by Michael Watt.

**MR. LEGERE:**

Hello. My name is Tom Legere. I reside in Moriches.

**LEG. LOSQUADRO:**

Microphone is not on.

**MR. LEGERE:**

Hello. My name is Tom Legere and I reside in Moriches, New York. I'm a past resident of Yaphank of 52 years. I still own land in Yaphank, pay taxes in Yaphank. I'm a lifetime member of the Yaphank Fire Department. I'm an ex-fire commissioner in Yaphank, served on a Board for a number of years. And I'm here in support of this project. But I've got to be very careful what I'm saying. This big guy over here, Tomaszewski, he was my football coach. He might make me take 20 laps around the track or something.

**MR. TOMASZEWSKI:**

I definitely will.

**MR. LEGERE:**

Or twenty -- he's going to kick my butt, so I've got to watch what I'm saying. I think we have to start somewhere. And the start, we all know we need affordable housing on Long Island, it's been said and said and said. I think we have to start somewhere. I think the start is here today. I know it's hard for you Ladies and Gentlemen to make a decision, but if we don't start today, it will never get kicked off. There'll be a lot of discussions in the future. From what I'm understanding today, that this will go to the Town of Brookhaven to their Planning Board, and if that happens, which it looks like it is, we might all be dead by the time we see a first nail being driven when we start dealing with them.

**LEG. GREGORY:**

Speak for yourself.

**MR. LEGERE:**

But I'm here in support of this project. I know the developer, Beechwood Organization, I know him on a personal level. This man builds a good project. He works with the community. I'm sure there's solutions he can come up with. Fifty-five and over was suggested today. We have to start somewhere. So I ask you to please designate this land as surplus and let's start here today.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Tom. Michael Watt, followed by Mike -- looks like Santo.

**MR. WATT:**

Good afternoon. I'm still Michael Watt, the Executive Vice President of the Long Island Business Institute. LIBI supports Suffolk County's efforts to create Legacy Village.

The economic downturn we are currently experiencing has devastated our industry in Suffolk, reducing or eliminating employment for thousands in the building trades and construction supply networks. Building for the sake of building is in nobody's long-term best interests. The fact is, however, the economy will rebound in the near future. The real issue, therefore, is whether the regulatory pipeline will have enough housing activity planned to meet the County's need for workforce homes and approve sites for technology-driven enterprises needed for job-sustaining economic growth in the coming years. The answer right now is a resounding no, unless we use these months of recession to advance consideration of the kind of development -- kind of development opportunities we need for renewed economic sustainability. The Legacy Village development is one such opportunity. The site is County owned. Its use must be valuable to the County as a whole. Significant local impacts, both economic and environmental, should be considered, of course, modified, mitigated and enhanced as necessary, but Suffolk County and Long Island need to make this happen.

Legacy Village can go a long way toward alleviating the unmet demand for reasonably-priced homes for young workers throughout the County, young people who now must leave Long Island for decent homes in more modern neighborhoods around the country. These new, well-planned mixed-use communities attract the young worker because of their variety, affordability, and proximity to employment. In addition to its proposed 1,000 attractively-priced homes, the development's recreational and commerce aspects will create a destination that will enhance the area's quality of life. And the project's high-tech economic development potential taking place so close to these homes will create the kinds and numbers of jobs Suffolk really needs.

LIBI recognizes that Legacy Village -- excuse me. LIBI recognizes that the Legacy Village proposal must go through the entire Town of Brookhaven review process with ample opportunity for public input. Also, a full environmental impact analysis will be required with extensive opportunity for input. In addition, a review by County planning on County-wide impacts will also be necessary. We fully expect that the proposal that emerges from that scrutiny will be even more impressive than the one before us today.

I thank you for the opportunity to address the Suffolk County Legislature and I encourage you to move this forward. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Mike Santo, followed by George Costa.

**MR. SANTO:**

Hi. My name is Mike Souto.

**P.O. LINDSAY:**

Souto, I'm sorry.

**MR. SOUTO:**

I reside in Bayport, a lifelong Suffolk County resident. Used to live in Holbrook and had plenty of opportunities to meet Mr. Lindsay. I know we've talked about affordable housing in the past. And I just want to say, you know, I am very concerned about what's the potential impact on Carman's River. However, I think the number one biggest problem we face as Long Islanders is affordable housing, having a place for young people to move into, move out of basement apartments, illegal basement apartments, illegal converted garages, and into a place that they can call a home, you know.

And I was sitting here before listening to the gentleman from Longwood School District talking about, you know, the impact of kids on a school district. You know, that's -- it's difficult for me to hear when you talk about impact of a child on a school district when you're talking about -- I got a little Blackberry here. I was able to Google some numbers. Superintendent of the schools making \$231,000 is -- really?

*(\*Applause\*)*

Are students a problem? The second highest paid person in the school district making \$160,000. We're worried about kids in schools. Isn't that what we do? I mean, I want my child to have an opportunity for the best education possible. I think Long Island does that. And, you know, not having places for us to grow up means you're going to move off and go someplace, perhaps Jacksonville where I know a good friend of mine's daughter is moving to within the next couple of weeks. I support this project and I hope you guys do, too. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. George Costa, followed by Laszlo Tordai.

**MR. COSTA:**

You'll have to excuse me if I stretch also. Okay. I'd like to thank you for allowing me to speak today. Again, my name is George Costa. I've been a resident of Brookhaven and Long Island for almost, roughly about 53 years, so I've seen a lot of changes going on around here. I have just a few comments to make before I go into my -- speaking from my heart.

You saw a cartoon at the beginning of the program there concerning I guess parents discussing they found a place for their kids to live which was their cellar, and we hear also a comment about affordable housing. I brought up four children, four successful children in just two bedrooms in my house. Two of them, two of my sons live in Philadelphia, one of my daughters lives in Philadelphia, and the other daughter lives in Minneapolis, Minnesota. They're all successful in life. I see no reason why we're -- today we're expressing to have our children live here. It's up to them, I believe, to decide where they want to go. And it's up to you as a parent to guide them on the best possible choice that they have in life for their future.

Environmentally, they also mentioned that -- if I believe, that there's nothing wrong with this project, if it proceeds, concerning the Carman's River. I have just one thing to say about that, being, you know, almost my whole life living here. Take a look at the Forge River, all right? Take a look at the Forge River. I recall that river when you could put your feet in it, now you can't. What caused it? Is it us?

Also, I'd like to talk about -- hold on a minute. I'll also talk about vacant land. When I look at a piece of property, especially along the Carman's, I do not see vacant land, I see a whole ecosystem there. And here's where I'm going to speak from my heart. I fished that Carman's for almost better than 50 years now, from a small child swimming in it, from when it used to be a private preserve, especially in the Suffolk County park, which used to be {Harts} in those days, from going in there as a child and poaching. But I've been there a long time. I used to swim in the upper portions of it also. And I remember quite a bit that was there then that is not there now. The Carman's has a lot of problems going with it. It is still one of the most pristine areas here on the Island and that's only due because of the land that has been purchased around it to try to preserve it, and I think we should continue that.

I look at especially one of the projects -- one of the projects that he has there with the arena. I believe that will be roughly about a quarter of a mile to half a mile away from the park itself. Now, that land isn't vacant right now. And again, I go to the issue of vacant land. It is not vacant land, it is inhabited by a lot of natural things. It is also a filtering system for the river itself for the watershed system. How many of our small creeks, how many of our small rivers here are being affected by all the houses that do encroach on it, literally encroach on it? If I'm correct, this year or last year, Suffolk County had the foresight to pass a fertilizer law where you couldn't plant and when -- rather, when you couldn't apply fertilizer after October 31st, if I'm correct. That was a great, great idea, okay, to incorporate. And if you're an environmentalist or at least somebody who fishes like I do, or someone who just goes out and walks a lot of these parks and areas, you will notice, you will take -- you will see what -- how much it has changed, how much the encroachment of man has affected all these places.

So again, I didn't state where I am from. I'm from Art Flick Trout Unlimited. Many of you may know -- have seen me possibly last year or two years ago. Art Flick was involved with the DEC and the Department of Transportation New York State. We were the first to install the first permanent fish ladder on the Carman's River in the tidal section. I know some of you may have attended that event. I'm happy to report that that fish ladder has been working successfully. We have fish who haven't inhabited that river for countless years, if not decades, are using that river, they're going up there now, and they're being able to reproduce it once again.

So again, on behalf of the Art Flick chapter, we believe that this project shouldn't proceed the way it is. The river should be as protected as possible. The watershed should be left as open as possible. And again, I thank you for allowing me to speak here today.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. We got Laszlo. Laszlo, are you coming to the mic? Laszlo? Laszlo Tordai? No? I'll skip over Laszlo. How about Bob McAlevy, followed by John Ercolano.

**MR. MC ALEVY:**

Did I do it right?

**AUDIENCE MEMBER:**

Yes.

**MR. MC ALEVY:**

Yeah, that's it.

**AUDIENCE MEMBER:**

Closer to the mic.

**MR. MC ALEVY:**

Closer, okay. This is my first time, so you've got give me -- my name is Bob McAlevy from Hampton Bays. I represent myself.

A little historical perspective. About 400 years ago, Henry Hudson sailed into the New York {bite}. And in the log book of the Half Moon, he recorded being surrounded by swarms of salmon and mullet. As I think Dorothy said, "We're not in Kansas anymore," there's been a lot of changes, but these are all manmade changes.

It was possible, let me see, a hundred years ago, even fifty years ago for -- when times get hard like they are now, for someone to go to the water and make a living taking clams and scallops, oysters and fish. They're disappearing. I don't have to tell you folk about the clams in Great South, I can tell you about the scallops in Peconic, and that was caused by -- this was a curve. I have to use two hands. Maybe I could use my chin and my hand.

As development went up, water pollution went up, and the productivity of the natural estuaries went down. It's a little bit like, and I can tell you some more details about it, cholesterol building up in someone's veins. It builds up, you can still do whatever, but eventually, bang, you get that big heart attack. We had the heart attack on Long Island and Suffolk County. In '85 we had the red tide. You had the red tide. Forget about the scallops, they were gone. The taxpayers are putting a lot of money in to bring back the scallops, to bring back the clams, but they can't fight the growing tide of pollution from growing development, you'd be throwing your money away.

I'll just say Suffolk County, as we all know, is built on a sandbar. There was a glacier that came down 15,000 years ago, left a sandbar. And it's not like, as they say about Las Vegas, what happens in Las Vegas stays in Las Vegas. What happens on the sandy soil gets into the groundwater, gets into the surface water, gets into the estuary, gets into the shellfish and finfish developing larvae and it wipes it out. So you have a choice to make. You can either have productive waters, or veterans, and come back as they did after World War II when their 5250 ran out, worked the waters and supported their families. It was the same after every war. Hopefully, these kids coming back from the East, the Middle East, will be able to do the same thing when times get bad. But, if you keep on building it out, there'll be no possibility to work with nature to make a living. Thank you very much.

*(\*Applause\*)*

**P.O. LINDSAY:**

John Ercolano, followed by Roger Clayman. No --

**AUDIENCE MEMBER:**

We can't hear the names.

**P.O. LINDSAY:**

John Ercolano. Can you hear it? I don't see John. Roger Clayman, come on up. We'll put John on the side. John Guadagno is on deck.

**MR. CLAYMAN:**

Thank you. My name is Roger Clayman. I'm the Executive Director of the Long Island Federal of Labor. Our federation supports the resolution --

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

John, are you pressing -- Roger, are you pressing on the mic?

**MS. ORTIZ:**

You have to hold it the whole time.

**MR. CLAYMAN:**

I'm pressing it.

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

Okay.

**MR. CLAYMAN:**

Okay. I don't want to break anything. We support the resolution authorizing the sale of County land to the developers, Legacy Village, for the purpose of creating a multiuse community, including housing, retail and recreational facilities. Our Federation regards this development in Yaphank as one of the major regional proposals on Long Island which addresses the needs of the larger community, and deserves the support of elected and community leaders. Most importantly, this development will provide jobs for our members.

With unemployment reaching historic levels within the construction trades, a public commitment to a worthwhile project utilizing union labor is essential. For our members and their families, moving forward with the Yaphank project will be very -- a very encouraging sign. The project estimates the creation of a 1,000 construction jobs and 3,000 permanent jobs. And we know -- we've heard it said that this won't happen tomorrow. We know through experience what it means to wait, but we're committed to waiting and pushing for a good project.

This project makes the extraordinary commitment of designating a very high percentage of affordable housing within its complex. Our organization, along with business and other planning groups, has identified housing as one of the key economic concerns in our region. Having sewers available in this area overcomes one of the major hurdles for Suffolk County development. County Executive Levy got it right, we think, when he said that this is one of the most pressing issues involving economic development here on Long Island, the housing problem, getting kids into more affordable housing. We agree with that and we believe it's important to understand that we cannot protect property values of existing homes if we allow our economy to stagnate. Meeting the housing crisis head on is a key component of economic renewal. Ignoring it will inhibit our recovery and our long-term viability as a region.

There are many attractive features which I think you all have heard about and know. There's -- certainly, there's focus on green development and being self-sustaining, and that's really in line with a lot of the work that we're involved with in the Long Island Fed, and having an industrial park related to those kinds of industries is really significant. I urge you to adopt the resolution and move forward with the development process. We are confident that the Yaphank project will be thoroughly reviewed in the next stages and its benefits explained to the public. Thank you for your consideration.

**P.O. LINDSAY:**

Okay. Thank you, Roger. John Guadagno, followed by David Zere.

**MR. GUADAGNO:**

Good afternoon. My name is John Guadagno. I'm representing Local 25, International Brotherhood of Electrical Workers. I'm a resident of Suffolk County for 41 years. I'm here today in support of this resolution to be considered for open land. As a member of Local 25 for 26 years and representing twenty-four hundred members, with fourteen hundred members living in Suffolk County, and a father of four in Suffolk County, we clearly understand the need for housing for our children. I have two kids who graduated college in the last few years. I have one who's in her second year of college today. And, as the gentleman before said about opportunity, to me it's of vital importance for an opportunity for my children to stay in Suffolk County, not to go to Philadelphia, not to go to Virginia, Florida, North Carolina. I want them to stay here on Long Island. It's a great place to live, a great place to work and raise a family.

We have an opportunity here. It's going to take time to make sure the builder does it right, to be environmentally friendly. We can use the construction. We have over 20% unemployment in our local alone. We're talking years of unemployment for the last five years. We understand this project is years away, but we need the support for the Suffolk County Legislature at least to

proceed -- to move forward and to see where the builder is going to go with this to make sure there's compromises and we bring this together, that our family can stay on Long Island and have a future on Long Island. Thank you very much.

*(\*Applause\*)*

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

Thank you, John. David Zere, followed by James Tully.

**MR. ZERE:**

Good afternoon. My condolences to the Romaine family. And thank you to the Suffolk County Legislature for hearing us today.

My name is David -- is David Zere. I'm a lifelong resident of Brookhaven Town. I'm a former delegate to the Suffolk County Pine Barrens Commission or the Central Pine Barrens Commission, and I'm a father of four. Three of my four children will graduate college in the next few years. They keep telling me they want to remain on Long Island, but they're absolutely horrified at the high cost of Long Island living, lack of housing within their means, both from a rental and purchase perspective and a lack of private sector jobs. They may be forced, along with thousands of others, to leave their place of birth and childhoods, further adding to Long Island's "brain drain".

This economic model will now Suffolk County -- will allow Suffolk County to lead the way in innovation and perhaps create a model for the rest of the region's economic comeback. Legacy Village is a new paradigm for Long Island development. It is one of only a handful of economically sustainable community models in our region that preserve the traditional way of Long Island living, while incorporating proven new technologies for environmental conservation, efficient land use, and the long overdue ability for pedestrian-based access to recreational activities to residents within a community-living scenario.

The builders' unshakable commitment to environmental preservation is well known. We advocate the efficient use of land and energy resources and strive to implement a thoughtfully designed community model. I spent years of my adult life helping to preserve the hundred thousand-plus acres of the Pine Barrens without impinging on economic growth and vitality for our region. We support the community's ongoing effort to preserve environmentally sensitive land. Sometimes projects are taken off the tax rolls through open space purchases, maybe too often, but we support them where necessary, but it's not necessary here.

Thousands of well-paid, highly skilled employment opportunities will be created. The multiplier effect of every single family resident that is delivered is the equivalent of two people and their families having lifetime employment in the area. In 2010, hundreds, if not thousands, of Long Island contractors will pack up shop and go elsewhere, like they did in 1991. They will either go out of business or leave Long Island. We will be losing another generation of highly skilled people who used to be the Grummanites, now they're the skilled laborers. Where's the push for private sector job growth in Suffolk County?

The value of Legacy Village to the Long Island community will approach half a billion dollars. It will probably exceed what we get from the Federal Stimulus Package. This is our stimulus plan for Long Island's recovery. It is essentially that the Suffolk County Legislature make this land available. Thank you.

*(\*Applause\*)*.

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

Thank you.

**LEG. BEEDENBENDER:**

Madam Chairwoman.

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

Yes.

**LEG. BEEDENBENDER:**

Just real quick. I know it's off topic, but, you know, Mr. Zere is here and I don't think we've said this in a while, but you do phenomenal work raising money for the Wounded Warrior Project, and you do it every year. And everybody in the room should know how much -- you know, I've been to your house when you have the fund-raiser, almost at all your own expense, so I just wanted to say thank you, because I don't know if enough people say thank you for all that work.

*(\*Applause\*)*

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

I think I saw Marie Zere earlier, too, and they do a great job, yeah. James Tully, and James Fontana is on deck. Mr. Tully? Okay. I'll hold Mr. Tully aside. James Fontana? James Fontana? Okay. And after -- are you Mr. Fontana?

**MR. FONTANA:**

Yes.

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

Okay. And after Mr. Fontana will be George Milani. Go ahead, Mr. Fontana.

**MR. FONTANA:**

My name is James Fontana. I live in Lake Ronkonkoma, Town of Brookhaven. And I understand there's got to be a balance as far as the County making a decision as far as, you know, environmental issues and issue of affordable housing, and I think each project has to be taken individually in its own light. In this particular instance, I believe that they should decide in favor of making this parcel available for affordable housing. I do not believe that this is a site that is very environmentally fragile, nor is it a destination that I am looking to save so that I could visit somewhere in the future, or see it as any kind of a resource, a natural resource for the County of Suffolk. Thank you.

*(\*Applause\*)*

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

George Milani. On deck is Savvas I. Vasiliades.

**MR. MILANI:**

Hi. My name is George Milani, I live in Centereach. I'm in favor of the proposal to be done. As far as affordable housing, I believe that Long Island needs it. I know my daughter and my son is in college and I know they won't be able to live here because they won't be able to afford the housing. And I wish you would approve this proposal. Thank you.

*(\*Applause\*)*

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

Thank you, and thank you for your brevity. Savvas Vasiliades, and followed by John Palasek.

**MR. VASILIADES:**

Thank you. Hello. My name is Savvas Vasiliades. I'm a Suffolk County resident for the last 25 years. I'm here to support the concepts of the projects because I believe that would create jobs, but there is also a need for affordable housing. Personally, I have four kids, three of them in college right now. For the next three or four years, they are going to be graduating and I'm concerned. I

mean, I need them to stay home, and I believe this is going to help them to stay home. So I'm here to support the project. Thank you.

(\*Applause\*)

(\*THE FOLLOWING WAS TAKEN & TRANSCRIBED BY  
DIANA FLESHER - COURT REPORTER\*)

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

Thank you. John Palasek followed by Joseph Valdin.

**MR. PALASEK:**

Hello. My name is John Palasek. I'm a Yaphank resident. I attended the Long Island Regional Planning Board meeting last week where Mr. Levy made this same presentation. He ended up in what I can only describe as a rant against NIMBY's complete with spitting and screaming and finger pointing. And we decided to become SWIIMBY's, which basically means *Steve wants it in my backyard*. But Steve doesn't live in my backyard. And we've had problems with issues with things that Steve has put in my back yard in very much the same way that he's doing with Legacy Village right now.

Steve Levy a couple of years ago decided to reinvent his Trap and Skeet Range and made exactly the same promises to us then that he's making to us now with Legacy Village. He promised us benefits. He promised us addressing community concerns. He promised us an economic boom to the area. He promised us to be able to have a recreational facility but at the same time tend to the needs of noise and other such issues. And none of that came true; not a single bit of it. And the same thing is being promised to Legacy Village now.

Legacy Village is being packaged the same way the range was. The range was packaged up in such a way it was brought to this Legislature with a nice big bow on it and said that this was a good idea. And the things that were wrong with it were not brought to the attention of this Legislature. At least I hope they weren't and you ignored it. But what it was packaged as and what it became or what it really is are two entirely different things and that's our feel with Legacy Village. Because if this is Steve Levy's track record, if this is the way he does things, then why should we buy into Legacy Village?

The range was brought about with -- through private meetings, through negotiations with people who would only benefit from it. Legacy Village so far has been the same thing. He's made concessions to unions, he's made -- he's found himself a developer. He's basically put a price tag on land that isn't even available yet. And this resolution here words this as for the sale of 249 acres. How can you sell something that isn't even surplus yet? So the idea of just coming here and saying yes or no to something like this is ridiculous.

And as far as affordable housing, I think I've heard that phrase probably about 70 times so far since I've been sitting here. This isn't just affordable housing. Again, your very own resolution says *mixed use development*. It's not just affordable housing. If it was just that, that's one thing. But we're talking about an industrial area, arenas that no one wants or needs or you don't even have tenants for.

When he's pressed to say who is going to occupy these arenas, we might get a minor league hockey team, we might get a minor league lacrosse team. You don't even know if you have them yet and yet we're building a 5500 seat arena to watch them. Watch who? And what's it going to be used for when you're not playing hockey and they're not playing lacrosse? We're going to use them for -- for what? Conventions and other such things that are going to bring what, thousands of cars up and down Yaphank Avenue? Or let's overload Gerard Road which is already a short cut and turn it into a freeway?

What is going on with the rest of it? I want to see the rest of what Levy's doing because he didn't do it in the past. We were sold a bill of goods. This Legislature was sold a bill of goods. And the same thing's being done right now. Legacy Village is being packaged. It's being brought to you with a big bow, the same bow that he brought with the shooting range. And you're being asked to vote on it as a good idea. Open the package. Look at what's inside and find out for sure whether it is or not before you vote on it. Thank you.

### **APPLAUSE**

#### **D.P.O. VILORIA-FISHER:**

Thank you. Next speaker is Joseph Valdini followed by Ray Dean.

#### **MR. VALDINI:**

My name is Joseph Valdini. I'm a second generation owner of a Suffolk County based drywall subcontracting firm. Our 60-year-old firm began in 1949 at the time when veterans were returning from World War II. These men and their young families were hungry for affordable housing. Their needs were met by William Levitt who conceived and mastered production housing. His model for low cost fast track quality built production housing has been emulated ever since by Long Island as well as national home builders.

The Legacy Village project in Yaphank would be a modern day tribute to Mr. Levitt and his model. Legacy Village would be a boom to small businesses like mine across Long Island. It is conceivable that the building of this planned community would benefit several hundred local businesses and directly or indirectly employ thousands of Long Islanders. My employees plus my family and I would like to thank Steve Levy and all of his supporters of this project in advance since we all agree that this was a major win for Long Island.

### **APPLAUSE**

#### **D.P.O. VILORIA-FISHER:**

Ray Dean. And on deck is MaryAnn Johnston.

#### **MR. DEAN:**

Good afternoon. My name is Ray Dean. I'm a resident of Ronkonkoma. I've been a Suffolk County resident for 52 years. I'm also a business agent for Steamfitters Local 638. The Legacy Village project, I'll tell you I heard a lot of good arguments. People in Yaphank, the environmental part of it, you know, if we declare this surplus, decide to sell the land, we know it goes to Brookhaven Town. I'm sure Brookhaven Town will follow through with the environmental studies and what needs to be done environmentally.

This project does have sewers, does have solar lighting. On the south end of it they talk about the industrial development. That industrial development down there, it's research and development. It would work probably and coincide with Brookhaven Labs, Stony Brook University and Cold Spring Harbor. There's a lot in that circle. There's a lot to be done there.

The building of it, yes, my members would get jobs. There would be plenty of jobs there. You know, they're short term jobs as it's built. And we understand that. But there will also be other jobs coming out of there. I hear other arguments about the stadium. I was very involved in Junior Hockey and the Continental Hockey League up 'til a few years ago, you know, with my sons, traveling all over, and just talking to some of the small owners of hockey teams. You know, if we inquiry about this to some of them, and there's a lot of work to be done, but inquire. There will be interest in that, bring in a junior hockey team or a minor league hockey team. There's a lot of things to look into.

This a good idea, the affordable housing. I want my kids to stay on Long Island. When I retire I'd like to stay here. You know, Thanksgiving is coming up next week. And this time of year you start talking to a lot of friends, how many of my friends are saying *I got to go to South Carolina to see my son next week* or *I have to go here*, you know, a lot of them. And then some of my friends they got to go somewhere to see their parents because their parents couldn't stay here.

So there's a lot of good ideas. It is something that does need to be done. It is smart growth. It's smart building. If we check -- and if everybody checks, you look around the country, there's plenty of areas all around the country where they're building projects like this right now and projects that have been built there. Some of them they call them town squares and this and that.

If you take a look over at Patchogue and see what's happening in Patchogue, it's like a redevelopment of Patchogue that's happening. There's a lot of good things going on. There's a lot of things within walking distance where people live and work. And I really hope this Legislature does consider declaring this land surplus. Let, you know, let the process go through, let it go through the Town of Brookhaven. And I'm sure the right thing will be done. You know, like I say, it is more or less a green project. I'm sure, you know, the people do have concerns about the Carmen's River. I'm sure all of that will be taken into account and I'm sure it will be taken care of. Thank you and have a good afternoon.

#### **APPLAUSE**

#### **D.P.O. VILORIA-FISHER:**

Thanks, Ray. MaryAnn Johnston followed by Matthew Chartrand.

#### **MS. JOHNSTON:**

Good afternoon. My name is Maryann Johnston and I'm President of the Affiliated Brookhaven Civic Organization. And I would respectfully ask have you all got your blinders on? Because every time I come here, I'm told there is no plan. You're voting on declaring land surplus, but there is no plan. Let Brookhaven worry about it. You represent the people of Suffolk. And the people of Suffolk have a say in whether or not 250 acres adjacent to the Carmen's River is disposed of, *but don't worry about it. Don't worry about it.* That's not fair. That's not appropriate and that is not due diligence.

I represent 41 groups who have signed onto the letter that I've presented to you today: Brookhaven Village Association, the Bayview Pines Civic Association from Southampton -- we're not NIMBY's -- the Coram Civic Association, the East Quogue Civic Association, East Quogue Community Council, the Environmental Defense Fund and Mr. Jim Tripp, the Friends of Edgewood Preserve, the Friends of Wertheim National Wildlife Refuge, the Hamlet Organic Garden, the Long Island Drinking Water Coalition, the Long Island Environmental Voters Forum, Long Island Sierra Club, Longwood School Board, the Middle Country School Board, the Mastic Park Civic Association, the Manor Park Civic Association, Manorville East Moriches Civic Association, Medford Civic Association, Middle Island Civic association, Miller Place Civic Association, Moriches Bay Civic association, Open Space Council, Open Space Preservation Trust, Overton Preserve coalition, the Peconic Baykeeper, the Post Morrow Foundation, the Ridge Civic Association, the Save the Yaphank Lakes Coalition, the Seatuck Foundation, the Selden Civic Association, the South Yaphank Civic Association, the Southampton Town Civic Coalition, the Wading River Civic Association, the Trout Unlimited Group, the William Floyd Community Summit and the Yaphank Taxpayers Group.

Critically we need to stop pretending there is no plan here. There has been a plan. There has been much work done on it. You simply haven't been asked to be involved. This is a not how we run representative government. We are asking that this County do what SEQRA requires, which is to declare it as a Type I Action and to do a full environmental review; not to pretend that you haven't seen a power point presentation about a multi-use plan. That is absolutely absurd. Your job is to take the hard look that SEQRA requires.

One of the things that you have on the table that will not be on the table in Brookhaven Town is the

ability to add this land to preserve status. Once you decide that it could be sold, we can assume that it is not eligible for preservation, that it is not environmentally sensitive. And we simply don't have the money in Brookhaven Town to buy it once you decide to sell it or make Mr. Beechwood a contract vendee. You need to do your job. Your job is to take a very hard look, to do a full environmental review of this project in relationship to the ramifications of actually declaring the land surplus. We would ask that you would give the no build alternative that must be considered under SEORA for full consideration. That cannot be done by the Town of Brookhaven because that is your job. Thank you.

### **APPLAUSE**

#### **D.P.O. VILORIA-FISHER:**

Okay. Matthew Chartrand followed by Robert DeZafra.

#### **MR. CHARTRAND:**

Good afternoon. My name is Matt Chartrand, resident of Suffolk County last 35 years. I represent Iron Workers, 850 iron workers, many who live in Suffolk County. And a good portion of them are out of work.

I'd just like to step back to a few years ago when I came in front of the Legislature speaking about the Yaphank Jail project. We're working on that project right now. And thank God because many of my members, we're losing our homes or their apartments if they did not have that work right now. And it took the Legislature sometime to put it through and you did your due diligence on it. I think you'll do the same with this.

Yes, there are many questions that got to be answered. And some will be answered amongst ourselves here and some will be with the Brookhaven Board. But it's our duty and your duty as Legislators to bring up these questions. Yes, they do have a lot of good questions regarding the school district, South Country School District, Longwood. I agree, hey, the money should be distributed evenly; not one school district should get all the money, the other get none when it's going to be affected by the students that are going to be going to these school districts.

There's some other questions that people have already brought up. I just wish that this board would pass this resolution IR 922 and then we can move on from here. Thank you very much.

### **APPLAUSE**

#### **D.P.O. VILORIA-FISHER:**

Robert DeZafra.

#### **MR. DE ZAFRA:**

My name is Robert DeZafra. I have lived in Suffolk County for the last 45 years. I note that today's hearing seems to have come down to a discussion of how to subsidize the building industry on Long Island through County action, specifically through the action of declaring the property in question to be surplus so that private developers can give the industry one more quick fix, *one more quick fix and that'll be all that's needed, just one more quick fix. We'll worry about tomorrow when it comes, just get us through today, one more quick fix.*

This isn't going to fix the problem of affordable housing. It isn't going to fix the problem of Long Island's building industry, which has had a very long and a good run since World War II when all of the farm fields and the woodlands and so on of Suffolk County and of Nassau County were being developed into housing. That process is largely finished.

Your job as Legislators is to try to save what open space there is. And it's already been noted that the County Executive's record on saving open space is the worst in several County Executive's history. It's time to change that. You as Legislators have the responsibility to act responsibly.

Don't kick the can down the road saying *ah, you know, Brookhaven will take care of this problem. They'll run the environmental review. They'll take the blame if it goes sour. We'll be out of here by the time all of that happens.*

It's your job as County Legislators to act for the people of Suffolk County; not just the building industry, not just the unions, but all of the people of Suffolk County. And that's what we're asking you to do here.

## APPLAUSE

### P.O. LINDSAY:

Donald Horsefield? Horsefield? Donald Horsefield, followed by John Sicignano. Either of you gentlemen here? No Donald Horsefield? No John Sicignano? Okay. Steve Jensen? Steve Jensen? No? How about Joe Montalbano? Montalbano? There's Joe.

### MR. MONTALBANO:

Thank you Presiding Officer. Thank you for having me speak today. I'm going to be brief. I just want to say last time I checked there's 110,000 Long Islanders out of work; only 70,000 of them are collecting benefits. Breaks down to 7.4 percent. I represent Greater New York LECET. And that's the Labors Employees Cooperation Education Trust Fund of the Labors' Union.

Let me just speak about the projects that are dead or dying on Long Island, okay, that never got through to be built for one reason or another; some of them large, some of them medium sized. Let's talk about OSI Pharmaceuticals. They left Long Island and they took a lot of people with them. Old Plainview, that's the first project from Wang. That was a 1,000 housing units, office space, stores and hotel village Center in Plainview. Sierra Wire Project, Heartland Project, 452 acres, Lighthouse Project, Glen Isles Project, Epcal Center, former Grumman, Riverhead, Vintage Square Project, transit oriented project, by the way. Okay? Theatre Roosevelt Library, \$200 million. Well, the Trumps project that had their problems but Trumps Project Two was held up. The Old Parr Meadows Race Track. First developer came in over 20 years ago, wanted to build an EPCOT type center with a hotel and a mall. That got shot down. Second project came in that same area, they wanted to build a mall, that got shot down. Nothing's getting built on Long Island.

You want to look at it from the outside? You got people that come in and they come to New York City to meet with our representatives, large construction companies, they want to build in New York City. I go in there and say, *hey, look, you know there's Long Island. They go, look, forget about Long Island. We did the math. We can never build something there and we're not going to waste our money.*

So we got to put our heads together. And I know that, Legislator Barraga, you had mentioned something about the school taxes and the breakdown and something has to be done. I spoke to the school board of education, their legal counsel. And I spoke to them exactly about the issue you spoke about with the Longwood verse South Country Schools. And I -- she said *can you explain a little bit about the project?* So I told her, I said, *South Country has all the -- they're going to get all the benefits right now. Okay? What we'd like to do is we find some way that Longwood could get some relief on some of that tax burden.*

Well, when she stopped laughing and she was able to compose herself, we finished our conversation. Okay? So I ask you as a Legislator and a body that maybe we should get together, the Suffolk Legislature, the Nassau Legislature because this is a state issue. But with you guys formulating a letter with Nassau Legislature and get the ball rolling on possibly making changes in the system, because we know it's flawed, but we can't just talking about it, we have to do something about it. I'm willing to help and I'd like you guys to do something, too. I'm for Legacy Project. I'd like to see it built. Thank you.

## APPLAUSE

**P.O. LINDSAY:**

Okay. Beth Motschenbacher followed by Christine Sosik.

**MS. FELBER:**

I'm actually here for John Sicignano, for ABCO, Affiliated Brookhaven Civic Organization.

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

We never called John's name.

**LEG. BROWNING:**

Yes, you did.

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

We did? We called John? I don't think so.

**P.O. LINDSAY:**

But it's highly unusual that somebody speaks for someone else. Is John here?

**MS. FELBER:**

John is not here. He's here for ABCO and I'm representing ABCO as well.

**P.O. LINDSAY:**

I know. But was John here and left?

**MS. FELBER:**

John -- yes, he left.

**LEG. BROWNING:**

He was here.

**P.O. LINDSAY:**

Did you fill out a card?

**MS. FELBER:**

I did. It's back somewhere's. Debbie Felber.

**P.O. LINDSAY:**

Okay, go ahead.

**MS. FELBER:**

Thank you. It's Debbie Felber and Affiliated Brookhaven Civic Organization, ABCO. I just wanted to give you some information about affordable housing that has been talked about a lot this afternoon. In the Town of Mastic, we have 145 foreclosures, 169 home sales and 200 new homes being built. Mastic Beach, 165 foreclosures, 211 for sale and 17 new homes. In Shirley we have 178 foreclosures, 364 houses for sale and 200 new homes.

That totals in foreclosures 488 homes, for sale 744 and new homes 57. That gives you a total of available housing of 1289 units which obviously today we were talking about 1,000 units needed for affordable or housing. That is already existing in the surrounding areas. And that's just the Mastic Shirley and Mastic Beach areas. I do have some of that information for you.

So when we talk about the need for housing, it's out there. If we went through every town including Yaphank, South Yaphank, Riverhead and all of the towns out east, we would find similar housing

units just like this which is throughout Suffolk County. Right now this County has been hit very hard with foreclosures and houses that are for sale. And they are under-priced because people are leaving the Island as we all know. Someone talked about having to leave for the holidays. Well, that's a reality that we're all living with. And to build more housing units that may not be occupied because of the fact that there is housing out there, and to take environmental precious lands to build more unneeded housing is not something that we at ABCO and the communities that we represent are in approval of. Thank you.

### **APPLAUSE**

**P.O. LINDSAY:**

Miss, will you come back for a minute?

**LEG. KENNEDY:**

Just one quick question, Ma'am.

**MS. FELBER:**

Yes.

**LEG. KENNEDY:**

Do you have any idea about the prices associated with any of that housing as far as the range that's out there?

**MS. FELBER:**

Yes, I have that right here. In fact, I was coming back to give that to you so I will leave that with the Clerk.

**LEG. KENNEDY:**

What is the range span? Is it --

**MS. FELBER:**

The range of span from 151, 160. There were some that are 280, 254. That was just in foreclosures. Homes for sale 169, 199, 275, 135.

**P.O. LINDSAY:**

John, she'll give you the paper work.

**LEG. KENNEDY:**

Yep. Thank you.

**MS. FELBER:**

Yep.

**P.O. LINDSAY:**

Beth? Is Beth here? Followed by Christine Sosik.

**MS. MOTSCHENBACHER:**

Hello. My name is Beth Motschenbacher and I'm speaking on behalf of the Long Island Pine Barrens Society. So ladies and gentlemen of the Legislature, as you deliberate over introductory resolution 1922, we implore you to consider the environmental --

**MR. LAUBE:**

Speak into the mike.

**MS. MOTSCHENBACHER:**

Did she get any of that?

**MR. LAUBE:**

Yes.

**MS. MOTSCHENBACHER:**

-- the environmental ramifications of developing in a sensitive Carmen's River watershed in which Legacy Village is proposed. Preservation in the Carmen's Watershed area first began in 1947 and has continued with the State's, Suffolk County's and Town of Brookhaven's acquisition totalling over 2,550 acres to date. The majority of the Carmen's flows through the Central Pine Barrens Core or compatible growth regions; however, the twenty percent of the watershed that lies south of the Long Island Expressway does not fall under this jurisdiction. It is this vulnerable area that County Executive Levy intends for Legacy Village.

As one of the member organizations of the Carmen's River partnership, which was formed in 1999, the Pine Barrens Society has been actively involved with obtaining a watershed planning study for the Carmen's which would cumulatively assess all the development pending or proposed for the entire area. There are presently over 100 pending development proposals for the Carmen's watershed which propose significant cumulative impact on the groundwater quality, terrestrial resources and the river itself. Development outside of the immediate river corridor still greatly impacts the health and quality of the river and groundwater resources. And it's this development that the watershed planning study intends to capture.

Suffolk County Water Authority and the Suffolk County Department of Health have already pledged the use of their data and resources for completing this study. And the Town of Brookhaven has accepted the challenge of acting as lead. The Carmen's River Partnership is pressing to complete the watershed study before any further development is proposed for this area. We ask the Legislators to consider holding back on declaring this land a surplus until the watershed study's complete. We also advise that the area surrounding the Carmen's River that is undeveloped be turned over to a Carmen's Preserve, that the Suffolk County Legislature could then use the remaining funds available for additional preservation in the area. Thank you.

### **APPLAUSE**

**P.O. LINDSAY:**

Christine Sosik followed by Doug Swesty.

**MS. SOSIK:**

Good afternoon. My name is Christine Sosik. I'm with the Ridge Civic Association. You've heard all the arguments here today against this project from an environmental to legal. The process of getting to this point at this meeting has been flawed and I believe that the procedure has been violated. This smoke and mirrors called affordable housing is something you have to be aware of; it's fraud. Legacy Village will provide a home for our children so they don't have to leave Long Island. It's in all the news reports because it's what everybody wants, the dream of home ownership. Is it really going to be affordable and what percentage is going to be affordable? I've heard numbers from \$190,000 to \$270,000. But since it's only a proposal, nobody will say for sure.

I'm sure that Beechwood as a top developer knows the minimum each unit must sell for to be able to make a profit. We should be able to get an answer on that. Should be disclosed. In the last 12 months the average home price in Yaphank has decreased to about 265,000; it's probably going to decrease further before our economy recovers. I happen not only to be a civic president but an active associate broker in the community of Longwood.

If this is truly going to be an affordable housing project, the homes really need to be started at round \$120,000. Ask the tough questions of the developers. Are they willing to see these homes at this price? I don't think so. The County should not be exploring new development but concentrating on redevelopment. The County should not be -- you should step up the First Time Home Buyer Down Payment Assistance Program which puts homeowners in homes throughout the County. It

actually increases surrounding home values by selling what is usually the worst or the smallest house on the block. It's a great program. And let me tell you there's plenty of homes that you can apply this program to.

In Brookhaven Town alone quick example you got a four bedroom, one bathroom in Bellport, \$99,000. Mastic Beach three bedroom, one bath ranch on a large lot 165. Artist Lake one bedroom condo, 69,9 asking price. Strathmore Ridge two bedroom condo \$100,000. That's affordable.

As we are constantly reminded, the residential portion of the development lies within three toxic plumes next door a huge power plant, a dump, a jail, a fire works factory and a smelly compost facility. The Town zoned this property non-residential for a reason. To change it back to residential with all these mitigating factors mentioned would be a travesty to any people who buy there.

In 2008 in Yaphank houses on Yaphank area -- on Yaphank Avenue and the surrounding area sold for less -- 30 percent less than the average home price in the area. People don't want to buy here because of the smell, the traffic and the neighbors. I've sold houses in the area. It's true. They don't want to live there.

The point is that even if you can get the people to buy in Legacy Village because it's new and it's pretty, when they decide to move up, they will find it difficult to sell their homes because of the location and they're going to be trapped. Following this logic, what happens when they have to sell? They get divorced, they move, they get a new job. Their homes are not new any longer so the thing that enticed people to move there is now gone.

So what are the choices? They have to decrease sales price, foreclosure or worst yet rentals. How will the County prohibit the resale of these homes to investors or rental to private or subsidized tenants like DSS or Section 8? When an area has home prices held low for whatever reason, investors will swoop in and buy the homes cheap. Most become partners with the government. That's what the slumlords like to call it; they're partners with the government and they rent primarily to Section 8 and DSS because it's a guaranteed check. Building cheap housing in the area will have the effect of decreasing sale price of the surrounding homes in Yaphank, Ridge, Middle Island for starters.

Legacy Village is nothing but an illusion of affordable housing; otherwise we would have a number on the table. It's an illusion of smart growth. It will not stop the brain drain and will not provide affordable housing to anybody who wants to live in the area. It's a band aid for a failing economy that will not have a positive long-term effect. If the County finds the property is no longer needed, it should be deeded as open space, which is something that brings up property value and preserves our natural resources for the future. That's a better gift to give our children than a development with too much density, that will over saturate a school district, add further pollution to the river and hex the quality of life of the residents.

If you want to provide workforce or affordable housing, concentrate on your grant program. It's an excellent, excellent program. It's helped a lot of first time home buyers. That's -- also redevelop existing neighborhoods. Redevelopment is the key. It's something good for all Suffolk County residents because you can use it anywhere in Suffolk County. It's a great program. That's the program that will keep our children here on Long Island.

There's no need to develop this land as proposed. We implore you not to approve this land as surplus or to back to the program. Saying no to Legacy Village is not against affordable housing.

And if I can just answer the question Kate had asked how much land was -- development was proposed in the Longwood school districts, I just did it quick in the back of the room, there's about 600 units, I could go through them all in Middle Island, Ridge and Coram along the Middle Country Road corridor. Thank you very much.

**P.O. LINDSAY:**

Thank you.

**APPLAUSE**

Doug Swesty. Michael Mont Fusco. Michael Mont Fusco. Okay. Followed by Jane Fasullo.

**MR. MONT FUSCO:**

Good afternoon and thank you for your time and letting me talk about this. My name is Michael Mont Fusco. I am a life long Suffolk County resident, employer and father of three. I am here today to voice my support for this project. I believe today Long Island is facing unprecedented challenges whether it's our sluggish economy with massive job losses or a lack of affordable housing.

We need to face these challenges head on. We need job growth both in the short term with the thousands of construction jobs that will be created by this project and the long-term. Long Island needs to use our resources, most notably our talented labor pool to become a leader in the alternative energy field which can be our new economic engine for our region, which hopefully this project will help sustain and propel.

We need affordable housing. We can no longer stand by and let our young talented professionals leave the area because they cannot afford to live here. I hope that all parties here today can do their due diligence and come up a well thought out plan to help address these unprecedented challenges that this great Island is facing and help us move us in the right direction. My children need it, my employees need it and we all need it. Thank you again for your time.

**APPLAUSE**

**P.O. LINDSAY:**

Jane fasullo followed by Raymond Espinosa.

**MS. FASULLO:**

Speaker system, I remember an older one that used to work better. Not everything new is good.

I have sat here and listened to a lot of people say their piece and I have something I'm going to read in just a moment. But there are two issues that concern me. If this decision is made on the basis of providing affordable housing, I'm questioning strongly what affordable means. I've spoken to people in the County and been told that median income is actually \$100,000. And if eighty percent of median income is the minimum required, that's 80,000.

If we were to look at the 63,000 supposed lower median income, eighty percent of that is still over 50,000. Now I implore you to please go out there and ask these young people that supposedly are leaving for lack of housing, how many of them are starting jobs at 50,00 and up? I think you're going to find out zero. I know people who are educators. There are very few of the educators starting first year under \$50,000.

So please do not make that the decision point.

I'd also like to speak to the question about creating jobs for the builders. As we just heard, there are a lot of private projects going on in Suffolk County. They have nothing to do with you. That's not your land. You can make no decisions and you are also not the Suffolk County Planning Board. The Planning Board has allowed many of these larger projects to go through. They are not, however, generally considered the mega projects.

You have a very small piece of land relatively speaking that you have some control over. You need to make the decision as to whether we want Suffolk County to be Nassau. Do we really need or want these projects here? Can you in some way influence the outcome based on one piece of land? I think you can set a precedent. I think you can make a decision on what it is that we really do want

in Suffolk County.

Having said that, I want to remind you that there are the other developments such as Heartland and EBCO of which you will have no control. Those are not decisions you can make. You can make this one small one, however. All right.

Now to read what I brought. I do not believe this is just about money or NIMBYism. The Legacy Village project will bring jobs but for whom? Builders who will have some jobs but for how long? And when this project is done, where will they want to build next? What land will they take next or even concurrently?

They could turn their attentions to rebuilding downtowns. They could turn their energies to taking those homes that need restructuring, that need revamping, that need new heating systems that could, in fact, be provided money under the Energy Efficiency Programs. They could, in fact, retrain their staff to do these things. They do not have to have new development as their goal. And at the same time they would be providing revitalized downtowns and housing for the low income people. And in that category I might add that the places that the people that are now here living and working are not the new homes. They are the older homes. They've been here all along and they're not the people that are leaving.

Anyway, I guess my point, and I don't want to go through reading this because it'll take too long, is about what is the purpose of what we're doing and what is your decision? You're charged with the responsibility for Suffolk County, not for Yaphank, not for Brookhaven, but Suffolk County. You need to keep in mind that most of us came here not because of the housing, not because of the 5,500 person stadium. We came here because what we had in our natural environment. We wanted, we got clean water, open spaces fresh food from our farms and many other such things that these types of projects are slowly chipping away at. Please keep that in mind. Thank you.

### **APPLAUSE**

#### **P.O. LINDSAY:**

Raymond Espinosa? Is Raymond here? No. How about Pauline Mize?

#### **MS. MIZE:**

Oh, I'm so glad I don't do this anymore.

Good evening. Yes, it's evening. And thank you for the opportunity. According to the dictionary surplus is defined as something that remains above what is used or needed; an amount, a quantity greater than needed. In August of this year, this Legislature authorized the purchase of 166 acres of land in Coram for \$15 million. County Executive Levy deemed this purchase as -- as significant impact by the County and its taxpayers to protect groundwater.

To come here and speak in opposition of Suffolk County declaring roughly the same amount of acreage acquired decades, even a century ago for pennies compared to the \$15 million investment this just made a few months ago as surplus seems paradoxical. At the very least it is completely inconsistent with the preservation of open space which voters of this County have repeatedly approved. While many ballot bond initiatives have failed preserving land and protecting our drinking water is something Long Islanders have been willing to pay for time and time again.

The residents of Yaphank have seemingly deliberately been left out of this process. Yaphank residents have worked harder than most to retain our quiet rural way of life as development bulldozes forest after woodland all around us. Understanding the realities of future growth, we are not foolish enough to expect that we will remain disaffected by the economic or social needs of our community. However, we do expect to be partners in this process.

The staged public hearings held at Longwood High School, Bellport High School and Suffolk

Community College were carefully contrived rallies to intimidate the local residents by marching out race car groups and unions to shout demands for development. Steve Levy has yet to set foot in the Yaphank Firehouse to explain to our community why he thinks we need to create a new Legacy Village. Mr. Levy, Yaphank was founded in 1726. It has been a community for almost 300 years. And it was created and maintained by those who love open space and Yaphank as it is and was. We the Yaphank taxpayers and civic association are opposed to our tax dollars being squandered with this ridiculous notion that this land is worth less than any other land in Suffolk County as you believe it is surplus. Please do not declare this land surplus. There's no such thing as more land.

## **APPLAUSE**

### **P.O. LINDSAY:**

Tom Williams followed by Chad Trusnovec. Is Tom -- there's Tom.

### **MR. WILLIAMS:**

Thank you. Good afternoon. I'm Tom Williams. I live in Brookhaven Hamlet. And I thought I would speak on behalf of the river, if I may, and that we would request the Legislature to wait on this or to dismiss this application until there's a full Environmental Impact Statement and the Carmen's River Groundwater Watershed Plan can be done by the Town of Brookhaven and the Pine Barrens Commission.

Carmen's River was designated in 1972 as a wild scenic and recreational river. And since then there have been a huge number of people making an effort to protect it. Federal, State, County and Town efforts have invested millions of dollars in the river. There's 2100 acres of federal land. The County has 1400 in Southaven. Cathedral Pines is 514 acres. Prosser Pines is 58 acres. And recently purchased is 570 acres up and down the Carmen's River corridor and the watershed of 570 acres for about \$33 million.

We're concerned about the nitrogen that goes into the river through the groundwater. That standard is ten parts per million for drinking water, but it's much less on an ecological standard basis. We think that this may contribute to it. We understand that within the last five years there's been 50 violations of the groundwater parts per million for nitrogen that have been discharged by the County sewage treatment plant there. So, we're not confident that sewage treatment plants can actually prevent the levels of nitrogen that go into the water.

Cash and Associates recently has issued a report that says while the water is pretty good in Carmen's River, it is deteriorating in the long run. The Carmen's River is surrounded on one side by the Forge River and on the other side by Beaver Dam Creek. Both those rivers have been impacted and have been polluted and are in dire straits.

There's a proposed development from land subdivisions, change of zone, final subdivision preliminary subdivisions and road improvements of over 4,900 acres including this project along the Carmen's River Watershed. We're very concerned and we would ask you to delay any action on this until that full Environmental Impact Statement and the Watershed Plan has been done.

We do believe that -- in fact this is sort of a destination. The County Center is a destination. It's possible that this beautiful land that is not in development could continue to be a destination for many people who love it and are concerned.

I will leave some material with you which is a letter that many of us signed, and the Carmen's River Groundwater Watershed Protection Plan proposal, a list of land proposed for development and a list of recently publicly preserved land along the river and a map of public lands within the Carmen's River in this area. I'd also like to leave a statement from Jim Tripp,, the general counsel of the Environmental Defense Fund.

Thank you very much for your time.

## APPLAUSE

### P.O. LINDSAY:

Okay, Chad, please come forward.

### MR. TRUSNOVEC:

I'll finish that up for you. My name is Chad Trusnovec. Thank you members of the Suffolk County Legislature. Thank you for allowing me to voice my concerns. My name is Chad Trusnovec. I am a life long resident of Yaphank. My family has lived in the same place for over two centuries. So needless to say I have a lot of history invested in the place that I live.

I'm going to ask you to fast forward in time. Generation, maybe more, if Steve Levy's legacy becomes a reality, how will history look back at this point in time? Will history be kind to our leaders' decisions? Let's look back, if you will, at the current picture. Literally thousands of vacant unsold and foreclosed homes, countless acres of infrastructure in the form of movie theatres, industrial, commercial, retail space already paved over lying dormant.

These properties are scattered throughout the County in every neighborhood begging for revitalization. But, no, our leaders had another view in mind. In a twisted view that now no one can understand, it was decided that we needed a grandiose plan of more homes, more theatres, arenas, hotels and more stores. Looking back no one can understand why you would leave such resources unused.

*Would a conversation 25 years from now go something like this? Hey, wait a minute, didn't we have historic low interest rates back then? And weren't home prices the lowest that they've been in a decade or more? Why did they leave all those stores vacant and build new ones? Why didn't they encourage people to buy all those available homes? Didn't the County just spend millions of dollars buying property to protect open space? Why would the County sell 250 acres of property that the taxpayers already own? Did they forget that taxpayers own it and not them?*

Looking back, it would appear that we were the victim of blatant mis-management. Ladies and gentlemen of the Legislature, I would implore you to not allow this project to see the light of day; in a time when people are leaving Long Island and the State of New York, not due to a lack of affordable housing, but due to high taxes and a decreasing quality of life. Now is certainly -- Now is certainly not the time to be adding a huge new burden to the area. 1000 homes would nearly double the area population overnight devastating the area. You have the opportunity to shape the future. What will future generations say about you? Will history be kind to your legacy? Thank you.

## APPLAUSE

### P.O. LINDSAY:

Jennifer Clement followed by Michael Cain.

### MS. CLEMENT:

Thank you for taking time to listen to me. I'm not a professional engineer. I'm a NIMBY. I'm a lifetime resident of the Brookhaven hamlet. And my family -- five generations of my family have invested many hours at these types of meetings in favor of open space around -- concerning the Carmen's River. I grew up on the Carmen's River.

Our needs today -- our foremost needs today are not housing. Our most urgent need today is water. Long Island can only support so much population. There's only so much groundwater available. And the denser the population, the more at risk our water supply is. My two children left Long Island more because of the crowded conditions than the price of housing.

This decision that you will make is a one way decision. Look at all the empty shopping plazas that we have now in Suffolk County. They don't go back to forest. They don't go back to recharge areas for our groundwater. It's gone forever. This decision -- we should make not a shortsighted decision

to provide jobs. I mean I know -- I realize people are hurting for jobs, but this is a long term decision that should be made here for future quality of life. If we want to have a green decision -- we hear a lot of green talk. If we want things to be green, I suggest we leave this area the way it is. No tax burden. Thank you.

### **APPLAUSE**

#### **P.O. LINDSAY:**

Okay, Jennifer -- that was Jennifer. Michael Cain, followed by Robert Lewis.

#### **MR. CAIN:**

Good afternoon and thank you to the Legislature for allowing me this opportunity to speak to you as briefly as possible since it's been a long day.

I live in Yaphank. I've lived there for 25 years. I'm the Chairman of the Community Concerns Committee for the Colonial Woods Whispering Pines Condominiums. That's a community of 544 homes located about three miles north/east of the parcel in question.

Really what's at stake here is -- we're hearing two things. We're hearing about affordable housing and jobs. We certainly support both of those elements. You know, I'm personally very sympathetic to the building trades; I've owned a business for 21 years. And this recession is having a major impact financially on all of us in a negative way.

### **(\*THE FOLLOWING WAS TAKEN & TRANSCRIBED BY ALISON MAHONEY - COURT REPORTER\*)**

#### **MR. CAIN:**

With regard to affordable housing, we believe that, as has been spoken by all your speakers, that the best way to approach this is to use the excess housing stock that currently exists in the surrounding communities; that would include Yaphank, Medford, Shirley, Mastic, Ridge. The numbers have been noted earlier, from an earlier speaker. That's really where the focus should be. Putting this land into a surplus is just a bad idea and it seems to be clear that the county Executive is rushing this through, that's been pretty obvious, and you certainly should think very carefully about it before voting on this issue.

I'll give you an example, just a quick story with regard to rehabilitating existing housing stock. I have a neighbor that lives on my street, he bought two houses. He's an unemployed contractor, he bought two houses in Shirley -- well, one in Shirley, one in Mastic -- because he was unemployed. He was sitting around the house, he had nothing to do, wasn't getting any income. He made about \$80,000 by -- in addition to the building materials, by rehabilitating those two houses, now we have two happy families in their new homes and a guy that made some money. I think that can be done on a grander scale.

We're also concerned about the possibility of increased taxes in our community because of the burden on the school district, that's been noted earlier. And another development in our area that you may reflect on before you make this decision is the Brookhaven Walk Project which I was deeply involved in, Legislator Kate Browning was involved in our discussions with the developer. That project received a building permit from Brookhaven Town which expires in June of 2010, it's an 850,000 square foot retail center on the corner of Long Island Expressway and William Floyd Parkway. It's larger in size than the Tanger Mall. Well, the developer today has tabled that development because it's simply unviable, he's told us in meetings it is unviable. Well, had he built it three years ago when the recession hit, we'd be faced with vacant stores and blight in our community.

So be careful about what you wish about. You really have to think carefully and examine it, do the due diligence with regard to these projects to make sure it's something that's going to work. And in

the case of the proposed project here, we don't think it will, particularly the arenas, as mentioned earlier. You know, no teams, no plan there. You know, you put this in the hands of a developer and then you don't get it past Brookhaven Town and you look pretty foolish because you approved something that the town has a problem with, environmentally, traffic-wise, etcetera.

So please, we implore you to carefully examine this proposal and we stand against it. Thank you very much.

***Applause***

**P.O. LINDSAY:**

Robert Lewis? Robert Lewis? No Robert Lewis? Erik Callender? Let me see, Erik Callender? No? Kelli Hughes? Following Kelli Hughes is Regina Seltzer.

**MR. CALLENDER:**

Did you call Erik Callender?

**P.O. LINDSAY:**

Yes, Erik Callender.

**MR. CALLENDER:**

I'm Erik Callender.

**P.O. LINDSAY:**

Okay, go ahead.

**MS. ORTIZ:**

Talk into the mike and you have to hold the button.

**MR. CALLENDER:**

I'm sorry, I was sitting outside. Okay. Hello, everybody. I was outside taking a break, sorry. I just wanted to speak out regarding the property that was being built on. Excuse me. I'm sorry, I have to catch my breath.

***(\*Laughter\*)***

My personal thoughts about it was that I grew up on Long Island for 23 years and I'm definitely against it, and the reason is because I've seen many parcels of land be destroyed over time. And I'm an environmentalist at heart and I firmly believe that, you know, people need to look beyond monetary value and take a closer look at life. Because, you know, we're here for a short time, and to take note of other organisms besides ourselves is very important.

You know, I think that's one of the major issues that I think should be looked at, is that, you know, when you build over a piece of land -- you know, I went to Stony Brook University, I graduated from there and I've seen -- learned about environmental impacts and air quality and things like that. And I know a lot of people believe that the rain forest is where most of our oxygen comes from and that's not true, because in a rain forest you have -- the oxygen recycles within that ecosystem. Our ecosystem is the same way, that if you rip out whatever forest there might be, it decreases the quality of our air. And so that's an issue that I think should be looked at as well, that's very important.

People don't understand because we don't feel it because, you know, we wake up every day, we breathe, go to work and that's that. But when you take, you know, issues like cancer and things like that, those are issues that are important and those are issues that are affected or impacted because of the environment and when you change the environment you alter the environment, you alter your life and I don't think people really look at that.

You know, when it comes to affordable housing, yeah, that's true, but there's enough for everybody and there's plenty of empty units and things like that on Long Island. There's plenty of places that are empty that, you know, could be used as affordable housing but aren't. There's plenty of strip malls that are empty, you know, empty, no business, you know, and they build over the land and don't ever take these things into consideration as what's going to be left for our kids. I don't have kids but, you know, my friends, my friend's kids, you know, future generations something that I think people need to take a look at and, you know, not be so selfish but be selfless. You know, and look at things beyond yourself, things that -- you know, the future. I mean, I've met people that said that, you know, who cares about the future, we're going to all die anyway, but that's not a really constructive way to look at things. You know, you have to look at it from a selfless standpoint. And that's really what I have say.

Also, I can say that just going to these environmental -- I'm a herpetologist, I study reptiles and I do environmental programs for kids in the Longwood School District, Middle Country Schools. And I've done several programs with my reptiles and amphibians and gone to the schools and teach kids about the environment. And so what kind of message are you teaching your kids if you just tear out a piece of land and then build some units there? Because in my experiences, these units, when they're built, there's never an environmental assessment done. Actually, on Middle Country Road, I used to live in Coram and when I lived there, off to my right there was a whole -- this huge complex built in the middle of winter. And I saw tons of road kill on the road that had just been killed because of it, and when I walked by it I would cry. I'm like I can't believe they just don't even care, you know, watching the wildlife just get killed and run over and nobody is caring. They're still building, they're still bulldozing and doing their thing and nobody cared.

So I brought my card to one of the construction workers because I had no power, I didn't know what I could do. And so that's why I came here today, because this is the first time I was able to feel like, you know, I could have my voice heard and say something. Because people don't see that part of it. They don't -- you know, they weren't kids and ran through the woods and looked for animals and experienced nature in its raw form, you know what I mean? Because I think that when people experience nature, then you can understand why it shouldn't be destroyed and why it should be preserved.

And if you're going to build something, think about a way to build it in a constructive way. Like for example, Garden City, Huntington, certain towns do a special plan on how they're going to build it, not just build a bunch of units and have no place for the kids to play or no nature there. You know what I mean? It's a plan, it's a real plan, not a plan to make some money. Because that's what usually is the bottom line, is how am I going to benefit, what money am I going to get from this? Not where are my kids going to play, you know, things like that. Those are questions that need to be answered.

And living in Coram, I mean, unfortunately I wasn't really happy living there because I'm like, well, there's no playground, there's nothing. You know, I mean, I'm older, I don't go to playgrounds, but there's nothing there, it's just like a road and no town plan. You know what I mean? There's no plan. And so I think there should be a better plan as to, you know, what's done.

**P.O. LINDSAY:**

Erik, your time is up. Thank you very much.

**MR. CALLENDER:**

All right. Thank you.

*Applause*

**P.O. LINDSAY:**

Kelli Hughes.

**MS. HUGHES:**

Ladies and gentlemen, I'm here as a resident of Center Moriches and a Sierra Club volunteer. The Carmen River was first designated a scenic and recreational river. The town, country and -- the towns, country and State and the Federal Government have invested millions of dollars in acquiring ecologically invaluable land within the quarter of and close to the river. Now we're being asked to give away land that you yourselves have purchased for open space.

Everyone has been talking about affordable housing and having my generation stay. The last several years, with the help of the Internet, I've been able to reconnect with most of my classmates. When I kept seeing them living elsewhere, I asked, "Why did you leave?" I have heard them say more than once that they make about the same money now, they're paying about the same in mortgage, but they're significantly less paying in their electric bills, to run their cars and their insurance. That's why they left, they couldn't afford the LILCO bills, they couldn't afford the gas. Because even when you look on the news, they're saying the national average, we're above the average in our gasoline prices and our electric bills, we're above the national average. That's why they're leaving, because they're paying more for everyday food. How much we buy for a gallon of milk is more here than it is in North Carolina and Washington State and Pennsylvania, they're paying less on the daily needs than we are. That's why they're leaving.

And we have so many houses that are empty and to build something like this wouldn't be needed. We need to get the houses that are empty, have people in them and having them wanting to stay. Because instead of working two jobs just to be able to feed their kids and send them to school, they're moving to North Carolina where they're working one job and being able to spend time with their kids, because that's what they want. They don't want to work two jobs to have a house that they're not home in. Because most of my -- you know, the people in my neighborhood, they're working two jobs just to keep the food on the table, to keep the house over their heads and they're not seeing the kids, and they want to be home but they have to pay the bills. And it's not the mortgage, it's not the other things that we're talking about here, it's the every day costs, how much for milk, how much it is for what you need to live. Thank you very much and have a nice day.

*Applause*

**P.O. LINDSAY:**

Regina Seltzer?

**MS. SELTZER:**

Good evening. My name is Regina Seltzer, I'm an attorney, a former Town Board member and a former Planning Board member. I'm going to be very brief and I just want to talk about the legal aspects of this.

The resolution that you have before you is asking you to declare this property surplus property. This is public property and it's asking you to do something that is illegal and unethical. Public surplus property is defined by New York State Law as property that is no longer needed for the use it was obtained for. This property was obtained to house municipal buildings. We condemned some farms to get it, to put the Board of Elections on it and to have the prison. Okay? All of those uses are still being used. We still have the Board of Elections there, the farm is still there. In fact, we have a Police Department there, we have a jail there. There's nothing surplus about this property. This is property that is being used exactly what it was intended for when they bought it. You spend money and you condemn people's houses or people's property to obtain it for a public use and you can only use it for a public use.

In addition, I want you to know that you are not only Legislators. All of you are also fiduciaries. You are trustees of the public land, you have a moral obligation to make sure that all of the acts that you do are for the benefit of the public. You can't -- it's very -- I'm sympathetic with the builders, I'm sympathetic with a lot of the people. That's not the question that you have to ask yourself; you don't have to ask yourself is this going to help the builders. You have a responsibility and your only

responsibility and your first responsibility is to make sure that you are representing the best interests of the public, the best interests of the people in the County of Suffolk, and I hope that you all realize that.

And you cannot say yes to this resolution. This resolution is asking you to rubber-stamp something that County Executive Levy is totally, totally consumed with. But it is not your obligation to make County Executive Levy happy. It is your obligation to make sure that you are doing the ethical and legally correct thing. Please vote no on this resolution. Thank you.

***Applause***

**P.O. LINDSAY:**

Sen Pilger? I think it's Sen? No? Pilger? Okay. Karen Lessler? No Karen Lessler. Kenneth Bombaze? No Kenneth Bombaze. Dennis Sullivan. That's Dennis Sullivan? Okay, Dennis Sullivan coming up, and Frank Nitto is behind Dennis Sullivan.

**LEG. BARRAGA:**

Where's Dennis?

**P.O. LINDSAY:**

Dennis Sullivan?

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

No.

**P.O. LINDSAY:**

That's not Dennis Sullivan. Okay. Frank Nitto, let's go.

**MR. NITTO:**

Members of the Suffolk County Leg. My name is Frank Nitto, I'm a resident of Suffolk County for the last 42 years. I'm also a business representative of the Sheet Metal Workers Local 28. And this project has three things that I think Suffolk County needs.

First of all, it's a green project. I hear a lot of environmentalists talking about this project. This is something that we should be in favor of. It has sewers which is very helpful for the ground water, it has solar power, it has its own power source which would be very helpful for the environment; these are the things that we need. It creates a thousand jobs, construction jobs and 2,000 full-time jobs. It also has housing for the next generation; these are things that we need for Suffolk County to continue to grow.

I'm going to keep it very short. If we vote no on this project, it's just showing the developers that there's no way that you could ever build anything here in Suffolk County. And for this community to grow, we have to keep on growing our tax base. I'm just urging the Suffolk County Leg to vote yes for this project. Thank you very much.

***Applause***

**P.O. LINDSAY:**

Thank you, Frank. Marie Zere.

**MS. ZERE:**

Right here.

**P.O. LINDSAY:**

Following Marie is Don Seubert.

**LEG. LOSQUADRO:**

How many more cards?

**P.O. LINDSAY:**

That's it.

**MS. ZERE:**

Good evening. I wasn't going to say anything, but I've been listening for most of the afternoon and I want to address a couple of things. Those of you who know me know that I have been in real estate since 1974, and many of you were not around at the time, you were a twinkle in your parents' eye, and some of you were in diapers, and some of you, like Tom Barraga, we go back a long way.

*(\*Laughter\*)*

I just want to talk about a couple of things. There were a few people here -- everybody's comments, I would say about 80% of them, were threaded with really misinformation. First of all, these units are rental units, many of them are rental units. We're short on rental units here. Up in Westchester, 40% of the buildings that are up are apartments and rental units. We are under-serviced in the rental area. I believe the numbers are closer to 16% in Suffolk County, and that's significant. Not everybody wants a home and not everybody wants the responsibility.

There was a young lady who came up here and did some research about the foreclosed houses. Well, this is 2009, those houses won't be available in a year or two and this project is probably not going to -- the shovel won't be going into the ground, I bet you, until 2014 or 2015. Those homes won't be around. And how do you expect a developer to come up with a dollar amount on construction when he hasn't even done the proposal yet? The investment is huge. And he's not going to know what the numbers are and what the construction costs per hour are going to be, so he can't come up with a number. So that's a ridiculous statement.

Now, let me address a subject that has been a real sore point of mine. And many of you won't like what I have to say, because land preservation has gone overboard on Long Island. I am a land expert and I challenge anybody in this room to talk to me about what we have available for future development. I am out of land. I have nothing to sell. Now, I'm not worried about myself because I'm well healed, but I am really concerned about many of the people that are under me, my children, my grandchildren, and all the other people that are in the real estate industry and in the construction industry. There are no projects that are on the table. I'd like to know where they are. And we don't have any mixed-use projects, there are no examples. It's a disgrace that we on Long Island, that are congested and have some areas that are over-developed, don't have mixed-use projects so people don't have to climb in their car to go for a stick of gum or a cigarette or a can of soda. You should be able to walk. We don't have the public transportation here that can accommodate the community. So we need mixed-use and this project is a mixed-use project. This is a project that's going to service those playgrounds and those play areas that this young man came up here and said, "Where are my kids going to play?"

I think everything has been addressed and is going to be addressed. You've got a developer here, he's one of the top developers in the nation. I also know many people who are vying for this project that were bidding on this. They talked to me openly about the bidding process and the fact that they walked away and they didn't want the project, because some of the rules and some of the policies that are in place in order to have this project get off the ground were so absurd that it's a big risk to any developer. I have a major developer that was in the running and they wanted him to do 80% affordable housing. Well, if you know anything about development, you can't make any money on that. You have to walk away with something, it's only fair.

There are a couple of other issues. One of the main things that have been troubling me for many,

many years is all the buying up of all this open space. You have got to be kidding me. I don't think these people realize that they take that off the tax rolls. Well, guess what? That burden has shifted and we all pay for that. When that comes off the tax rolls, that's why their taxes are going up. They keep blaming other things but it's not true. So I'm very, very concerned about that. I don't want the tax burden shifted. And for that reason, I support this project and I support any other project that comes up that has mixed-use and that can show me that they're taking care of all of the needs of the people that they plan to service.

Now, once again, I am -- I'm very troubled by the tax burden and I think that this Legislature should just give this property to somebody who can develop it and develop it wisely. I am an environmentalist at heart, but I am very troubled by all the open space issues. There is nothing left, this 250 acres is the last large parcel that I can really think of. And let me tell you, if you think this year was rough, you wait till next year. You should see what's on the horizon. And I invite any one of you to call my office at any time if you want to know what's really going on and what the future of Long Island holds. Thank you for listening.

**P.O. LINDSAY:**

Thank you, Marie.

*Applause*

Donald Seubert?

**MR. SEUBERT:**

Hi. Good evening.

**P.O. LINDSAY:**

You have to hold the button, Donald. Thank you.

**MR. SEUBERT:**

Hold the button, okay.

**P.O. LINDSAY:**

You see the light come on?

**MR. SEUBERT:**

I see it, right. That way I can't put up placards or anything. My name is Don Seubert, I'm from Medford Taxpayers Civic Association and Coordinator for the Overton Preserve Coalition. And on behalf of them, I just want to say one thing first. When you leave this office this evening and you can possibly get on to Veterans Highway, if you can pull on there and then you get on there and see the crystal lights going in your eyes and the red lights in front of you, all the way on, then if you're lucky enough, with five or six more lanes, to get on to the Long Island Expressway and get home safely, I wish you the best.

And I think number one, the best thing you can do right now is make quality of life for the people that live here, that get on that Expressway every night so their children live in a place and have a place like the Yaphank Farm to go to.

On behalf of the two organizations I talked -- said about, we hope you do not make this land a sold and declared surplus. Giving up large tracts of land as we simultaneously try to purchase open space is absurd, if not schizophrenic. The process that one office in the County can override the people's will is not transparency as we know it.

Two, giving up so critical a County property as we ask the public to dig deeper and deeper into their pockets to pay the Quarter Percent Sales Tax and the County Open Space Bond is ridiculous.

Third, giving up property that was taken, in part, by eminent domain for future County use and turn

it over to private developers tragically places the total character of the Yaphank area at risk and another of our fragile rivers. A full environmental review needs to be completed. Realizing taxpayer funded management plans for the Carmen's River are being initiated at this very time, certainly this is no way to initiate to improving and keep the character of the river and our stream corridors.

Number five, disrespecting the contribution in water shed areas of Long Island waters and drinking waters offers little hope for sustainability. That's why people live here. And importantly, the desirability of Long Island itself will be sustainable for the residents who grew up, worked our fields and fished our waters.

The heavily populated area school districts, I'm not going to mention the school district but I'll mention the towns; Holtsville, Holbrook, Farmingville, Patchogue, Canaan Lake, East Patchogue, North Bellport. These kids, every year they went to the Yaphank Honor Farm, they went and learned what environment was like. And I've taken a lot of them there myself and also took bike rides with the kids from the schools and that's what we need is the sensitivity to the environment in a way of life that you just can't implant something -- from a helicopter and place it there and think you're going to keep the character of that area, that's there for each of us. And these heavily school districts like Middle Country, Sachem, Patchogue-Medford, Longwood and even South Country, these areas, right around it, William Floyd especially too, that they come in, that they have a place to go nearby that they can bring their children and their children like I did.

And I think if we are to survive as a destination, a place where our children would like to grow up and take pride, we must show and respect the wisdom of our predecessors that saw fit to get this land for the benefit of Suffolk County. Every year -- every area needs a sensitive zone, a decompression zone, a spiritual area that respects Yaphank and Brookhaven's pasts. And I would just say also is the protection for the homeowner, the existing housing stock, affordable housing stock we have all around it. Probably that area there, Medford, William Floyd has more affordable housing stock than any other area, if we're looking in that respect.

I don't think we also -- wouldn't it be nice if we didn't need that for any public purpose, a bureaucratic -- I'm sure Mr. Levy wouldn't want to add to the bureaucracy of Suffolk County. And wouldn't it be nice if we could just leave that so it remains open space forever? And that's a place that Yaphank Farm where all our kids can grow. And, you know, with the Infirmary, a lot of that has history and you're going to take a little piece away, you just can't materialize and put it any old spot you want. Thank you very much.

*Applause*

**P.O. LINDSAY:**

I regret to inform everybody I'm out of cards.

**LEG. LOSQUADRO:**

Oh.

**P.O. LINDSAY:**

Is there anyone else in the audience that would like to speak? Oh, Mario.

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

There he is.

**MR. MATTERA:**

I wasn't going to do it. I promised myself, but you know what? I have guys in the back there. One thing I have to say, I know Marie Zere, I have to tell you, that lady right there, that's one barometer

for Long Island. I commend her. I've got to say one thing, she -- she knows Long Island, she knows Suffolk County, and I just want to say thank you for speaking today.

My name is Mario Mattera, I'm the business agent with plumbers Local 200. I just want to thank the Presiding Officer and the committee for letting me speak today. I represent approximately 1,200 members and families in Suffolk County and Nassau County, but 80% of the membership lives in Suffolk County, and I do too and I'm very proud of it.

One thing today, you know, I'm just listening to everybody, and if everybody doesn't understand -- in other words, this project is called progress and, you know, we hear about the foreclosures. You know, I really -- you know, I really want to see with the foreclosures. I want to see the foreclosures, what happens right now with all these homes that right now there's nothing left in these homes. Everybody has been taking everything out. I'd love to see the cost of what's going to happen. Okay, you buy it for 150, 160,000, it's going to cost you another 200,000 to fix it. I know what the construction is. These new home buyers -- God bless you. These new home-buyers could come in and actually with a 1,200 square foot home, have a green home, environmental friendly, and they're moving in brand new, so this way they don't have to put any money into the homes, this way they could concentrate on actually working and trying to make money just so they can survive.

You know, everybody keeps on talking about the taxes? We need to go back up to Albany. Seventy percent of our tax base is going up to the State, you know, to New York State. I mean, I'm going to tell you something, the other 30% is staying here, but if we don't have new projects and construction on Long Island, the economy suffers. We need to grow, it's smart growth. And if everybody doesn't think -- oh, great. Listen to me, I am all for environmental friendly areas and everything like that, which I'm telling you. Steve Levy and you Legislators over the years have protected all these areas. You guys did a study on this project. And you know, everybody says, "Oh, the unions and the car people," there was more car people that were looking for a drag track when I went to those three meetings in Middle Island than anything else. I was wondering where everybody else was, I was wondering where all these other people were. And I respect the people that are here trying -- you know, they're against certain things with this project, but they were not there. I was at those projects. Yeah, you had all the car people there.

Our veterans; no one is really even speaking about the veterans coming home. Do you think that, in other words, this isn't going to happen? It's going to happen. So we need a place for our veterans. We need a place for even my apprentices. I have 150 apprentices; out of the 150, 125 of them still live home with Mom and Dad. And I'm going to tell you something, that's just my local.

You know, business. If we don't have business that's going to come to Long Island, you know, especially in Suffolk County, we need to have industrial parks, we need to have businesses like this, so this way we have jobs for our young people to stay here. And you know what? I have two little girls, I don't want them to go anywhere. I'm going to tell you something, it's very, very difficult. Now my parents are in Florida, I wish they weren't in Florida. But you know what? We need to keep these projects here, we need to keep Suffolk County strong. Please, we need to do something. Please surplus this property.

Beechwood Cater, great developer. They'll take you guys on a tour of their projects. They do great work, beautiful, beautiful work. And I'm going to tell you, we need the jobs and we need the jobs even after this is built. Please consider this. We need this 1922, we need this to be passed. Thank you very much.

*Applause*

**P.O. LINDSAY:**

Mario, stay right there. Legislator Browning has a question.

**LEG. BROWNING:**

Mario, you talked about these foreclosures and, you know, how much they're going to pay for them and how much they have to spend to rehab them. Are you familiar with the Federal money, over \$5 million to rehab? We're working with the Long Island Housing Partnership in the Shirley-Mastics area to buy these foreclosures and they're being rehabbed for first-time home-buyers?

**MR. MATTERA:**

You know, Kate, I don't know if you've been dealing with any of the real estates, and maybe Marie could help out with this. Do you realize that the people are trying to get these foreclosed homes? That in other words, the last thing when they go -- hold on a second. When they go to closing, that the closing stops? I'm going to tell you something, there's major problems with the way these foreclosures are going. Do you realize that?

**LEG. BROWNING:**

No, I'm asking you are you familiar with that program?

**MS. MATTERA:**

I heard about the program, yes.

**LEG. BROWNING:**

Okay. That's all I asked.

**MR. MATTERA:**

All right. But I'm going to tell you, there was one thing, too, Kate. I'm going to tell you, how much is it going to cost to fix these homes? What happens, I think the town should do like what Town of Babylon is doing right now. They are purchasing these homes and what we're doing is we're going to be fixing them up for first-time buyers. So you know what? I really think the Town of Brookhaven needs to step up to the plate like Babylon, and then you're really doing something. Because right now, Babylon is doing a lot with the green, going green with a program, with the tax program. You probably know all about that, right? And I'm going to tell you something, I think that's a great program. Right now they bought fourteen homes in the Town of Babylon; did you know that?

**LEG. BROWNING:**

I'm very familiar with the programs.

**MR. MATTERA:**

Okay, great. And we're going to be rehabbing those houses and then people are going to get to buy them, so that's a step. So I really think the Town of Brookhaven needs to step up to the plate to handle these problems.

**LEG. BROWNING:**

Yes, they are. And I can tell you that there is a home right now that they're working on, 180,000 after being rehabbed.

**MR. MATTERA:**

Okay. One home, Kate. What about all this time now?

**LEG. BROWNING:**

They will all be affordable and will stay affordable.

**MR. MATTERA:**

Okay. Listen to me, I am all for this because not for anything, I want to make sure that we rebuild them and for a good price, also.

**P.O. LINDSAY:**

She asked a question, he answered the question. Thank you, Mario.

**MR. MATTERA:**

Thank you. And I'm very, very sorry for the Romaine Family, from my local and from my family. And if I don't see everybody, please, I wish everybody a happy Thanksgiving and a healthy one. Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you, Mario. Glenn Slueback? Glenn Svaboda, maybe?'

**MR. SVABODA:**

Yes, that's me.

**P.O. LINDSAY:**

Okay.

**LEG. BROWNING:**

This is for the Yaphank bill?

**MR. SVABODA:**

Hi. How are you doing? My name is --

**LEG. LOSQUADRO:**

You have to hold the button down.

**MR. SVABODA:**

Oh, keep it down. Hi. How you doing? My name is Glenn Svaboda, I'm with the television show Families In Transition. I've been an advocate for mens suicide here in Suffolk County --

**P.O. LINDSAY:**

Wait a minute, Glenn. This is a hearing on declaring Yaphank property excess property, 1922. Is that what you want to speak on?

**MR. SVABODA:**

Okay. No, I was here to talk about IR 1314.

**P.O. LINDSAY:**

No, that's been closed a long time ago, hours ago.

**MR. SVABODA:**

Okay. Mr. Lindsay, my understanding is you didn't vote on IR 1314 yet? You will be doing it tonight?

**P.O. LINDSAY:**

No, we're not going to vote on it tonight.

**MR. NOLAN:**

Yes, we are.

**P.O. LINDSAY:**

Oh, we are? Oh, we are, okay. I'm sorry.

**LEG. GREGORY:**

Hold on, bill.

**P.O. LINDSAY:**

Oh, we had public portion on this hours ago, I mean like this morning.

**MR. SVABODA:**

Yes, that's correct. Yes, sir, Mr. Lindsay, I have a child support obligation and us fathers can't be here if we have a child support obligation. So that's why I'm here again, I'd like to speak. I missed that we've spoken before, I've spoken to Mr. Gregory, DuWayne Gregory in the past. If you don't want me to speak on IR 1314, I will sit down.

**P.O. LINDSAY:**

Under our rules, I can't allow you to speak. The public portion was closed this morning.

**MR. SVABODA:**

That's fine. Again, I object because I have a support obligation and it's not fair to non-custodial fathers to have this stuff put on during the day. I will sit down. Thank you very much.

**P.O. LINDSAY:**

Thank you. Okay. Do we have anybody else on 1922? Seeing none, do I have a motion on 1922?

**LEG. BROWNING:**

Motion to recess.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion to recess by Legislator Browning, second by Legislator Losquadro. And I'd like to remind everybody, we don't have a choice but to recess because we don't have a contract yet. We can't approve a contract until we see the contract. So we have a motion and a second to recess. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen.

**P.O. LINDSAY:**

I want to set the date for the following Public Hearings of December 1, 2009 at 2:30 PM in the Rose Caracappa Auditorium in Hauppauge, New York; IR 1928, a Local Law to improve the safety of youth, sports programs in Suffolk County and increase awareness of the dangers of head injuries; IR 2001, a Local Law to clarify and streamline process of selecting Presiding Officer and Deputy Presiding Officer of the County Legislature; IR 1985, a Local Law law amending the designation of the boundaries of the Suffolk County Town of Riverhead Empire Zone, amending the composition of the Zone Administrative Board and authorizing the County Executive to enter into a Memorandum of Understanding with the Towns of Riverhead, Babylon, Southampton and Huntington for the administration of the Suffolk County Empire Zone; and IR 2033, a Local Law to extend the right of first refusal to home owners of planned retirement communities. Do I have a motion to set --

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Beedenbender - Absent: Legislator Romaine).

**P.O. LINDSAY:**

All right. The process now, for everybody's edification, is we have a pizza coming, we're going to have to have a recess to discuss the vetoes before we vote on them, and we'll eat the pizza and talk among ourselves to go over the vetoes because we got them late last night and nobody had a real chance to digest them this morning and we're still here. So I'm going back to Resolutions Tabled to November 17th, page eight. IR -- I believe we're on IR 1314, we didn't finish it, 1314.

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

John Kennedy had just asked to be recognized.

**LEG. KENNEDY:**

Yes.

**P.O. LINDSAY:**

Go ahead, John Kennedy.

**LEG. MONTANO:**

Put me on the list.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Actually, I wanted to ask the sponsor earlier, but I'll do it this way. My only question with this, Wayne, is there was an awful lot of discussion before about how an individual winds up on this registry. It seems that it's limited only to OP's that come out of the criminal part -- oh, it can originate from Family Court as well?

**LEG. GREGORY:**

It doesn't address Orders of Protection.

**LEG. KENNEDY:**

It does not.

**LEG. GREGORY:**

It's a straight conviction for murder through stalking, harassment; there's 11 or 12 different charges that you have to be convicted of. It doesn't cover Orders of Protection.

**LEG. KENNEDY:**

It's immaterial, so OP is not -- in other words, only with the criminal conviction, then there's the listing. OP reference is removed.

**LEG. GREGORY:**

It was never in there. OP was never in there.

**LEG. KENNEDY:**

All right, good enough. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Yes. If I may, through the Chair. Legislator Gregory, the one question I have now is once somebody is on the list, how long or how short is that person on the list for? I didn't see anything in the bill, maybe I missed it, that put a time limit on how long you're on this list.

**LEG. GREGORY:**

It would be at the discretion of the Judge, and I would suspect that it would be probably duration the duration of their probation.

**LEG. MONTANO:**

That's not what the bill says, though. The bill is silent with respect to the length of time.

**LEG. GREGORY:**

You asked me the question, so I answered it the best I could. The original version had -- there was a five year limit, then if you failed to register then there was a 10-year maximum limit. We took that away when we -- because at that point, it was mandated that everyone who is dating back to five years, register. Now it's at the discretion of the recommendation of the Probation Office.

**LEG. MONTANO:**

Well, let me say this. The way I understand it, maybe I'll direct this to Counsel, if you are convicted of harassment which is a -- is that a Class A Misdemeanor, the one that's listed here, section 120-15 of the -- I'm sorry, Section 240.25 and 240,30, is that a Class A, B or an unclassified misdemeanor?

**MR. NOLAN:**

I don't know the answer.

**LEG. MONTANO:**

All right. Well, if it's -- as I understand this, if it's an A Misdemeanor, the maximum penalty would be one year in jail and three years probation; am I accurate in that?

**MR. NOLAN:**

I don't know, Ric.

**LEG. MONTANO:**

Well, then the question is that if you're sentenced and you're put on this list, when do you come off the list?

**MR. NOLAN:**

I would confer with what Legislator Gregory said. I think it would be for the -- the length of the probation would be as long as you could be on this list; that's my understanding the way the law will work. I don't think it could last beyond the period of probation.

**LEG. MONTANO:**

Okay. So, but it doesn't -- am I accurate in that it doesn't say in the bill --

**MR. NOLAN:**

You are correct on that, yes.

**LEG. MONTANO:**

Okay. I do have some concerns about that, Legislator. And just for the record, I think we had a conversation earlier, I by chance ran into one of the law services people and I don't think that, you know, they're in support of this bill either, they have some concerns about it. And I think personally that this bill probably needs some more definitive statements before it's passed. And, you know, I'm not going to make a motion to table, it's your bill, but I think that is an issue that should be -- certainly how long you're going to be on this list I think is an important issue. Because I don't want

to see something where there's a domestic dispute, somebody pleads guilty to harassment, they somehow get on this list and five years later they're still on the list and, you know, the couple is back together, they have a family and there are consequences that flow from being on a list such as this. And particularly when we don't have any other jurisdictions in New York -- in the U.S. that I'm aware of that have done this, and the one that you said did have eliminated it, I'm not sure why they eliminated it.

So, you know, those are my feelings on the bill. I think, you know, either it should go back to the drawing board or, you know, I will abstain on the vote.

**LEG. GREGORY:**

Well, just with reference to our --

**LEG. MONTANO:**

Unless you can convince me otherwise.

**LEG. GREGORY:**

They weren't opposed to it, but they weren't in favor of it. They voiced concerns similar to like what the coalition had voiced.

**LEG. MONTANO:**

Yeah. The way it was explained to me was that, "We're not in favor of it. We're kind of opposed to it, but we're not going to go on record because we really don't want to get involved in it, but we have some concerns," and I share those concerns. And I don't mean to be critical, but this is -- when you put someone on a list like this, I feel that there is sometimes the possibility of unintended negative consequences that may not warrant what it is -- you know, murder, rape, obviously those are categories, but when you're talking about these harassment misdemeanors, you know, knowing the court system, it concerns me. And I would like to be clear on how long you are going to be on this list and how this is going to work. Because I wouldn't want to see someone on a list indefinitely, and I wouldn't want to see -- and I understand that the list -- that you should be off the list once your probation or whatever sentence you get. For instance, if you get a conditional discharge, what does that do, put you on the list? And what's going to happen is I think that once this is past, the DA's Office is going to tell anyone that's accused of this -- of a domestic that part of the plea would be that, you know, you're on this list, and it may or may not be -- and that's just the way it works as a practical matter, having been in the courts. So, you know, I just bring these up and I think we can move on from there.

**LEG. GREGORY:**

And I understand, I appreciate your concerns. I don't think we're in a position to direct the judicial branch and how long or how they should deem out punishment or sentencing. I think that, you know, I'm not an attorney, but I have faith in our system; sometimes it fails, we discussed that earlier. You know, again, we're focusing on the offender, I think we should focus more on potential victims and victims. Yes, there are plenty of cases, documented cases where the couples get back together, and that's not -- that's just nature, for financial reasons, whatever the reasons may be. But I think, you know, this will be a tool to empower people to make informed decisions so that they wouldn't get in these situations in the first instance. Those that are in the situations, that's what the Suffolk County Domestic Coalition, domestic violence and those agencies are for, to give them the assistance and counseling, to give them the confidence to get out of those situations, because there is some psychological, emotional problems or concerns or fears or whatever there may be.

**LEG. MONTANO:**

I don't disagree with you. And one of the conversations that was had earlier which I related to you -- and that was, again, a chance encounter -- but there were some concerns about the identification of the victims and somehow breaching the confidentiality by putting someone on a list. Like we said earlier, you put someone on a list and, by implication, the victim is already identified, if it's a marriage, you know, and these are the things that were discussed.

So, you know I just bring that out. I'm concerned about those two issues and, you know, we'll leave it at that. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Cooper.

**LEG. COOPER:**

During the lunch break I had my staff reach out to both VIBS and the Suffolk County Coalition Against Domestic Violence and they spoke to Pam Johnston at VIBS and Joann Sanders at the Coalition, and they both shared the concern that the registry could compromise the privacy of the victims and their families causing the victims to not come forward. And another main concern of both Pamela and Joann was that the funding that is involved in getting the registry up and running could be better spent towards providing more effective solutions like counseling for the victims and their families. And Pamela offered to put together a memo outlining her concerns and everyone has a copy that I just had distributed. They listed eight concerns, but I just wanted to read the last three; "A concern that the registry 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 will be denied employment as a result of being on a public registry. 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 third, victims confidentiality is protected in the Federal Violence Against Women Act. All grantees of the AWA funding must ensure the highest level of confidentiality to victims. Suffolk County Probation and the Suffolk County Police Department are recipients and/or administrators of the AWA funding to VIBS, The Retreat and the Suffolk County Coalition Against Domestic Violence. Any type of domestic violence registry should protect victims confidentiality or risk putting these funds in jeopardy."

So once again, the resolution is certainly well intended, but I don't think that I can support it in its current form because of the concerns expressed by both VIBS and the coalition.

**LEG. NOWICK:**

Bill, I have a question.

**P.O. LINDSAY:**

Go ahead, Legislator Nowick.

**LEG. NOWICK:**

Just -- Legislator Cooper, it just made me wonder, the Violence Against Women's Act says that it ensures the highest level of confidentiality to victims. And I'm just curious, when a case goes to court, because these have to be convicted, is it a closed court session?

**LEG. GREGORY:**

No.

**LEG. NOWICK:**

So then it's public anyway. Okay. Thank you.

**LEG. D'AMARO:**

Yep.

**LEG. ALDEN:**

It's an option.

**LEG. NOWICK:**

I don't know, I'm asking the question.

**LEG. ALDEN:**

There's an option.

**P.O. LINDSAY:**

Do you want to be recognized, Legislator Alden?

**LEG. ALDEN:**

Just a point; the Judge at any time can close the session and some newspapers and reporting services are actually exerting a little bit of discretion and not reporting victim's names on their own. So they're not as public as you might think.

**LEG. NOWICK:**

But it is open court.

**P.O. LINDSAY:**

Okay. Legislator Stern.

**LEG. STERN:**

Yeah, thank you. Along those lines, though, Legislator Alden, if it's the Judge that is going to close the court and seal the record, ultimately it's that same Judge that has a discretion as to whether or not to mandate that this person be placed up on the registry. So it's that same Judge really handling the case that would have that same discretion to close the record and not make it public.

**LEG. MONTANO:**

Can I get it back, please?

**P.O. LINDSAY:**

Okay. Legislator Montano and then Viloría-Fisher.

**LEG. MONTANO:**

Just quickly. If the court proceeding is a public record, then what is the need for the registry? If somebody wants to inquire -- I mean, it's already -- what you're saying is it's already public by its very nature.

**LEG. GREGORY:**

Well, through the Chair, the need is to make it more accessible. I mean, any of us can find out anything about any one of us, but is it readily accessible? And you want to make this information which could put their lives and their children's lives in danger I would think as accessible as possible. That's the sense of the registry.

**LEG. MONTANO:**

Let me go back to -- all right. But the registry is just going to have the names, the aliases, their address and a photograph of their head and shoulders. And what else?

**LEG. GREGORY:**

That's it, I think that's it.

**LEG. MONTANO:**

Well, isn't it going to have the crime?

**LEG. GREGORY:**

If it's -- it may or may not, I don't know. It's going to give basic information. You know, it's a sex -- oh, my God. It's a domestic violence registry. Should we put whether someone murdered someone or stalked them?

**LEG. MONTANO:**

Well, yeah, because if somebody is convicted of harassment as a misdemeanor and they're on a registry that includes homicide, somebody reading the register could think this person killed someone.

**LEG. GREGORY:**

I would think so, if they murdered someone. I mean, to me --

**LEG. MONTANO:**

But that's not included --

**LEG. GREGORY:**

-- I'm looking on a registry and it's a domestic violence registry, to me it doesn't really make a difference if the person stalked someone or they murdered someone; that's someone I wouldn't want to get involved with.

**LEG. MONTANO:**

All right, I hear you.

**LEG. GREGORY:**

I mean, I don't know.

**LEG. MONTANO:**

I hear you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

I just wanted to ask about something that Legislator Stern just said, that the Judge could exercise discretion as to whether or not a person's name goes on the registry? I don't know if I heard that right. Did you just --

**LEG. STERN:**

That's what this does.

**P.O. LINDSAY:**

The bill calls for the Judge to order the name on the registry.

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

But --

**LEG. STERN:**

It's within the Judge's discretion --

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

But it's his discretion.

**LEG. STERN:**

-- as to whether or not this name goes on the registry in the first place.

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

I thought he had to put it on.

**LEG. STERN:**

That's the procedural safeguard.

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

I thought it had to go on.

**P.O. LINDSAY:**

No.

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

I didn't realize he had discretion.

**P.O. LINDSAY:**

Okay. I think we beat this to death.

**LEG. NOWICK:**

Maybe we should do Legacy again.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Legislator Gregory -- Madam Clerk, we have a motion and a second on this?

**MS. ORTIZ:**

Yes.

**P.O. LINDSAY:**

Okay, roll call.

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

What's the motion?

**MS. ORTIZ:**

Motion to approve.

**P.O. LINDSAY:**

The motion is to approve.

**LEG. COOPER:**

Motion to table.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper. Is there a second?

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. The tabling motion takes precedent. Roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. COOPER:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ROMAINE:**  
(Absent).

**LEG. SCHNEIDERMAN:**  
I'll support tabling.

**LEG. BROWNING:**  
Yes.

**LEG. BEEDENBENDER:**  
No.

**LEG. LOSQUADRO:**  
Yes to table.

**LEG. EDDINGTON:**  
No.

**LEG. ALDEN:**  
Yes.

**LEG. BARRAGA:**  
No.

**LEG. KENNEDY:**  
Yes.

**LEG. NOWICK:**  
No.

**LEG. HORSLEY:**  
No.

**LEG. GREGORY:**  
No.

**LEG. STERN:**  
No.

**LEG. D'AMARO:**  
No.

**D.P.O. VILORIA-FISHER:**  
No.

**P.O. LINDSAY:**  
No.

**MS. ORTIZ:**  
Six.

**LEG. MONTANO:**  
Seven.

**MS. ORTIZ:**  
Seven, I'm sorry.

**P.O. LINDSAY:**

Okay. Motion to approve; roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. GREGORY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. ROMAINE:**

(Absent).

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Abstain.

**LEG. ALDEN:**

Abstain.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Abstain.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Fourteen.

**LEG. HORSLEY:**

Nice.

**P.O. LINDSAY:**

Okay. We're going to go into a short recess. There's pizza in the kitchen, grab a slice of pizza, go to your respective caucus rooms and we're going to talk about budget override vetoes, all right?

*(\*Brief Recess Taken: 6:42 PM - 7:26 PM\*)*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Yes, sir.

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

**LEG. ROMAINE:**

(Absent).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. BEEDENBENDER:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

(Not present).

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

(Not present).

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

Present.

**P.O. LINDSAY:**

Here.

**LEG. EDDINGTON:**

Here.

MS. ORTIZ:

Eddington is here.

**MR. LAUBE:**

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

**P.O. LINDSAY:**

Okay. Could I have everybody's attention? I'm going to try and see if we could move rather rapidly for the rest of the night and get this done so we don't have to pay for breakfast.

*(\*Laughter\*)*

We're going to go into the vetoes because the Clerk needs some time to do the tax levies before we vote on them later on tonight. So we're going to do the Levies, then we're going to go back into the regular agenda.

Before we start addressing the vetoes, does anybody from the administration want to say anything?

**MR. ZWIRN:**

Yes, sir.

**LEG. BEEDENBENDER:**

No, I heard a no.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer and Members of the Legislature.  
I know it's been a long day today.

**LEG. ALDEN:**

Ben, could you just put your name and title on the record, please?

*(\*Laughter\*)*

**MR. ZWIRN:**

It's Mr. Ben Zwirn. Ambassador-at-large; would that do it?

**LEG. ALDEN:**

Hi, Ben. Thanks.

**MR. ZWIRN:**

The County Executive wants me to convey his thanks for all the hard work that the Legislature has done.

*(\*Laughter\*)*

No, really, he understands how hard this was. And through the past year, you know, this has been a very difficult year for not only Suffolk County but for the country and the world, for that matter. There's been a global downturn in the economy and this was a very difficult year to manage, but the County Executive and the Legislature, working together, have been very proactive and were able to, you know, reduce costs and save jobs. While New York City today is looking at cutting services and cutting positions, even in public safety, Suffolk County is managing to, for the sixth straight year, freeze General Fund property taxes and keep the Police budget under control as well, and for that the County Executive is grateful.

He also wanted me to express his condolences to Legislator Romaine and his family on the loss of his son Keith. It is a very difficult day and still the Legislature today went on with the business of Suffolk County which is what we are supposed to do on behalf of all the taxpayers. But I miss my friend Ed Romaine today, and I know we spar all the time and today would have been one of those days we probably would have had a good go at it, but I saw Legislator Romaine last night and he was remarkably composed and I know a lot of -- I saw a lot of the members of the Legislature there. So it is a tough day today.

But having said that, there were a couple of things that the County Executive asked me to talk about. One is with respect to the vacancies. We eliminated 174 vacancies in the Police Department, and the Legislature supported that. And what the County Executive wanted me to just point out is that there is a myth that these vacancies are funded, and by taking these vacancies out, if they had been funded we could have seen a savings of close to \$18 million, which did not materialize. So we just wanted to say once and for all just to debunk the theory that even though we have positions in the budget, if they're not funded the taxpayers are not paying for them. The only time that we get savings is if we have a vacancy that occurs during the year and that position is not replaced and then we have turnover savings and we account for that in the budget.

We talk about the Police issue, I think you made your position very clear at the press conference today. The County Executive had some disagreement over the crime stats, but I know the hour is late. And while we might take issue with some of the numbers that were presented today, we understand that you want to restore those Police Officers and you're going to do it through an override tonight and we respect it, the County Executive respects the fact that you raised taxes to do it so you did it with real money and he's appreciative of that. His only suggestion was to see if there could be another way to do it without raising taxes, but I think your position has been made clear.

With respect to some of the standalones. We have one with respect to MI-HEAP. The County Executive has a CN that has been prepared today that if the veto would be sustained, that he has prepared to add another \$50,000 to the MI-HEAP Program. There is \$109,000 still sitting in that budget line in DSS that is available, so that would be \$159,000 for this year, and then he's made a commitment to add \$200,000 of real money in January to continue the program. He's concerned that the offset that was used for this particular program was not real money and he's willing to

compromise and to do that with real money to get it through this next year, in 2010.

We also have one -- D-12 which is going to restore I think three positions, and we've talked about that. There were three vacancies that the Legislature eliminated, but those vacancies were not vacant, they were people actually serving in those spots, one person was away in Iraq. So I think there's been an agreement with the Legislature and Budget Review Office restored those three positions.

And the other one I'd like to talk about is the Central Islip Health Center. We were expecting to have letters from the State today that would recommend us closing that, emerging it with the Brentwood Health Center, we do not have those letters in our possession at this time. We're expecting them as early as tomorrow, which is great timing, but we would ask you that in the future, when those letters do come forward, that we have a commitment, hopefully, at that time that we can reduce the spending for that and merge that into the Brentwood Health Center.

I think that's all I have to speak to you about and I'd be glad to answer any questions. But I think the B is pretty much self-explanatory.

**P.O. LINDSAY:**

Skip, this is no offense at you, but damn, he's good. You know? He's really good. We missed him, you know? Geez.

**LEG. HORSLEY:**

(Inaudible).

*(\*Laughter\*)*

**LEG. MONTANO:**

We like the new Ben.

**MR. ZWIRN:**

As I always say, 30% of the voters in East Hampton couldn't have been wrong.

*Laughter & Applause*

**P.O. LINDSAY:**

Okay. On *Budget Amendment No. 1*, I am going to make a motion to override the vetoes.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Sure.

**LEG. ALDEN:**

Just make a motion to take them all at one-shot?

**P.O. LINDSAY:**

Everything that's titled 1.

**MR. NOLAN:**

Right. Can I --

**P.O. LINDSAY:**

Go right ahead, Counsel.

**MR. NOLAN:**

This would be all the items that were in Budget Amendment No. 1 that were vetoed by the County Executive, would be covered by this override vote.

**LEG. MONTANO:**

Can I ask a question?

**P.O. LINDSAY:**

Yes, Legislator Montano.

**LEG. MONTANO:**

Yeah. I don't think someone from the Board of Elections is here, but there was an issue --

**P.O. LINDSAY:**

That's in two.

**LEG. MONTANO:**

That's in two, okay. Thank you.

**P.O. LINDSAY:**

Okay. Does anybody have any other questions on one? Could we just take a voice vote? All in favor? Opposed?

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

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

**P.O. LINDSAY:**

Okay. ***Budget Amendment No. 2*** is -- I'm going to make a motion to override with some exceptions. And Gail, would you please explain that, what we want to take, sustain.

**MS. VIZZINI:**

Yes. The exception is two positions in Board of Elections in DO 12 and one Senior Clerk Typist in the Police Department, these three positions were filled during our -- during the course of our deliberations. We will sustain the veto on abolishing the positions so the positions will remain; there will be no change in the funding.

**P.O. LINDSAY:**

Okay. George?

**MR. NOLAN:**

Could you identify again what we're pulling out?

**MS. VIZZINI:**

We're pulling out -- the County Executive vetoed abolishing two positions in the Board of Elections.

**LEG. MONTANO:**  
When page is that?

**MS. VIZZINI:**  
Well --

**LEG. HORSLEY:**  
Four of eight.

**MS. VIZZINI:**  
It's on four of eight, it's DO 12. The County Executive issued a partial veto on certain positions. The ones that we are going to sustain consist of a total of three positions, two in the Board of Elections and one in the Police Department which is a Senior Clerk Typist.

**P.O. LINDSAY:**  
The only thing that I would like to explain is when we eliminated the positions, we did have language in there, there was no intent to eliminate filled positions.

**MS. VIZZINI:**  
That's correct.

**P.O. LINDSAY:**  
So this is just to straighten it out. So again, I am going to make a motion to override Budget Amendment No. 2 with the exception of DO 12; does that work?

**MR. NOLAN:**  
Right. So the effect of that --

**LEG. MONTANO:**  
There's another one, I think.

**MS. VIZZINI:**  
It's the exception of a portion of the staffing in DO 12 consisting of three specific positions. No dollars.

**P.O. LINDSAY:**  
Okay. Does that work, George?

**MR. NOLAN:**  
Yeah. So what we're doing is this is a motion to override all the vetoes of budget that were contained in Budget Amendment No. 2.

**D.P.O. VILORIA-FISHER:**  
Uh-huh.

**MR. NOLAN:**  
With the exception of the three positions that were just identified by the Director of the Budget Review Office.

**P.O. LINDSAY:**  
That's what I said.

*(\*Laughter\*)*

**MR. NOLAN:**  
A different way.

**P.O. LINDSAY:**

Okay, we have a motion. Do I have a second?

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

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen. Sixteen, check. (Opposed: Legislator Barraga - Absent: Legislator Romaine).

**P.O. LINDSAY:**

***Budget Amendment No. 3*** and that's vetoed, this resolution adds \$40,303 in 2010 to Pronto of Long Island, Inc., to enable the agency to continue its feeding mission for lower-income families and 35,000 in 2010 for VINES after reductions in State aid which is offset by reductions of 50,303 in Social Security, 25,000 in the Office of Minority Affairs for a net County cost of zero. It requires 14 votes to subsidize the loss of State aid and to comply with the no new mandates law. This action has no property tax impact.

The reason -- this was recommended by the Working Group, but it was necessary to address these two agencies separately but we're replacing State funding and we have Local Law that prohibits us from doing that except by a super majority.

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

Budget Amendment No. 4, this resolution adds \$271,120 for permanent salaries and fringe benefits to fill ten critically needed vacancies in Child Support Enforcement for one-half of 2010, offset with Federal and State aid of 216,082 and reductions of \$55,038 in fees-for-services for a net County cost of zero. The action is a recommendation of the Budget Review Office. Do I have a motion?

**LEG. GREGORY:**

Motion.

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

Second.

**P.O. LINDSAY:**

Motion to override by Legislator Gregory, seconded by Legislator Viloría-Fisher. Any discussion? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

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

**P.O. LINDSAY:**

*Budget Amendment No. 5*, this resolution restores the --

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

(Inaudible).

**P.O. LINDSAY:**

Well, let's just -- let me just call it.

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

I'm sorry.

**P.O. LINDSAY:**

This resolution restores the MI-HEAP Program in 2010 to its 2009 funding level of \$500,000 which is offset by a reduction in DPW rent for net County cost of zero dollars. This action has no property tax impact and I have no motion on this.

**LEG. HORSLEY:**

Right. Mr. Presiding Officer, may I request that we don't -- we do not make a motion on this which will, in effect, have sustained the veto with the understanding that the agreement that was proposed during the day will be carried out, and particularly on January 1st.

**P.O. LINDSAY:**

Isn't that what I said?

**LEG. HORSLEY:**

You did.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Okay. We have no motion on that, so that veto stands sustained.

*No. 8*, this resolution adds \$1,032,477 in 2010 for the Islip Health Center in order to bring funding back to its 2009 estimated amount and allow the health center to remain open in 2010. The increase is offset by equivalent reductions in permanent salaries and Social Security. This action has no property tax impact. And I'm going to ask Legislator Montano whose district this is in to see what he wants to do.

**LEG. MONTANO:**

Motion to override.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Montano to override and seconded by Legislator Alden. And again, the

understanding here is when the State paperwork comes down, if it comes down --

**LEG. MONTANO:**

Right.

**P.O. LINDSAY:**

-- that nobody has a problem with it closing and the money will go --

**LEG. MONTANO:**

No, if -- and what I would ask, I don't know if Ben is still here but Skip is here. Once -- if and when the State Health Department resolves the issue and issues the approvals, what I would like as a courtesy is to, you know, receive information and be apprised of what is going on. You know, and if the State makes a decision that it can be closed, then I think it's appropriate to follow that. Until that happens -- you want to say something, Skip?

**COMMISSIONER HEANEY:**

I just wanted to say that we would be perfectly willing to cooperate.

**LEG. MONTANO:**

Well, yeah. But the thing is that I just want to be able to be kept apprised. And you know, I don't mean to be critical, but I haven't been kept apprised as to what's been going on. I would like to know because it is in my district. And as a courtesy, it's something that, you know, concerns me and we just want to be able to disseminate that information and help along the process if, in fact, we're going to merge the centers. Okay? This is meant in a friendly tone.

**COMMISSIONER HEANEY:**

It's heard in that manner and we're certainly there to cooperate with you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Skip, if you could just stay at the microphone for a minute? I would ask for just an assurance that --

**COMMISSIONER HEANEY:**

Did I just make a mistake coming up here?

**LEG. ALDEN:**

No, no, it's not. DPW, we heard testimony that DPW was actually only weeks away from renovating the Brentwood Health Center to make sure that the number of patients that would be switched over would be able to -- we would be able to accommodate them. And do we have your assurance that that project is going to go forward, basically full speed ahead? Because even if you get the okay to close CI and Brentwood can't handle those patients, we've got a situation that is actually going to cost us a lot more money, plus it could cost lives and that's the more important part of it.

**COMMISSIONER HEANEY:**

The simple answer is yes.

**LEG. ALDEN:**

Thank you.

**CHIEF DEPUTY COUNTY EXECUTIVE CORSO:**

Just to remind you, there's the \$5 million HEAL Grant to get that done. So there is the commitment there.

**P.O. LINDSAY:**

Okay? Just an observation; do you see why Ben left with his 30% and never to be seen again, he went out on a high note.

*(\*Ben Zwirn Entered the Auditorium\*)*

Oh, there he is, hey.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Okay. We have a motion and a second on -- to override Budget Amendment No. 8's veto. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***Budget Amendment No. 10***, this resolution adds 25,000 in 2010 for IGHL to maintain the Flight 800 Memorial and is offset by a \$25,000 decrease in expenditures for Social Security. This action has no property tax impact.

**LEG. EDDINGTON:**

Motion to override.

**P.O. LINDSAY:**

Motion to override --

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

-- by Legislator Eddington. Seconded by Legislator Browning. Is there any discussion? Okay, all in favor? Opposed?

**LEG. LOSQUADRO:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**MR. LAUBE:**

Fourteen (Opposed: Legislators Losquadro, Barraga & Gregory - Absent: Legislator Romaine).

**P.O. LINDSAY:**

All right, I guess that does the vetoes. So you have what you need, Mr. Clerk?

**MR. LAUBE:**

Pardon me?

**P.O. LINDSAY:**

You have what you need now?

**MR. LAUBE:**

Yes, we do.

**P.O. LINDSAY:**

Okay. Okay, back to the agenda. We're still on page eight; we were on page eight morning.

***1586-09 - Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5-A to form a sewer district at Spring Meadow and Towne House Village in the Town of Islip (County Executive).***

**LEG. KENNEDY:**

Motion to table.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Kennedy, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1590-09 - Preventing registered sex offenders from maintaining accounts on social networking websites (Montano).***

**LEG. MONTANO:**

Motion to table.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***IR 1730-09 - Authorizing the County Executive to enter into an agreement with the New York State Department of Environmental Conservation in connection with the Suffolk County Route 48 CAP Section 14 Emergency Shoreline Protection Project (County Executive).***

**LEG. BEEDENBENDER:**

Mr. Chairman, I'll offer a motion to table. Our colleague, Legislator Romaine, had some questions about this last time, and since he's not here, I don't think we should move forward with it.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Beedenbender to table, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

***1925-09 - Amending the 2009 Operating Budget and transferring funds to Pederson Krag Post Adoption Services (County Executive).***

**LEG. ALDEN:**

Didn't we do this at the last meeting?

**P.O. LINDSAY:**

Mr. Brown, do you have some insight on this?

**MR. BROWN:**

Yes, that should be tabled. At the last meeting we did the Certificate of Necessity for Legislator Cooper.

**LEG. BEEDENBENDER:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Okay. Okay, then it's really a moot --

**LEG. COOPER:**

We can really withdraw it.

**P.O. LINDSAY:**

Mr. Brown, maybe you could have it withdrawn; not right now, but we'll table it. We have a motion to table and a second. You got the tabling, no? Motion to table by Legislator Beedenbender, seconded by Losquadro. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***Procedural Motion No. 23-2009 - Procedural resolution amending Resolution No. 370-2009, designating depositories pursuant to Section 212 of the County Law (Presiding Officer Lindsay).*** This was that new bank that the Treasurer wanted.

**LEG. LOSQUADRO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Losquadro.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion: Legislator Alden.

**LEG. ALDEN:**

Was all the information that was requested provided to the Legislative body?

**LEG. D'AMARO:**

You're asking me?

**LEG. ALDEN:**

Actually, you were one of the ones that raised a lot of questions.  
I raised some questions.

**LEG. D'AMARO:**

No, no. I mean, I don't know what everyone else received, but I know that the information that I asked for during the committee hearing was provided by the Treasurer. Yes, I did receive that information.

**LEG. ALDEN:**

Okay. And I'm going to make a guess; that went to the condition of the bank, how long they've been in business, what they've done in Suffolk County, whether they were on any watch list, that type of thing?

**LEG. D'AMARO:**

It gave primarily the background of the owners and operators of the bank itself; that's the information that I received.

**LEG. ALDEN:**

Good, okay. I didn't --

**LEG. D'AMARO:**

You know, their track record, so to speak.

**LEG. ALDEN:**

I didn't receive it, so I'll abstain on it. That's fine.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Abstain.

**LEG. BARRAGA:**

Opposed.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

All right, page nine. ***1801-09 - Adopting Local Law No. -2009, A Local Law to prohibit false advertising by unlicensed electricians and plumbers (Presiding Officer Lindsay).*** I'll offer a motion to approve.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**LEG. LOSQUADRO:**

Cosponsor, please.

**P.O. LINDSAY:**

*1873-09 - Establishing a Local Home Energy Efficiency Task Force (Viloria-Fisher).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Cooper. Any discussion? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

*1902-09 - Authorizing the County Executive to enter into a cooperative agreement with the Long Island Housing Partnership, Inc., for the purpose of implementing activities under the Neighborhood Stabilization Program 2 of the American Reinvestment and Recovery Act of 2009 (County Executive).*

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cooper. I'll second it.

**LEG. LOSQUADRO:**

Just an explanation.

**P.O. LINDSAY:**

Any questions? Explanation. You want to handle that, George, or someone from the administration? Skip, do you --

**LEG. LOSQUADRO:**

What activities are being implemented and where are they being implemented?

**COMMISSIONER HEANEY:**

I'll --

**LEG. LOSQUADRO:**

The button, Skip.

**COMMISSIONER HEANEY:**

I will get there as soon as I put the pen down. This is an agreement to work with Long Island Housing Partnership in pursuit -- in partnership. It was a pursuit of aero dollars in order to acquire foreclosed homes, repackage them, remodel and resell them.

**P.O. LINDSAY:**

So this is the program where we are the applicant to get Federal dollars and we're using Long Island Housing Partnership --

**COMMISSIONER HEANEY:**

As our agent, yeah.

**P.O. LINDSAY:**

As our agent to not only do the renovations but actually to sell them and whatever.

**COMMISSIONER HEANEY:**

That's correct.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Skip, do you know -- and we don't have to go through it now, we've got to move. But can you just share with my office information about how the foreclosure is going to be identified, or where? If we have ones in our district, can we get them engaged.

**COMMISSIONER HEANEY:**

Yes. I can tell you, though, that generally there are Federal guidelines that set the criteria for establishing what communities comport with those requirements and --

**LEG. KENNEDY:**

Okay. And I know I have some distressed communities over in the eastern part of my district and I have a couple of houses in mind.

**COMMISSIONER HEANEY:**

I'd be happy to comply.

**LEG. KENNEDY:**

Thank you.

**P.O. LINDSAY:**

Any other questions on it?

**LEG. EDDINGTON:**

Smith.

**LEG. ALDEN:**

Hey, John, nice sign out there.

**LEG. KENNEDY:**

You like that, huh?

**LEG. KENNEDY:**

It's the Kennedy Complex.

*(\*Laughter\*)*

**P.O. LINDSAY:**

I almost hit the sign the other day.

*(\*Laughter\*)*

All right, we have a motion and a second on 1902. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1908-09 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Colonial Youth and Family Services Day Care Provider under contract with the Department of Social Services (County Executive).*

**LEG. BROWNING:**

Motion.

**LEG. EDDINGTON:**

Second.

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

Second.

**P.O. LINDSAY:**

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

**LEG. BROWNING:**

Renee, cosponsor.

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1841-09 - Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Dawn Hopkins) (Kennedy).*

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

Motion.

**LEG. KENNEDY:**

I'll make a motion, Mr. Chair.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

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

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1913-09 - Approving a license agreement for Chris Smith to reside at Cedar Beach County Park, Southold (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1914-09 - Approving a license agreement for Corinne Pfeiffer to reside at Blydenburgh County Park, Smithtown (County Executive).*

**LEG. KENNEDY:**

I'll make a motion, Mr. Chair.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

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

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1915-09 - Approving a license agreement for Keith Dobbs to reside at West Sayville Gatehouse at Charles R. Dominy County Park, West Sayville (County Executive).*

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

You're making the motion?

**P.O. LINDSAY:**

I'll make a motion.

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

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1916-09 - Approving a license agreement for Brian Kelder to reside at Scully Estate County Park, Islip (County Executive).*

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

Cameron, you want to do that one?

**LEG. ALDEN:**

Sure. Motion.

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

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1917-09 - Approving rental charges and license fees recommended by Parks Housing Rental Board at its August 17, 2009 meeting (County Executive).*

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

Motion.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

*1638-09 - Adopting Local Law No. -2009, A Local Law authorizing a wireless communications surcharge (Horsley).*

**LEG. HORSLEY:**

Motion to approve.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Just to point out that New York State actually already has a surcharge but they choose to use the money in their General Funds and not distribute it to actually fund the people that provide services for the 911. So this is a tax on top of a tax.

**LEG. HORSLEY:**

On the motion, Mr. Presiding Officer?

**P.O. LINDSAY:**

Legislator Horsley, by all means.

**LEG. HORSLEY:**

I just wanted to point out that in voting for this tonight, the argument shifts. We could talk about the 80/20 shift, we could talk about the fact that the PSAPS are a redundancy issue for the 911 system and how important that is for the County and I can go on, and I've given these arguments before. But I want to point out tonight that this budget that we just passed is based on the monies, some of the monies that will be received by this approval. And I'd like to ask Mr. Reinheimer to discuss that issue and the dollars and cents that would involve.

**MR. REINHEIMER:**

Yes, this is -- this resolution provides the same revenue as the County Executive's resolution to provide funding into the E-911 services, \$4.2 million. By not adopting this resolution or the County Executive's, you have a \$4.2 million hole. Both of these are consistent on the revenue side with the budget as adopted, however Legislator Horsley's resolution appropriates 20% of the revenues to the PSAPs, which the way the budget is constructed now would result on about a \$464,000 deficit. However, our estimates for the revenue is based on 2008 information, a little over a million carriers, 1.2 million carriers. It's not unreasonable to assume that there has been an increase in the number of cell phones since that time. A 12% increase over those past two years would provide sufficient revenue to cover the \$464,000 revenue shortfall as was projected in our financial impact statement.

**LEG. HORSLEY:**

Thank you very much. And with that, I ask my colleagues to vote yes on this.

**P.O. LINDSAY:**

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

*(\*Opposed Said In Unison\*)*

**MS. ORTIZ:**

Fourteen.

**LEG. MONTANO:**

Opposed.

**MS. ORTIZ:**

Thirteen (Opposed: Legislators Beedenbender, Alden, Barraga & Montano - Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1777-09 - Adopting Local Law No. -2009, A Charter Law increasing the Ambulance Chiefs' representation on the County Fire, Rescue and Emergency Services Commission (Presiding Officer Lindsay).*** I'll make a motion.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. On the question?  
Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, I was just going to suggest that we did hear some testimony here today from some members of the current board that this would appear to give a disproportionate number of representation to the ambulance corps. I know we also had ambulance corps representatives as well, though --

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

We did.

**LEG. KENNEDY:**

-- who appeared. This came ultimately, I guess, from the Charter Revision Commission, Mr. Chair?

**P.O. LINDSAY:**

That's correct, this is another recommendation from the Charter Commission.

**LEG. KENNEDY:**

And I know you did make some modifications to the bill; is that correct?

**P.O. LINDSAY:**

The first bill was faulty and had to be changed. We had one too many alternates, right? Yeah.

**LEG. LOSQUADRO:**

What was the motion?

**P.O. LINDSAY:**

This would increase the size of the FRES Commission from 18 to 21, right?

**MR. NOLAN:**

Twenty.

**P.O. LINDSAY:**

Twenty, of which three will be from the Ambulance because there's one from the Ambulance Company on it now.

**LEG. LOSQUADRO:**

Mr. Chairman?

**P.O. LINDSAY:**

Well --

**LEG. LOSQUADRO:**

Put me on the list.

**P.O. LINDSAY:**

Okay. Are you done, Legislator Kennedy?

**LEG. KENNEDY:**

Yeah. I have some questions, but I know this bill has been out there for a while, but I'll yield for Legislator Losquadro.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you, Mr. Chairman. I would like to make a motion to table this. I had spoken to you, I had received some phone calls and I know that this has been something that has been discussed for quite sometime, but there are still a number of people that in their volunteer capacity, you know, maybe did not pay this as much attention as they should or were unaware of it through no fault of their own and would like additional time to be able to address this body and to look at the future makeup of this board. So I'm going to be making a motion to table. I would like to give full opportunity to make sure that this board has as even a possible distribution as we can manage.

**LEG. D'AMARO:**

I'll second the motion to table.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. Any other discussion?

**LEG. D'AMARO:**

And if I could just add, I'm seconding the motion because I agree with Legislator Losquadro, that there's been a lot of talk recently about three members or two members, what's fair, what's not fair, and I think we just need an opportunity to take a closer look at that.

**P.O. LINDSAY:**

And I don't have any problem with the whole thing. I mean, from the beginning, I've always said whatever the Charter Commission recommends, I'll bring forward to the body. But the Charter Commission was in existence for a year and a half, they held three public hearings.

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

Uh-huh.

**P.O. LINDSAY:**

The whole world could come and testify. And then I was accused of by -- that, you know, this was slid by, that nobody informed the FRES Commission. It's a public document. I didn't know what the Charter Commission was working on until they gave us our results. And I just felt those folks worked on it for so long that they deserve to have their recommendations come to us.

**LEG. D'AMARO:**

Yeah, and --

**P.O. LINDSAY:**

And I don't think it's an unreasonable thing to have three ambulance representatives out of a 20-person board.

**LEG. D'AMARO:**

Well, I haven't come to that ultimate conclusion yet. I agree with you, you know, the Charter Revision Commission did a great job, we should definitely consider the resolution. I just want to take a harder look at the makeup of the board.

**P.O. LINDSAY:**

That's fine. Okay. We have a motion to table and a motion to approve, and the tabling motion takes precedent. All in favor of tabling? Opposed? I'm opposed to tabling. So the tabling carries, Barbara?

**MS. ORTIZ:**

Yeah, ten (Opposed: Legislators Browning, Eddington, Alden, Lindsay, Viloría-Fisher, Barraga & Cooper - Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay. So the tabling passed.

**MS. ORTIZ:**

Yes, ten.

**P.O. LINDSAY:**

Okay. It stands stabled.

We already did 1872. ***1876-09 - Approving the reappointment of Marshal Schwartz to the Suffolk County Citizens Corp Council (County Executive).*** Do I have a motion? Does anybody know Mr. Schwartz.

**LEG. LOSQUADRO:**

Yes, I'm sorry. Motion to approve.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1905-09 - Accepting and appropriating a grant in the amount of \$86,100 from the United States Department of Homeland Security, Federal Emergency Management Agency, for a Port Security Program with 75% support (County Executive).*** Do I have a motion?

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

**Public Works & Transportation:**

***1868-09 - Authorizing public hearing for approval of rates for Roncalli Freight Company Inc. D/b/a Coastline Freight (Presiding Officer Lindsay).*** It's just to set a public hearing, so I'll make a motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1870-09 - Authorizing public hearing for approval of ferry license for Roncalli Freight Company Inc. D/b/a Coastline Freight (Presiding Officer Lindsay).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote all right?

VOTE: Seventeen (Absent: Legislator Romaine).

***1921-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with alternative fuel infrastructure and compressed natural gas vehicles (CP 5602) (County Executive).***

**LEG. EDDINGTON:**

Motion.

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

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

On the accompanying Bond Resolution --

**MR. NOLAN:**

We have two Bonds, 1921A and B.

**P.O. LINDSAY:**

Okay. Counsel tells me there's two bonds, 21A and 21B, so we've got to vote on them each separately, right?

**MR. NOLAN:**

Yes, you do.

**P.O. LINDSAY:**

Okay. Same motion, same second on 21A; roll call.

***(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)***

**LEG. LOSQUADRO:**

Yes.

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

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. EDDINGTON:**

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.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

Okay. Same motion, same second on the accompanying Bond Resolution 1921B; roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. LOSQUADRO:**

Yes.

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

Yes.

**LEG. ROMAINE:**

(Absent).

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. EDDINGTON:**

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.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

Okay. Ways & Means:

*1776-09 - Adopting Local Law No. -2009, A Charter Law updating the Suffolk County Charter as recommended by the Charter Review Commission (Presiding Officer Lindsay).*

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator D'Amaro. I'll second it.

**LEG. MONTANO:**

Explanation.

**P.O. LINDSAY:**

Okay. George? This is, again, another recommendation that came from the Charter Commission. This is the clean-up resolution where it cleaned up a lot of the language that was antiquated in the Charter, but I'll let Counsel explain it.

**MR. NOLAN:**

Right, these are -- it's actually a series of recommendations from the Charter Review Commission, I'll just summarize them. It repeals three separate provisions that have to do with the official map of the County of Suffolk. We had passed a Charter Laws years ago saying we would have to adopt an official map by a certain point of 2006. Before that date came the Planning Department told us it was a bad idea, we have never adopted an official map, so we should remove those provisions. It deletes a number of Charter provisions having to do with budgets in certain years -- in 1989, 1990 and 1992 -- that obviously have no relevance now and should be cleaned out of the Charter. It also repeals articles having to do with expired environmental programs, Community Greenways, SOS, repeals a section of law, an old Charter provision having to do with access, public access to government records, that's been superceded by the State's Freedom of Information law, it eliminates a whole article having to do with the Link Deposit Program that was never implement and by its own terms expired in 2002. And lastly, it repeals Article 41 of the Charter which was the Campaign Finance Law that was adopted a number of years ago which has been inoperative since -- well, for at least five or six years and it goes on for about 35, 40 pages, that would be eliminated as well. And again, those were all recommendations of the Charter Review Commission.

**LEG. MONTANO:**

George, if I may?

**P.O. LINDSAY:**

Go ahead, Legislator Montano.

**LEG. MONTANO:**

What is -- can you just explain to me the Subsection C4-6, omission; what does that do and what does it do different than what we're doing now?

**MR. NOLAN:**

C4-6?

**LEG. MONTANO:**

Yeah.

**MR. NOLAN:**

Again, this is -- I did forget to mention that one because it wasn't in the repealed section. But again, that -- what's being deleted references a particular line in the 2000 budget. Again, really probably should never have been put in the Charter, so the brackets indicate that's being deleted as well.

**LEG. MONTANO:**

It's not really anything substantial or substantive, right?

**MR. NOLAN:**

No, and it has no relevance any longer.

**LEG. MONTANO:**

Okay. Thanks.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Opposed.

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

Opposed.

**MS. ORTIZ:**

Fifteen (Opposed: Legislators Viloría-Fisher & Kennedy - Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1861-09 - Authorizing the granting of permanent easements to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply and ancillary facilities on certain parcels acquired by the County of Suffolk under the Old Drinking Water Protection Program (County Executive).***

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

Motion.

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro, second by Legislator Viloría-Fisher.  
All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1879-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Northport-East Northport Union Free School District) (SCTM No. 0400-115.00-02.00-095.000) (County Executive).***

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1880-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Incorporated Village of Northaven (SCTM Nos. 0901-002.00-04.00-109.00 and 111.000) (County Executive).***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Okay. Legislator Schneiderman makes a motion. Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**MS. ORTIZ:**

Sixteen (Abstention: Legislator Alden - Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1881-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Raymond Wolf (SCTM No. 0200-461.00-04.00-025.002) (County Executive).***

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by -- who made the motion? Legislator Losquadro. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1884-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-981.90-02.00-034.000) (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1885-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jesus and Samaria Maldonado (SCTM No. 0200-976.00-02.00-032.000) (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second; how's that? All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1886-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jack Seferian (SCTM No. 0200-183.00-03.00-016.000) (County Executive).*** Same motion, same second, same vote.

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

***1887-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Lenora V. Davis (SCTM No. 0100-014.00-01.00-018.000) (County Executive).***

**LEG. LOSQUADRO:**

Same.

**LEG. D'AMARO:**

Motion.

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

VOTE: Seventeen (Absent: Legislator Romaine).

Okay, **Red Folder, CN's:**

***IR 2058-09 - Amending Resolution No. 1396-2007, authorizing Operating Agreement and Lease with Huntington for use of the Historic Boathouse at West Neck Farm (Coindre Hall) (County Executive).*** Legislator Cooper, you want to make a motion there?

**LEG. COOPER:**

Motion to approve, please.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Absent: Legislator Romaine).

**LEG. COOPER:**

Yes, I'd like to cosponsor, please. That was an inside joke, but I do want to cosponsor.

**P.O. LINDSAY:**

*IR 2063-09 - Amending the 2009 Adopted Budget to provide additional funding for the MI-HEAP Program within the Department of Social Services (County Executive).*

**LEG. HORSLEY:**

Motion to approve.

**P.O. LINDSAY:**

I thought we were going to table it.

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

Yeah, that's what I thought.

**LEG. HORSLEY:**

Motion to approve.

**P.O. LINDSAY:**

We have a motion to approve by Legislator Horsley.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

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

**LEG. LOSQUADRO:**

Opposed.

**MS. ORTIZ:**

Sixteen (Opposed: Legislator Losquadro - Absent: Legislator Romaine).

**P.O. LINDSAY:**

Okay, don't disappear.

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

Late Starters.

**P.O. LINDSAY:**

Late Starters. We don't have anything in the folder, right? No..

All right, we have -- I want to make a motion to lay on table -- waive the rules and lay on the table the following Late Starters: 2034 to EPA; 2035 to EPA; 2036 to EPA; 2037 to EPA; 2038 to EPA; 2039 to Public Works; 2040 to Public Works; 2041 to EPA; 2042 to Public Works; 2043 to Public Works; 2044 to Health & Human Services; 2045 to Public Works; 2046 to Public Works; 47 to Public Works; 2048 to Public Works; 2049 to Ways & Means; 2050 to Ways & Means; 2051 to Budget & Finance; 2052 to Budget & Finance; 2053 to Budget & Finance; 2054 to Public Safety; 2055 to Public Safety; 2056 to Ways & Means; then it goes to 2059 to Economic Development; 2060 to Economic Development; 2061 to Labor; 2062 to EPA. I have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

And with that, before we adjourn.

**MR. LAUBE:**

Wait, we still have the -- they're collating the last two tax warrant resolutions.

**P.O. LINDSAY:**

Okay. You want me to tell some jokes?

**MR. LAUBE:**

Sure.

**LEG. BEEDENBENDER:**

Mr. Chairman?

**P.O. LINDSAY:**

Yes, Legislator Beedenbender.

**LEG. BEEDENBENDER:**

While you're looking to waste some time. Since we all won't see each other next week, I just wanted to wish all my colleagues a Happy Thanksgiving. And also, while we're at it, I haven't been able to find it, I was wondering if anybody knew the proper cooking temperature for a lame duck?

**LEG. BROWNING:**

That's not nice.

*(\*Laughter\*)*

**P.O. LINDSAY:**

I want to just make mention -- first of all, I want to thank the Working Group for the endless hours they put in on the budget. With a very, very difficult budget, it was a really good group and I thought we worked well together. And as always, we could not do it without the assistance of the Budget Review Office. Thank you very, very much for everything, for all your help with a difficult budget.

*Applause*

**MS. VIZZINI:**

You are very welcome.

**P.O. LINDSAY:**

Okay. And we're going to sit around for a few minutes and wait for them to come in. Did Legislator Montano leave?

**LEG. MONTANO:**

No, I'm right here.

**P.O. LINDSAY:**

I heard you snicker, I have to be honest with you, I think I'm losing my hearing.

*(\*Brief Break: 8:16 PM - 8:19 PM\*)*

Okay, we're back on the record. All right, we have Introductory Resolution **1929-09 - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington and Islip (Presiding Officer Lindsay)**. I'll make a motion.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Romaine).

**P.O. LINDSAY:**

**1930-09 - Levying Unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill) and Suffolk County Sewer District No. 18 (Hauppauge Industrial) in the Town of Islip (Presiding Officer Lindsay)**. How about same motion --

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

-- same second, same vote.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

**P.O. LINDSAY:**

**1931-09 - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 1 (Port Jefferson), Suffolk County Sewer District No. 7 (Medford), Suffolk County Sewer District No. 10 (Stony Brook), Suffolk County Sewer District No. 11 (Selden), Suffolk County Sewer District No. 12 (Birchwood N Shore), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 19 (Haven Hills), Suffolk County Sewer District No. 20 (William Floyd), Suffolk County Sewer District No. 23 (Coventry Manor) in the Town of Brookhaven (Presiding Officer Lindsay)**. Same motion, same vote -- same second, same vote.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

**P.O. LINDSAY:**

**1932-09 - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial),**

**Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield at St. James) in the Town of Smithtown (Presiding Officer Lindsay).** Same motion, same second, same vote.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

**P.O. LINDSAY:**

Go ahead, take over.

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

***Introductory Resolution No. 1933-09 - Approving the return of the fund balance of the general fund, police district fund, and District Court District Fund to the taxpayers of the towns of Suffolk County (Presiding Officer Lindsay).*** Is there a motion?

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Second.

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

Motion, Legislator Eddington. Seconded by Legislator Lindsay.  
All in favor? Opposed?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

***IR 1934-09 - Determining equalized real property valuations for the assessment rolls of the 10 towns (Presiding Officer Lindsay).***

**P.O. LINDSAY:**

Motion.

**LEG. EDDINGTON:**

Second.

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

Motion by Legislator Lindsay, seconded by Legislator Eddington.  
All in favor? Opposed?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

***1935-09 - Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns under the County Budget for fiscal year 2010 (Presiding Officer Lindsay).***

**LEG. EDDINGTON:**

Motion.

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

Motion by Legislator Eddington, seconded by Legislator Lindsay.  
All in favor? Opposed?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

*IR 1936-09 - Approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the County Budget for fiscal year 2010 (Presiding Officer Lindsay).* Motion by Legislator Lindsay, seconded by Legislator Eddington. All in favor? Opposed?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

*IR 1937-09 - Affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest and directing the levy of assessment and charges within the Towns of Babylon, Huntington, and Islip for the Southwest Sewer District in the County of Suffolk for fiscal year 2010 (Presiding Officer Lindsay).* Motion by Legislator Lindsay, seconded by Legislator Eddington. All in favor? Opposed?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

*IR 1938-09 - Extending the Time for the Annexation of the Warrant to the Tax Rolls (Presiding Officer Lindsay).* Same motion, same second, same vote.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

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

*IR 2057-09 - Approving the tabulation of town charges and fixing the tax levies and charges to the Towns for the MTA Tax under the County Budget for Fiscal Year 2010 (Presiding Officer Lindsay).*

**LEG. EDDINGTON:**

Motion.

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

Same motion, same second, same vote.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Romaine).

**P.O. LINDSAY:**

I'll accept a motion to adjourn.

**LEG. LOSQUADRO:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

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

*(\*The meeting was adjourned at 8:22 PM\*)*

*{ } - Denotes Spelled Phonetically*